

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Friday, May 12, 1967

Senate called to order by the President.

Prayer by Reverend Evelyn Grindle of Wayne.

Reading of the Journal of yesterday.

Out of order and under suspension of the rules, on motion by Mr. Ross of Piscataquis,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, May 15, at four o'clock in the afternoon. (S. P. 647)

Which was Read and Passed, and sent forthwith to the House for concurrence.

**Papers From The House
Non-concurrent Matters**

Bill "An Act Exempting Water Sold for Human Consumption from Sales Tax" (H. P. 331) (L. D. 465)

In House, May 4, Majority Ought Not to Pass Report Accepted.

In Senate, May 10, Passed to be Engrossed in non-concurrence.

Comes from the House, that body having Insisted.

On motion by Mr. Berry of Cumberland, the Senate voted to recede and concur with the House.

Bill "An Act to Clarify the Status of Passenger Tramway Devices." (S. P. 554) (L. D. 1486)

In Senate, May 3, Passed to be Engrossed.

Comes from the House, Indefinitely Postponed in non-concurrence.

(On motion by Mr. Mills of Franklin, tabled and specially assigned for Monday, May 15, pending further consideration.)

Bill "An Act Requiring Childhood Education Programs for Five-Year Olds." (H. P. 978) (L. D. 1420)

In House, May 4, Indefinitely Postponed.

In Senate, May 9, Passed to be Engrossed in non-concurrence.

Comes from the House, that body having Insisted

On motion by Mr. Katz of Kennebec, the Senate voted to recede and concur with the House.

Communications

State of Maine
Office of the Governor
Augusta, Maine

May 10, 1967

To the Honorable Senate and House of Representatives of The 103rd Legislature:

There is a national awareness of the need to make state governments more effective and efficient.

I am concerned that the important acts and resolves relating to governmental reform receive full and fair consideration.

Therefore, in accordance with my constitutional authority, I respectfully request to address the members of the Maine State Legislature in joint convention on Thursday, May 18, 1967, at 11:00 A.M.

Accordingly, I would request that these constitutional resolves be tabled until after the joint convention.

Respectfully,
KENNETH M. CURTIS
Governor

KMC—hmc
(S. P. 646)

Which was Read and Ordered Placed on File.

Sent down for concurrence.

State of Maine
House of Representatives
Augusta

May 11, 1967

To the Honorable Senate and House of Representatives of the 103rd Legislature

Pursuant to the Senate Order creating an Interim Study Committee to study the subject matter of "An Act Relating to Outdoor Advertising," L. D. 1715, and determine:

"Whether the best interests of the State would be served by the enactment of such or similar legislation designed to implement the beautification of Federal Aid Highways?"

We herewith submit our report.

Respectfully,
HARRISON RICHARDSON,
Chairman
Interim Study Committee.
(S. P. 644)

Which was Read and Ordered Placed on File with the accompanying report.

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees." (H. P. 462) (L. D. 675)

Reported that the same should be granted Leave to Withdraw — as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Central Maine Airport at Norridgewock." (H. P. 619) (L. D. 875)

Reported that the same should be granted Leave to Withdraw as covered by other legislation.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Overtime Compensation at One and one-half Times the Regular New Rate at Which State Employee is Employed." (H. P. 651) (L. D. 904)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys for Improvements of Machias Valley Airport." (H. P. 703) (L. D. 998)

Reported that the same should be granted Leave to Withdraw as covered by other legislation.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Rehabilitate Facilities at Dow Air Force Base in Bangor." (H. P. 778) (L. D. 1140)

Reported that the same should be granted Leave to Withdraw as covered by other legislation.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize General Fund Bond Issue in Amount of Six Hundred and Fifty Thousand Dollars and to Appropriate Moneys for Construction, Extension and Improvement for Augusta State Airport." (H. P. 823) (L. D. 1231)

Reported that the same should be granted Leave to Withdraw as covered by other legislation.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Rockland Airport." (H. P. 870) (L. D. 1282)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize General Fund Bond Issue in Amount of One Hundred and Twenty Thousand Dollars for Construction at Rockland Airport." (H. P. 871) (L. D. 1283)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees." (H. P. 959) (L. D. 1402)

Reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Claims on Resolve Reimbursement Mark Harrington of Phippsburg for Well Damage by Road Construction. (H. P. 1069) (L. D. 1534)

Reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

The Committee on Judiciary on Bill "An Act Creating the Uniform Act on Status of Convicted Persons." (H. P. 942) (L. D. 1374)

Reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

The Committee on Natural Resources on Bill "An Act Eliminating Town of Medway from Maine Forestry District." (H. P. 1072) (L. D. 1537)

Reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Salary Increases for certain Classified State Employees." (H. P. 932) (L. D. 1348)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Legal Affairs on Bill "An Act Relating to School Committee and Elective Officers of City of Saco." (H. P. 786) (L. D. 1148)

Reported that the same Ought Not to Pass — as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Legal Affairs on Bill "An Act Relating to Referendum for Ordinances and Orders in City of Saco." (H. P. 922) (L. D. 1331)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of Eight Hundred and Fifty Thousand Dollars for Construction of Dormitories at Stevens Training Center." (H. P. 869) (L. D. 1281)

Reported that the same Ought Not to Pass.

Comes from the House Indefinitely Postponed.

(On motion by Mr. Greeley of Waldo, tabled pending acceptance of Report.)

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on Resolve, for Construction and Erection of Statue to "The Maine Lobsterman" in Washington, D. C. (H. P. 661) (L. D. 916)

Reported that the same Ought to Pass

Comes from the House, 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.

Ought to Pass — As Amended

The Committee on Education on Bill "An Act Relating to Adult Education." (H. P. 311) (L. D. 445)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-276)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A".

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Trapping Beaver." (H. P. 405) (L. D. 571)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-277)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A".

Which reports were Read and Accepted in concurrence and the Bills read once. Committee Amendments "A" were Read and Adopted, and the Bills, As Amended, tomorrow assigned for second reading.

The Committee on Claims on Resolve to Reimburse Elinor Nichols of Poland for Well Damage by Deposit of Salt on Highway. (H. P. 968) (L. D. 1410)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-259)

Comes from the House, report Read and Accepted and the Resolve Indefinitely Postponed.

(On motion by Mr. Brewer of Sagadahoc, tabled and specially

assigned for Wednesday, May 17, pending acceptance of the Committee Report.)

The Committee on Claims on Resolve, to Reimburse Henry T. Parent of Mechanic Falls for Well Damage by Deposit of Salt on Highway. (H. P. 970) (L. D. 1412)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-249)

Comes from the House, report and resolve Indefinitely Postponed.

(On motion by Mr. Brewer of Sagadahoc, tabled and specially assigned for Wednesday, May 17, pending acceptance of the Committee Report.)

The Committee on Claims on Resolve to Reimburse Richard Jewell of Mechanic Falls for Well Damage by Deposit of Salt on Highway. (H. P. 969) (L. D. 1411)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-246)

Comes from the House, report Read and Accepted and Resolve Indefinitely Postponed.

(On motion by Mr. Brewer of Sagadahoc, tabled and specially assigned for Wednesday, May 17, pending acceptance of the Committee Report.)

Ought to Pass in New Draft

The Committee on Education on Bill "An Act Relating to Privately Owned Business, Trade and Technical Schools." (H. P. 974) (L. D. 1416)

Reported that the same Ought to Pass in New Draft under the same title (H. P. 1152) (L. D. 1644)

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

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for Monday, May 15, pending acceptance of the Committee Report.)

Divided Report

The Majority of the Committee on State Government on Bill "An Act Conferring Upon Others the Powers now Vested in the Executive Council." (H. P. 1022) (L. D. 1550)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington
LUND of Kennebec

Representatives:

DENNETT of Kittery
PHILBROOK of South
Portland

WATTS of Machias
CORNELL of Orono
RIDEOUT of Manchester

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

(Signed)

Senator:

STERN of Penobscot

Representatives:

MARTIN of Eagle Lake
STARBIRD of Kingman
Township

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

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

Mr. WYMAN of Washington: Mr. President, I move we accept the Majority Ought Not to Pass report of the Committee.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise to oppose the motion of the good Senator from Washington, Senator Wyman. I realize that this is Friday and a lot of us would like to get home.

His Excellency, the Governor, has requested of this honorable body that we extend to him the courtesy of holding these items until May 18th. I note that there are 43 items unassigned and 21 that are specially assigned, and I am taking the five which have been tabled today, so this is a courtesy we convey almost without question, and I would hope that someone would make the proper motion so that this same courtesy would be granted with regard to this particular measure.

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

Mr. JOHNSON of Somerset: I would like to explain our position why these bills should receive action today. The Governor campaigned on these issues and fully explained his position. They were discussed in his Inaugural Address and Budget Message. He has addressed three additional messages to the Legislature covering the same issues. Bills were drawn and introduced by him. They were presented in his behalf at committee hearings by his party leaders. His party was represented on the committees.

Democratic leaders and party members have full opportunity to debate in both branches. The Governor's request clearly suggests his lack of confidence in their ability to debate these subjects. Traditionally, Governors have addressed the Legislature during the session at their invitation, not his. No constitutional rights are involved. Courtesy to the Governor does not extend to permitting him to debate legislative subjects without right of rebuttal by the Legislature. The Governor's request would establish a bad precedent as it would allow Governors to debate their pet issues every time there had been an adverse committee report.

In view of the unfavorable action in the other branch, no good purpose would be served by further delay today.

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

Mr. BOISVERT of Androscoggin: Mr. President, I move that Item 6-24 lie on the table and be specially assigned for Thursday next, May 18.

The PRESIDENT: The Senator from Androscoggin, Senator Boisvert, moves that Item 6-24 be tabled and specially assigned for Thursday, May 18.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I request a division on the tabling motion.

The PRESIDENT: As many as are in favor of the motion of the

Senator from Androscoggin, Senator Boisvert, that this matter be tabled and specially assigned until May 18 will stand in their places and remain standing until counted. Those opposed to the motion will now stand and remain standing until counted.

A division was had. Nine Senators having voted in the affirmative, and 23 Senators having voted in the negative, the motion to table did not prevail.

The pending question is now the motion of the Senator from Washington, Senator Wyman, that we accept the Ought Not to Pass report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I will try to be as brief as I can with this bill which consists of 73 pages. I know that you have all read it so it is not necessary to read it to you. The subject of the Executive Council has been debated a great deal before this body. There are at least three members of this body who worked upon this draft or previous drafts of this particular bill, so there is great familiarity with the contents of what we are talking about here.

Now, this Executive Council is a hold-over from colonial times when the people of the states, which were then colonies, wouldn't have confidence in the appointments which the governor made, or king made as governor, so they went ahead and founded a council to watch over him. Now, these thirteen colonies, when they became states, only two of the colonies kept the Executive Council. There was not a single colony, when they became a state, that got rid of the Executive Council and ever got it back. Of the 37 states that came into the Union afterwards, only one state, the State of Maine, adopted the Executive Council. We are the only state in the Union that has an Executive Council which is not elected by the people. Our Executive Council is chosen by a majority of the legislators, and it is always on a partisan basis. The weakness in the Council arrange-

ment is that it is not answerable to the people and it is not answerable to the Legislature. It is answerable to nobody. This is why we feel that these powers which have been conferred on the Council by the Legislature should be removed.

Most of the powers, of confirmation for major office, we suggest should be by the Senate. The Senate is the confirming body in most states. A lot of the petty officers we are talking about here, in the matter of form only, we suggest do not need confirmation as such.

Now, as I have said on other occasions, one of the problems which exists in state government is that we have the same old machinery which we had 150 years ago in some cases in the State of Maine. I think Maine came into the Union in 1820. Times have changed. It has been suggested that we are tinkering with the constitution. Now, in this case we are not tinkering with the constitution. We are passing a law just the same as we are changing any other law, or adding to the law. And this is not in any case tampering with the constitution as such.

This matter has been the subject of debate for a great many years. The Executive Council has been a torment to the people of Maine, and it has been an unresponsive body. I will ask you legislators here who have served before how many times the Executive Council reports to the Legislature? Is there any coordination with the legislative leaders after the legislature adjourns by the members of the Executive Council? I would suggest to you that this is a non-democratic method, and it is one which we have a duty to correct. So, I would hope that you would oppose the motion of the Senator from Washington, Senator Wyman. When the vote is taken I would request that it be taken by the "Yeas" and "Nays."

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: L.D. 1550 is, as the good Senator from Aroostook pointed

out, a 73-page document. For those of you who have not had the opportunity to read it thoroughly, as I have, I would like to point out a couple of things to the Senate.

This is supposed to strengthen the State Government by vesting in the Governor the powers which he now shares with the Executive Council. But in perusing the document it appears to me that instead of strengthening the State Government it is weakening the powers of the Executive. Whereas now he is dealing with the Executive Council, if this bill is passed, he will be dealing with the State Auditor in some matters of confirmation, he will be dealing with the Senate in other matters. And, of course, we are only here once every two years; we are not available all the time to confirm or reconfirm. He would be dealing with the Attorney General in some other sections of 1550. He would deal with the Commissioner of Sea and shore Fisheries in another section. In other words, he is going to be dealing with five or six department heads before he can take action, where now he only has to deal with the Executive Council.

And particularly, with the Governor's maritime background — on Page 49 of the Bill, Section 2: "When the Governor and Council deem it necessary to protect the coast of the State from invasion, they may procure, equip, officer and man, such armed vessels as they think expedient, to cruise along the coast of the State for the purpose of protecting the inhabitants thereof; and fix the relative rank and compensation of the officers, and the number and compensation of seamen employed." Well, gimminy, with his background he might just want to start a navy up here, if this section is passed, and he wouldn't have to go to the Attorney General, Council, the Senate or anyone else; he can just start his own little navy. I am very sympathetic with the maritime history of the State, but this section particularly worries me, and maybe others too. I would suggest that we accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I want to second the remarks of the good Senator from Penobscot, Senator MacLeod.

There was one comment before the State Government Committee when we heard this bill that impressed me in particular. A former governor of Maine told us that in conversation with Governors of other states, at the time he was governor, several of them said they would give a good deal if they had a council; that it was much easier to trade with seven men, to convince seven men, of their appointments, than it was to deal with 30 or 40 or whatever the number of members of the Senate might be, and they said it disturbed them greatly to have to do that, and that they would like very much to have a council.

The PRESIDENT: Is the Senate ready for the question?

The pending question is on the motion of the Senator from Washington, Senator Wyman, that we accept the Majority Ought Not to Pass Report of the Committee. The Senator from Aroostook, Senator Harding, has asked that the vote be taken by the "Yeas" and "Nays." In order for the vote to be entertained it must be the expressed desire of at least one-fifth of the members present.

Those in favor of taking the vote by the "Yeas" and "Nays" will stand in their places and remain standing. Obviously enough Senators having arisen, the vote will be taken by the "Yeas" and "Nays."

Those who are in favor of the motion of the Senator from Washington, Senator Wyman, that we accept the Majority Ought Not to Pass Report, will vote "Yes." Those who are opposed to the motion will vote "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Beckett, Berry, Brewer, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Mills, Ross,

Sewall, Sproul, Viles, Wyman, Young, and President Campbell.

NAYS: Senators Boisvert, Couturier, Duquette, Farley, Girard, Harding, Norris, Remy, Snow, Stern.

A Roll Call was had, 24 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was accepted in concurrence.

Divided Report

The Majority of the Committee on Education on Bill "An Act Providing Vocational Education Loan Funds." (H. P. 882) (L. D. 1294)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

KATZ of Kennebec
SNOW of Cumberland

Representatives:

ALLEN of Caribou
RICHARDSON of
Stonington

HANSON of Lebanon
BAKER of Winthrop
LEVESQUE of

Madawaska

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

(Signed)

Senator:

MacLEOD of Penobscot

Representatives:

SHUTE of Farmington
CARROLL of Limerick

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

(On motion by Mr. Katz of Kennebec, tabled, Pending Acceptance of Either Report.)

Divided Report

The Majority of the Committee on State Government on Resolve Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 119) (L. D. 145)

Reported that the same Ought to Pass

(Signed)

Senators:

WYMAN of Washington
LUND of Kennebec
STERN of Penobscot

Representatives:

MARTIN of Eagle Lake
STARBIRD of Kingman
Township
CORNELL of Orono

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

(Signed)

Representatives:

DENNETT of Kittery
WATTS of Machias
RIDEOUT of Manchester
PHILBROOK of South
Portland

Comes from the House, Minority Report — Ought Not to Pass Read and Accepted.

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

Mr. BERRY of Cumberland: Mr. President, I move that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. HARDING of Aroostook: I rise to oppose the motion and ask that when the vote is taken it be taken by the "Yeas" and "Nays."

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I would like to state very briefly the reason why I felt this legislation was worthy of passage. At the hearing many people spoke of the difficulties of amending a long appropriations bill which oftentimes may be pushed together in the heat of the last minutes of the session. The State Budget Officer and the Commissioner of Finance and Administration both appeared in support of this constitutional amendment.

It was pointed out by the opponents that the power to veto items

in the appropriations might be used by governors to change legislation. However, we did learn that 41 states in the Union do have item veto laws and, as far as we could learn, that no state which has adopted it has found it was used improperly and had undertaken to return to the status quo before having enacted the veto. So, it seemed to some of the Committee, at least, that this was a worthwhile constitutional change.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This bill provides that at the time the governor makes his decision on the approval or disapproval of any legislative documents he at that time makes his decision on the matter. I believe that the timing of these item vetos comes at a particularly inappropriate time, and this is at the end of the session.

We have seen in the past power plays of no mean proportion when we have had a governor of one party and a legislature controlled by the other party, and the legislature has been kept in session and prevented from adjourning by just such action as is contemplated in here. I believe that the theory of the item veto may be fine, but I think it would be more practical if we had a legislature in session each year. The impracticality arises due to the pressure we would have in the closing days of the session to accommodate the views of the governor to the legislature under this Act. I believe it is practically and politically infeasible.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Cumberland, Senator Berry, that the Senate accept the Minority Ought Not to Pass Report of the Committee. The Senator from Aroostook, Senator Harding, has requested that the vote be taken by the "Yeas" and "Nays."

In order for the "Yeas" and "Nays" to be entertained it must meet the expressed desire of at least one fifth of the members

present. Will those Senators who favor taking the vote by the "Yeas" and "Nays" please stand and remain standing until counted. Obviously enough Senators having arisen, the vote will be taken by the "Yeas" and "Nays".

The question again is on the motion of the Senator from Cumberland, Senator Berry, that we accept the Ought Not to Pass Report of the Committee. Those in favor of accepting the Ought Not to Pass Report will say "Yes." Those opposed to accepting the Report will say "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Beckett, Berry, Brewer, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, MacLeod, Ross, Sewall, Sproul, Viles, Young, and President Campbell.

NAYS: Senators Boisvert, Coururier, Duquette, Farley, Girard, Harding, Lund, Mills, Norris, Reny, Snow, Stern, Wyman.

A Roll Call was had. 21 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the Ought Not to Pass Committee Report was accepted in concurrence.

Divided Report

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor. (H. P. 247) (L. D. 355) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington
LUND of Kennebec

Representatives:

DENNETT of Kittery
WATTS of Machias
CORNELL of Orono
RIDEOUT of Manchester
PHILBROOK of South
Portland

The Minority of the same Committee on the same subject matter

reported that the same Ought to Pass.

(Signed)

Senator:

STERN of Penobscot

Representatives:

STARBIRD of Kingman
Township
MARTIN of Eagle Lake

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

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

Mr. WYMAN of Washington: Mr. President, I move we accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that we accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise to object to the motion of the Senator from Washington, Senator Wyman. On this black Friday we are seeing a lot of opportunities to improve our State go down the drain.

I think actually the majority party has paid a tribute to these measures by scheduling them to be heard all on the same day. Because the people of Maine, if they were scheduled on different days, would have a better understanding of the contents of each bill. Each of these bills are progressive measures. I think this is not a coincidence that they are scheduled all to be heard today because the majority party, it seems to me, realizes that the people are very much aware of what is going on, and they are looking for progress, and on these days that you see progressive moves, when they have them scheduled all on the same day I think the hope is that they will not come to the attention of the Maine people. The people in Maine will be aware of this, and the people in Maine will also be aware of the great discourtesy which has been shown here to the minority party and the Governor

in this matter. I think one thing that can be said about the people in Maine is that they do expect us legislators to come down here and fight a hard fight. But they do expect us also to be courteous and follow the rules of the game, so to speak. I suggest to you that on this day, when a simple request for a tabling motion has been made - and these requests have always been universally granted in other instances - in fact, this very day other requests on minor matters have been granted, but on these particular things they are all lumped in on the same day, and the people of Maine are going to ask why.

In regards to this amendment to the constitution providing that the governor appoint the Secretary of State, a lot of people think that government is a lot different from business and has a different set-up, but the State of Maine is big business. The State of Maine in the next biennium will be spending something like \$450,000. We have the responsibility of having an efficient set-up so that our taxpayers will be getting the maximum amount for their dollars. If you had a corporation set up so that the president of the corporation could neither hire nor fire his treasurer, could neither hire nor fire his secretary, and could neither hire nor fire his attorney general, or his lawyer, let's say, I think that president would have his hands pretty well tied. We are tying the hands of the Governor and making it extremely difficult for him to administer the affairs of the State. And the people who are paying for this are the taxpayers of Maine, the inefficiency of this government. You folks here are familiar with our state government, have visited around the various departments, I am sure that there is no one here that is satisfied that the State of Maine is being run as efficiently as it could be run. And it is using these practices in business that have been shown to be successful; we just aren't. We have two standards of conduct.

Now, someone mentioned to me that we have a lot of talent in this Senate. Well, I think that is

true, but it is a question of whether that talent is going to be used, because we sit idly by because someone has said "Well, this is a party measure," and therefore, you go down the line on it. This talent will be unused, and I suggest to you that it is going unused. If you went out before the voters of Maine, you can't justify this position of denying your Chief Executive these powers of appointment and the right to hire and fire. It is not justifiable in business and it is not justifiable in our State Government, and it is not the way we run our Federal Government.

So, I would suggest to you on this black Friday that the people of Maine are going to be very unhappy with the decisions made here today, but the people of Maine are going to know about these decisions. And I think it is very regrettable, and it is a first rank discourtesy which I suggest the majority party has made to the minority party, and I very much regret it. But I assure you, despite the discourtesy, that we will try to work for the best interests of the State of Maine, and this discourtesy which was shown to us we will not return it to you. When the vote is taken I ask that it be taken by the "Yeas" and "Nays."

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I rise to object to some of the remarks made by the Senator from Aroostook, Senator Harding, regarding the "rank discourtesy" which is the phrase he used to allude to the leadership of this Senate.

A member of his party, and a member of this body, two months ago spoke to four or five Senators of my own party upstairs in the retiring room and he said that he must confess he was treated more as a gentleman as a minority member of this body this session than he had been under previous leadership.

When we talk about tabling items, or being given the privilege to table, the leadership of this

Senate is charged with the responsibility of conducting this Legislature on an expeditious basis. And when we have several important items, as the Senator from Aroostook, Senator Harding, referred to the State Government matters, I can't think of any way better than to put them together in one day. When he refers to the discourtesy shown to the Governor by not allowing him to address us next week, I don't think there is any objection to his addressing us next week, but I will remind the Senate and remind the Senator from Aroostook that these items we are considering this morning were on the table in the House for about two weeks, and the Executive should have been aware of that. And if he had wanted to bring to our attention his wishes, he had ample opportunity to do so.

I would think that if,—in this item, the man who is now in the front office, and held this job for two years, and used that two years to run for the office he now holds —if he had spent more of his time in that office perhaps he would know more about State Government.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise to take exception to the remarks of the good Senator from Aroostook, Senator Harding. I am one of only two of the members of this Senate of the then minority party of the 102nd Legislature who is back here this time as a member of the majority party. I can say here and now that the courtesies extended by the 103rd Legislature of the majority party to the minority party are certainly every bit as gracious as those extended to us, the minority party, by those of the majority party of the 102nd Legislature.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and fellow members of the Senate: I rise, first, so my

fellow Senators will not get the wrong idea that I am not in favor of the arguments advanced by my good friend, Senator Harding, in his support for what I deem to be favorable and progressive legislation. You will notice that my name is appended to many of these State Government Reports, the Minority Ought to Pass Reports. The only reason that I haven't got up to support and argue in connection with these bills is that, first, you will remember that I spoke only the other day, imploring and begging the members of the Senate not to set these matters up on Friday, so I have a personal reason. I have got to try some cases this afternoon, and if I started debating everything I would never get to them. This is the day when many of us have to get home and we have to travel long distances. But I do want to make the comment that I am in support of this legislation.

We heard these matters at the last session, and we heard the pros and cons, and my feelings and convictions have not changed whatsoever. I feel that it is progressive legislation, and I think the only reason we are having this opposition is that if this favorable legislation was passed my good friends, the Republicans, would seem to think that this is something the Democrats should be given credit for. I don't care who gets credit for it. It may not be this year, but if will come, because it is progressive and it is for the best interests of the people. And when it is for the best interests of the people, when the election time comes, you will see the proof of it in the vote.

Now, I am not going to argue any more on this because I don't think that any argument, for or against, on any particular bill is going to influence anyone. And I will say this: it seems worthy to note that the Majority Committee Report seems to have the "kiss of death" except for legislation such as this which apparently is partisan politics.

There was an article in the paper the other day, or just this morning, by Hanson in the Portland Press,

which indicated that this Legislature was paying little or no attention to the Committee Reports. And I don't think we are. But you will notice that we are on these particular bills that apparently have the tag of party leadership. But I am not going to debate any further on any of these bills except to state that for the past bills which my good friend, Senator Harding, has argued upon, and these which are coming up, on which my name is appended to the Minority Ought to Pass Report, I am supporting him and I am supporting his arguments, and I don't expect anyone to be persuaded. If you are, you ought to let me know before you vote, because I have a weak heart.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: When Senator Hoffses stood up and took his handkerchief out I was very much impressed because, boy, we have seen some crying here this morning.

We start using words like "What the people of the State of Maine think," and when we start using words like "discourtesy," we are reflecting on the people of the State of Maine and their intelligence, we are reflecting on the make-up of this Legislature and its intelligence, and we are reflecting on the leadership of the majority party and their treatment of the minority party.

I submit to you, Members of the Senate, that the leadership of this Senate are pillars of tolerance and courtesy. Senator Harding has had ample advance notice of what was going to take place today. He could have stood up and argued this matter on its merits. A great deal of his talk was devoted to completely irrelevant matters which have nothing to do with the appointment of the Secretary of State by the Governor.

I am opposing this legislation on specific grounds. I am opposing this legislation in that it would give the Governor a chance to build up a beautiful political ma-

chine. I pick no bones with the action of Governor Curtis to date on his appointments. But I do see, if this legislation is passed, ample opportunity for the development of a personal following occupying key positions in our State. I would submit that the answer to such problems would be either more frequent meetings of the Legislature or the appointment of committees to work closely with the operations of our government during the absence of the Legislature.

I believe that it is incorrect to say that this is black Friday because one's personal views are not being followed by a majority of the Senate. I believe that it is incorrect to say that it is a bad day for the State of Maine because progressive legislation is going down the drain. These are personal beliefs of the people who say them. No one can speak for what is good legislation, what is good for the State of Maine, and what the people of the State of Maine think. I would point out, in conclusion, that when the people of the State of Maine send people to the Legislature they make their mind up.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: I have been around here since 1949. I have been under some tough leadership in the majority party when I was a member of the minority party. But I am disgusted here this morning to see the leadership deny us the right to table, something that we were given under the Honorable John Green, when he was President of the Senate, and the Honorable Robert Haskell. As a small minority we were given recognition.

There seems to be here, and it doesn't go with me in my political life, a little hatred upon the part of some for the minority party, from the words that have been spoken, but, after all, we are two political parties; we don't want to kid ourselves one way or the other, and we are playing politics. All the minority party asked for here this morning was a motion to table

some matters until a later date, and we were refused that. I do feel disappointed in those that I have been associated with. I have tried to play fair with the majority party. I have left my party at some times in the years that I have been here. I can assure you that we should have had that courtesy of laying these matters on the table until we could have gotten our heads together to talk it over. I haven't even talked it over with our minority leader, although it is in our platform.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: With reference to the remarks of the good Senator from York, Senator Farley, about not being given the privilege to table, these bills were tabled in the House for approximately two weeks. Everyone was aware of the time and the date they would come off the table. We had one bill here that was tabled in the Senate, and the Majority Floor Leader was told that it would be tabled and taken up on this date, or that date.

It seems to me that the Democratic Party is attempting to change the structure of State Government, and they are doing it in a way that perhaps the average person would find impossible. In other words, they are starting at the top and going down. I think that everyone here realizes that to get to the top and do something right you have got to take the first step. I would say — of course, some of them will deny that it is governmental reform — but when the Governor vetoed the big "X" that we passed through, and the minority party objected to that bill, I would say that they failed in that respect to take their first step in good structural governmental reform.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would refer you to your House Calendars, which I think most of you have on your desks, as to when these items were

tabled in the House. I think practically all of them were tabled May 5th, which is not quite two weeks.

I know this item has been brought up again and again as to whether or not it was reform to have the elimination of the big box. I don't see that it is actually pertinent to this particular matter, but I would say this: that when you eliminate that big box you are taking away a right that the voter has. By these measures we are talking about we are trying to give the voters a greater control, a greater say, in their State Government. Of all of the arguments which have been made here this morning, I haven't heard a single one on the merits of whether or not the Governor should have the right to appoint the Secretary.

I would also point out that the Senator from Penobscot, Senator MacLeod, said that the present Governor did not attend to his duties as Secretary of State. Whether or not that is true, there is this basic weakness in the composition of your Legislature appointing department heads, because each department head has 185 bosses and, therefore, no boss. This is a weakness, and this is what we ought to correct, because it is costing our people a lot of money to have this inefficient form of government.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to remind the good Senator from York, Senator Farley, whom I consider a close personal friend, a committee member who has rendered a great deal of service to the committee which he has served on with me, but I would have to remind that good Senator that he was not a member of the 102nd Legislature so, therefore, I would not feel that he was in as good a position to determine just the extent of the courtesies granted by the majority party to the minority party. And I would re-emphasize the remarks which I made before, and that is that in this 103rd Legislature, the majority party has extended equal-

ly those courtesies, and I believe we have gone beyond in some cases those extended by the majority party of the 102nd Legislature to the minority party.

The PRESIDENT: The Senator from Aroostook, Senator Harding, has requested that the vote be taken by the "Yeas" and "Nays." As many as are in favor of taking the vote by the "Yeas" and "Nays" will stand in their places until counted.

Obviously a sufficient number having arisen, the vote will be taken by the "Yeas" and "Nays." The pending question is on the motion of the Senator from Washington, Senator Wyman, that we accept the Majority Ought Not to Pass Report of the Committee. As many as are in favor of the motion will vote "Yes"; those opposed to the motion, "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Beckett, Berry, Brewer, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Mills, Ross, Sewall, Viles, Wyman, Young, and President Campbell.

NAYS: Senators Boisvert, Coururier, Duquette, Farley, Girard, Harding, Norris, Reny, Snow, Stern.

ABSENT: Senator Sproul.

A roll call was had. 23 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was accepted in concurrence.

Divided Report

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for the Appointment of the Treasurer of State by the Governor. (H. P. 248) (L. D. 356) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington
LUND of Kennebec

Representatives:

DENNETT of Kittery
WATTS of Machias
CORNELL of Orono
RIDEOUT of Manchester
PHILBROOK

of South Portland

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

(Signed)

Senator:

STERN of Penobscot

Representatives:

MARTIN of Eagle Lake
STARBERD

of Kingman Township

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

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

Mr. WYMAN of Washington: Mr. President, I move we accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that we now accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As we move on this black Friday, I think this particular measure points up all of the arguments best to be made about control of our State Government.

You have seen in 1964, I believe it was, that the Legislature had a study made as far as investing state funds was concerned, I believe it was the P.A.S. Report, and it was pointed out that we were wasting hundreds of thousands of dollars of taxpayers' money by not having our money invested; it was just lying idle in the banks.

As I mentioned, when you have 185 bosses you have no boss, and this went unnoticed and the State of Maine lost millions of dollars thereby. This is the best example of all. I want the people of Maine to know how the members of the Senate feel about this, so that if we wish to fall into the same pos-

sible misfortune again they should correct it. I would hope that you vote against the motion of the Senator from Washington, Senator Wyman, because this is a case where we have demonstrated by the office itself how unwise this constitutional provision is. Again, Mr. President, when the vote is taken I ask that it be taken by the "Yeas and "Nays."

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I want to say here that I have a great deal of respect for the ability of our Minority Leader. I live in the same town with him and we are friends. I have a great deal of respect for his ability, and when he refers to "rank discourtesy" I am willing to overlook that.

I have a great deal of respect and admiration for all the members of this body, including those of the minority party. I have enjoyed my association with them during this session, and I hope to continue to do so.

As a freshman legislator, I have no reluctance to go back to my constituents and tell them or show them how I voted on these issues. Reference has been made on two or three occasions this morning that we will be judged by the people of the State of Maine. I want to remind the gentleman from Aroostook, my good friend, Senator Harding, that the people of the State of Maine elected the members of this body, as they did in the other body, and I think they have confidence in the judgment and ability of the members of both bodies to make decisions here. I think the people who have been elected by the voters of the State of Maine have the good judgment and ability to make decisions on issues.

Reference has been made to the fact that this is progressive legislation. I am amazed that the State of Maine has been able to survive over all these years with the set-up in government we have enjoyed over all these years. So, I would rise to support the motion that this

Majority Ought Not to Pass Report be accepted.

The PRESIDENT: Is the Senate ready for the question? The Senator from Aroostook, Senator Harding, has requested that the vote be taken by the "Yeas" and "Nays." In order for the vote to be so taken it must be the expressed desire of at least one-fifth of the members present. Those Senators in favor of a roll call will stand in their places and remain standing until counted.

A sufficient number having arisen, the roll call is ordered. The pending question again is on the motion of the Senator from Washington, Senator Wyman, that we accept the Majority Ought Not to Pass Report. Those in favor of accepting the Ought Not to Pass Report will answer "Yes"; those opposed "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Beckett, Berry, Brewer, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Mills, Ross, Sewall, Viles, Wyman, Young, and President Campbell.

NAYS: Senators Boisvert, Couturier, Duquette, Farley, Girard, Harding, Norris, Reny, Snow, Stern.

ABSENT: Senator Sproul.

A roll call was had. 23 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the Ought Not to Pass Report of the Committee was accepted in concurrence.

Divided Report

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Creating the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor. (H. P. 286) (L. D. 406) reported that the same Ought Not to Pass.

(Signed)

Senator:

LUND of Kennebec

Representatives:

DENNETT of Kittery
WATTS of Machias
CORNELL of Orono
RIDEOUT of Manchester
PHILBROOK
of South Portland

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

(Signed)

Senators:

WYMAN of Washington
STERN of Penobscot

Representatives:

MARTIN of Eagle Lake
STARBIRD
of Kingman Township

Comes from the House, Majority Report—Ought Not to Pass read and Accepted.

On motion by Mr. Lund of Kennebec, the Senate voted to accept the Majority Ought Not to Pass Report of the Committee in concurrence.

Divided Report

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney-General by the Governor. (H. P. 329) (L. D. 463) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington
LUND of Kennebec

Representatives:

DENNETT of Kittery
PHILBROOK
of South Portland
WATTS of Machias
CORNELL of Orono
RIDEOUT of Manchester

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

(Signed)

Senator:

STERN of Penobscot

Representatives:

STARBIRD
of Kingman Township
MARTIN of Eagle Lake

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

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

Mr. WYMAN of Washington: Mr. President, I move that we accept the Majority Ought Not to Pass Committee Report.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that we now accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: I rise in opposition to accepting the Ought Not to Pass Report. We have heard today many arguments concerning the importance of having the Governor appoint people to serve with him. I think in this instance there was an illustration last Fall where we had a Governor of one party and an Attorney General from another party. As I recall it, the Governor was attempting to adjourn a council meeting, and the council was of one party, and the Attorney General was of the same party, and it struck me at that time that this must have been difficult for the Governor, in view of the fact that he should regard the Attorney General as a member of his team in political matters as well as in other matters. Therefore, I would hope that when you vote you would not vote to accept the Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President, when the vote is taken I request that it be taken by the "Yeas" and "Nays."

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate. This particular constitutional amendment would be very necessary if we intend to have our District Attorney System which has

so often been suggested is necessary.

We are now moving into the time when we need highly trained district attorneys rather than county attorneys, and we have run into some problems. I would suggest that we are going to run into even more of these problems in the future with our elective system as far as our county attorneys are concerned.

I think everyone is agreed that your Attorney General should be in charge and should be responsible for prosecutions in this State. He is at quite a disadvantage, however, when he has to work with people who are elected and who are not necessarily of his own party. In other words, he has to have some control. If you are going to have the Attorney General to appoint these district attorneys, which I think was suggested, you should have an attorney general who is answerable to the people.

As you know, under the division of our constitutional powers it is up to the Executive to enforce the laws. It is not up to the Legislature to enforce the laws. The Legislature makes the laws. Under this proposed reform, which I think everyone is agreed upon—well, I won't say everyone is agreed upon—but there is a large measure of agreement on it, that the Attorney General ought to be appointing these district attorneys. If you have the present system you have the Executive who would not have the power to enforce the laws; that he has the Legislature in the position actually of enforcing the laws, which is very unsound because we are not here to do that function.

So in view of this very necessary thing which has come up, I think that this constitutional amendment is most appropriate at this time, and I would hope that you would make this possible by voting against the motion of the Senator from Washington, Senator Wyman.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I would like to speak brief-

ly regarding some of the points which have been made. I am rather surprised at some of the arguments that have been made in support of this constitutional change which is proposed.

We have at one point the suggestion made that the Attorney General should be a member of the Governor's team. I find this very troubling in considering some of the duties—just to mention one, for instance, when the Attorney General renders opinions when requested to by the Legislature, and rendering opinions in other matters touching upon the interests of persons throughout the State. It seems to me that in no sense of the word should the Attorney General be the Governor's man, or the Governor's mouthpiece, or anything like that at all, but rather a person who is responsible to a broader segment of the State than just the person who appointed him.

I am also surprised at the suggestion by the good Senator from Aroostook, Senator Harding, that a substantial segment of the bar was in favor of appointing district attorneys. I wasn't at all aware that was so, and I would suggest that if this is so that it hasn't been shown by any poll that I am aware of. I think, quite to the contrary, the people of the State and members of the bar feel that our prosecuting officers should perhaps not be appointed by any single person, but is responsible to the people and should be elected by them.

Regardless of the merits of this, I think that the arguments that have been made in support of it certainly are far wide of the mark in indicating what is the proper function of the Attorney General.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As a former agricultural farmer, I would be a little hesitant to debate an issue of the duties, the authorities and the powers of the Attorney General, or to debate very extensively with the learned members of the bar here today.

Two years ago when these same matters were brought up I did a little bit of research. It was my task to defend the position of the Executive Council, and I did learn a little of the functions. I would like to make some comment in regard to what the good Senator from Aroostook, Senator Harding, said about the Governor's appointment of the Attorney General, that it would be better than the Legislature doing this.

The Legislature now has the prerogative and the duty of electing the Attorney General as well as these other governmental officers. Now, I cannot see wherein the appointment of these officers by the Governor is going to be so much more efficient and so much more progressive. I would feel that if these particular offices are filled by the Legislators themselves then they are being more representatively elected than they are by one individual. The members of the Legislature are answerable to the people. As has been pointed out, those members of the Legislature who wish a decision can go to the Attorney General and get that decision.

Now, if we are to have a conflict of political philosophies between the office of the Attorney General and the legislative body, I can envision where we might have some real difficulties, and I would not at the present time consider that we should digress from the present method which we have of electing the Attorney General, making him responsible to the Legislature, and the members of the Legislature in turn responsible to the people of the State of Maine.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Brewer.

Mr. BREWER of Sagadahoc: Mr. President and Members of the Senate: I have been listening with a great deal of interest to all of these bills containing constitutional amendments. I believe the proof of the pudding is in how much interest the people of the State of Maine have in making constitutional changes.

As an individual, I have had no mail, no correspondence, in relation to any of these bills. It was never a campaign issue in my area. They weren't even mentioned during the last campaign. So I would suggest to you that maybe the name of the game is not politics, but the name of the game is publicity, and that is what the minority party today is trying to build up. I would further say in relation to the rules of the game that it seems to me it makes a great deal of difference who the umpire is.

The PRESIDENT: The Senator from Cumberland, Senator Snow, has requested that when the vote is taken that it be taken by the "Yeas" and "Nays." As many as are in favor of the vote being taken by the "Yeas" and "Nays" will stand and remain standing in their places until counted.

Obviously a sufficient number having arisen, a roll call is ordered.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: This measure comes closer to the practice and experience, of course, of the lawyers than any of these others. Although some of us have not sat on the committee which deliberated on these other measures, we do claim perhaps an area of knowledge and a basis for an opinion which might be expressed without any desire for notoriety, which has just been suggested, but to clear one—shall we say—conscience on a thing of this kind.

I feel very strongly, gentlemen, that anyone ought to be able to hire his own lawyer. Anyone in private business has that right, and we lawyers will fight rather than see you switch to show any thinking other than that kind. We feel—I think I can speak for the profession—we feel that if a bank is going to hire a lawyer it isn't going to have another bank tell them who to hire. We know that if the Knights of Columbus are going to have a lawyer do some work that they aren't going to ask the Masons who it should be. And we

think that if a Democratic Governor has some legal problems that he ought to be able to get his own counsel. I think it is very much as simple as that.

We have an excellent precedent, may I suggest, in the United States Government, which we all love and revere. No one would think of suggesting that the Attorney General of the United States, that cabinet officer, and that leading officer in the Executive Branch of the Government, should be designated by the Legislative Branch. And no one should seriously really think about preserving that anachronism in the government of the State of Maine.

As I say, these others we don't claim so much special knowledge about or so much experience to lead us to an intelligent opinion. I was beginning to think there was a break in the dike a few minutes ago when I saw the great Senator from Washington, Senator Wyman, going over the traces on the measure relating to a Lieutenant Governor.

I think another thing we want to look out for in this type of activity which we saw here today is mass thinking and regimented thinking. I am going over the line, and if I am the only one I don't care, if I am the only Republican to vote with the Democrats here. I know they are right. In my own mind, I know they are right, and I couldn't vote any other way.

The PRESIDENT: Is the Senate ready for the question?

The pending question is on the motion of the Senator from Washington, Senator Wyman, that we accept the Majority Ought Not to Pass Report. As many as are in favor of accepting the Majority Ought Not to Pass Report will answer "Yes" when their name is called, and those opposed to the motion, "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Beckett, Berry, Brewer, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Ross, Sewall, Sproul, Viles, Wyman, Young, and President Campbell.

NAYS: Senators Boisvert, Couturier, Duquette, Farley, Girard, Harding, Mills, Norris, Reny, Snow, Stern.

A roll call was had. 23 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was accepted in concurrence.

Divided Report

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation. (H. P. 330) (L. D. 464) reported that the same Ought not to Pass.

(Signed)

Senators:

WYMAN of Washington
LUND of Kennebec

Representatives:

DENNETT of Kittery
PHILBROOK of South Portland
WATTS of Machias
CORNELL of Orono
RIDEOUT of Manchester

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

(Signed)

Senator:

STERN of Penobscot

Representatives:

STARBIRD of Kingman Township
MARTIN of Eagle Lake

Comes from the House, Majority Ought not to Pass report read and accepted.

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

Mr. WYMAN of Washington: Mr. President, I move we accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that we now accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I think we have already debated this item essentially in the other bill that was before us in taking powers from the Executive Council. This is a constitutional change proposing that the Executive Council be abolished. All the things I have said in regard to the other measure still apply here and I suspect it will have the same effect if this one went through. So, I will not debate that. We have already had a roll call on it. This is the last of the governmental reforms on this black Friday for the State of Maine. Mr. President, I would ask that when the vote is taken it be taken by a division.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: Twenty years ago, when I was just a mere slip of a lad going to Cony High School with our present Governor, my father held the position which our present Governor now holds, and I remember very clearly some evenings he would never get back to the Blaine House for supper, and he would be in a foul mood and seething after a day of dealing with the Executive Council. In spite of this fact, I have often talked with him about the subject, and I know that he has always felt very strongly that the Governor's Council, contrary to those who call this abolition a reform, because I think it is not, that the Governor's Council is both unique and valuable, and it would be a mistake to abolish it.

Senator Wyman has already covered some of the other items. I just wanted to mention that my father's feelings in the matter have always held a great deal of meaning for me.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Ross.

Mr. ROSS of Piscataquis: Mr. President, I have been sitting here, and I am getting a little tired of the reference to black Friday. I notice that the sun is breaking

through and, for the record, I would like it to be noted that I think it is a good Friday.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Washington, Senator Wyman, that we accept the Majority Ought Not to Pass Report of the Committee.

As many as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will stand and remain standing until counted. Those opposed to the motion will now stand and remain standing until counted.

A division was had. 20 Senators having voted in the affirmative, and nine senators having voted in the negative, the motion prevailed and the Majority Ought Not to Pass Committee Report was accepted in concurrence.

Divided Report

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-Year Terms. (H. P. 767) (L. D. 1114) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington
STERN of Penobscot
LUND of Kennebec

Representatives:

DENNETT of Kittery
PHILBROOK
of South Portland
WATTS of Machias
CORNELL of Orono
RIDEOUT of Manchester
MARTIN of Eagle Lake

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft with New Title: Resolve Proposing an Amendment to the Constitution Changing the Election of Sheriffs to Appointment by the Governor and Council. (H. P. 1149) (L. D. 1640)

(Signed)

Representative:

STARBIRD
of Kingman Township

Comes from the House, Reports and Resolve Indefinitely Postponed.

On motion by Mr. Wyman of Washington, the Senate voted to accept the Majority Ought Not to Pass Report of the Committee.

On motion by Mr. Stern of Penobscot, the Senate voted to reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee.

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

Mr. STERN of Penobscot: Mr. President and Members of the Senate: Although I signed the Majority Ought Not to Pass Committee Report, since then I have changed my mind, which I have done before, and also many others have changed their minds when they saw the light of reason. I have experienced considerable difficulty since this matter was heard in Committee, and now I feel that the Minority Ought to Pass Report should be accepted, and I will tell you why.

As a practicing attorney, I have run into considerable difficulty with the deputy sheriffs who change every two years. I still haven't found a deputy sheriff who can serve papers properly because it takes at least four years for them to get the experience. So I move to support the Minority Report of Representative Starbird. The fact that he happens to be here has nothing to do with my motion.

The PRESIDENT: The Senator from Penobscot, Senator Stern, moves that we now accept the Minority Ought to Pass in New Draft Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I wish to oppose the motion of the Senator from Penobscot, Senator Stern. For a moment I was somewhat disappointed when the good Senator from Aroostook, Senator Harding, indicated that the previous measure was the last of the reform measures, because I thought that the reform measures were still going on, and I am pleased that at least we have some-

thing to talk about on this bill here.

As was suggested by a previous speaker, we do have a procedure in the Legislature for determining a public opinion, and this procedure is the public hearing. I was particularly interested in reviewing my notes of the hearing on this bill here because, unless I have omitted somebody who did appear, there were in fact four proponents for the bill: The Sheriffs of Cumberland and York and the other two were their chief deputies. I believe all four of whom were members of the minority party. As they discussed the merits of this proposal I couldn't help but think that much of the argument, if not all of it, that they made was more in arguing for the abolition of the sheriff's office than it was for a four-year term.

As was suggested by Senator Stern, the deputy sheriffs do serve papers, but I would suggest to you all that this is in fact a very minor portion of the important work the sheriff does, and I must find particular difference with the Minority New Draft Report because, if there is one thing which the sheriff's office can lay claim to, it is the claim of being responsive to the wishes of the people. This really is the one strong point which the sheriffs have; as they run for re-election every two years, if they don't do a good job then they do change. Possibly this might be the reason Senator Stern had the difficulty he spoke about.

I do feel it would be unwise to change this to a four-year term because it would remove these law enforcement officers from response to the people. And I think the argument goes even stronger for the proposed new draft that they be appointed by the governor and council.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Penobscot, Senator Stern, that we accept the Minority Ought to Pass in New Draft Report of the Committee.

As many as are in favor of accepting the Ought to Pass in New

Draft Report of the Committee will stand in their places and remain standing until counted. Those opposed to the motion will now stand and remain standing until counted.

A division was had. One Senator having voted in the affirmative, and 31 Senators having voted in the negative the motion did not prevail.

Thereupon, the Senate voted to accept the Majority Ought Not to Pass Report of the Committee in concurrence.

Divided Report

Five members of the Committee on Election Laws on Recommitted Bill "An Act Relating to Form and Arrangement of Ballots in General Elections." (H. P. 216) (L. D. 306) reported in Report "A" that the same Ought to Pass.

(Signed)

Senators:

BERRY of Cumberland
ANDERSON of Hancock

Representatives:

HAWES of Union
HODGKINS of Greene
JANNELLE

of Scarborough

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

(Signed)

Senator:

COUTURIER
of Androscoggin

Representatives:

HENLEY of Norway
BOUDREAU of Portland
BERNARD of Auburn
BOURGOIN of Fort Kent

Comes from the House, REPORT "A" Ought to Pass Read and Accepted and the Bill, Passed to be Engrossed.

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

Mr. ANDERSON of Hancock: Mr. President, I would move that the Ought to Pass Report be accepted in concurrence, and I would speak to the motion.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that we now accept Report

"A" Ought to Pass in concurrence.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I think it is high time that we crept out of the dark ages and adopted a method of selective voting to assure well-qualified candidates for public office. This ballot would lead to more responsible voting and the opportunity for better qualified candidates to run on their own merits for the office to which they aspire.

Let's briefly try to visualize what the suggested ballot will look like. It would list the offices separately according to their importance. Under each office would be the several candidates listed alphabetically. Under each name would be the party designation of "R" or "D," Republican or Democrat. As an example, let me explain what the ballot in a typical city like Bath, Maine would look like last November. You will notice that the candidates are all in one line, in one column. "U. S. Senate: Margaret Chase Smith, Republican." Directly under that: "Elmer H. Violette, Democrat." "Governor: Kenneth M. Curtis, Democrat. John H. Reed, Republican." "Representatives to Congress: Peter A. Garland, Republican. Peter N. Kyros, Democrat. Thomas L. Maynard, Independent." "State Senate: Ralph W. Brewer, Republican. Kenneth L. Snowden, Democrat." "Representatives to the Legislature: Edward J. McMann, Republican, Joseph D. Murphy, Democrat. Rodney E. Ross, Jr., Republican." Thus it would go down through the county offices.

Several persons have mentioned that because of a single column this would make a very long un-gainly ballot. If you will look at Paragraph A-1 in the bill you will see that when the names are over 25 another column is started on the same sheet. As a matter of fact, the ballot would be more compact and would eliminate paper work. You will note on the example given that the independent candidate on there is listed with the others. Last year this required a separate column of its own.

Furthermore, on Page 2 in the last paragraph, No. 3, it mentions that all referendum questions will be listed on the right-hand side of that same sheet. At the present time we often have three separate ballots.

At the hearing on the elimination of the big box the opposition stated that our reasoning was erroneous because basically we were disenfranchising those voters capable of voting for party alone. The best informed and most intelligent way to vote is more academic because certain factions on both sides are basically trying to influence voter habits. Some states make it most difficult, and consequently the top runners usually carry in the entire slate. This is considered most beneficial for party harmony and ideology. However, I do not feel that this is responsible voting. Certain states which evidently place no trust in the intelligence of their electorate have symbols rather than a big box at the top of the paper. One portrays an elephant and the other a donkey. All you have to do is encircle the animal of your choice.

In summarizing, I maintain that the way we are voting endangers the chances of an outstanding candidate of a minority party in certain areas, and often gives the majority party a blank check to install any number of inferior candidates in public office. I feel certain His Excellency will favor this instrument because it will give him better qualified legislators to help him carry on the affairs of State.

Mr. President and Members of the Senate: I hope that the Ought to Pass Report is accepted, and when the vote is taken, I move that it be taken by a division.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President and Members of the Senate: I certainly don't want to belabor the point and, further, I could not match the great oratory of my good friend from Hancock, Senator Anderson,

the Chairman of our Committee. However, I would like to point out that if we are going to speak about giving the voters a greater choice, we are going to be talking about more selective voting, and this is not the bill. Granted, it eliminates the big square, which has been quite an issue. However, I would urge you to look at the sheet which you were given showing the ballot, and you will note that, among other things, you were told it says "Democrat" or "Republican." It does. I have no quarrel with that.

However, it also states on the next line "Candidates for Re-election," if a fellow is seeking to be re-elected to the same office. If the big square, as has been said before, has a tendency to discourage the candidacy of certain outstanding individuals in certain areas, which is a statement I personally do not accept, I would simply feel that this very same line would do the same thing to any outstanding candidate who would be running for public office against an individual who may not be as talented, but who has already had the benefit of being in office for at least a term.

I think the same issues which were discussed here a couple of months ago regarding the big "X", or big square, if you will, do apply to this bill here, and that we do have to consider the freedom of the individual to vote for an entire list of candidates of the same party philosophy or else to choose candidates from either party, as he so pleases. I don't think it is a question, as Senator Anderson has said, of granting the franchise to people who are capable of voting only for one party or the other. I don't believe that we have any such individuals. However, I do know that we have individuals who desire to vote for candidates of one political philosophy or another, and I think that they have a right to be afforded this opportunity.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The bill does not provide for the insertion of "Candidate for

Re-election" sub-title. The sample ballot which has been distributed was copied from the so-called Massachusetts ballot, where candidates for re-election can have that, and do. That is why this is typed on here. This bill does not provide that. Of course, as incumbents, I am sure that we all see the value of having the people know that we are up for re-election.

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

Mr. STERN of Penobscot: Mr. President, if my name started with an "A" I probably would be for this bill.

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

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: I should say that my name starts with "S", as does Senator Stern's and I favor this bill. Two years ago when it was my pleasure to introduce a measure eliminating the big box at the top of the ticket we considered this type of legislation, but did not feel it would have the opportunity for enactment, so I favor this one. I would support everything that the Senator from Hancock, Senator Anderson, said. I would note that Senator Berry remarked that this had been copied from the Massachusetts ballot, and in Massachusetts I have not noted any diminution of party interest as a result of this.

The PRESIDENT: The pending question is on the motion of the Senator from Hancock, Senator Anderson, that we accept Report "A", Ought to Pass.

As many as are in favor of accepting the Ought to Pass Report of the Committee will stand and remain standing in their places until counted. Those opposed to the motion will now stand and remain standing until counted.

A division was had. 20 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the Ought to Pass Report of the Committee was accepted in concurrence.

Senate

Ought Not to Pass

Mr. Hoffses for the Committee on Inland Fisheries and Game on Bill, "An Act Increasing all Resident Fish, and Game Licenses." (S. P. 299) (L. D. 738) reported that the same Ought Not to Pass.

(On motion by Mr. Hoffses of Knox, tabled pending acceptance of the Committee report.)

Mr. Hoffses for the Committee on Inland Fisheries and Game on Bill, "An Act to Increase Resident Hunting and Fishing Licenses." (S. P. 300) (L. D. 739) reported that the same Ought Not to Pass.

(On motion by Mr. Hoffses of Knox, tabled pending acceptance of the Committee report.)

Mrs. Sproul for the Committee on Towns and Counties on Bill, "An Act Relating to Penalty for Exceeding Appropriation for Economic and Recreational Development in Oxford County." (S. P. 514) (L. D. 1227) reported that the same Ought Not to Pass.

(On motion by Mr. Ferguson of Oxford, tabled pending acceptance of the Committee report.)

Ought to Pass

Mr. Hildreth for the Committee on Industrial and Recreational Development on Bill, "An Act to Preserve and Enhance Scenic Values in the State of Maine." (S. P. 500) (L. D. 1215) reported that the same Ought to Pass.

Mr. Curtis for the Committee on Liquor Control on Bill, "An Act Directing Review of the Liquor Laws." (S. P. 274) (L. D. 654) 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 As Amended

Mr. Good for the Committee on Labor on Bill, "An Act Revising the Minimum Wage Law." (S. P. 91) (L. D. 172) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-127)

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

Mr. GOOD of Cumberland: Mr. President, I move that the Senate accept the unanimous Ought to Pass report of the Committee, and I would like to speak to that motion.

The PRESIDENT: The Senator from Cumberland, Senator Good, moves that the Senate accept the unanimous Ought to Pass, As Amended, report of the Committee.

The Chair recognizes that Senator.

Mr. GOOD: Mr. President and Members of the Senate: This bill, briefly, does two things. The present law exempts from the Minimum Wage Law all students under the age of 19 who are attending school or are on vacation therefrom. Now, this bill, which we are highly in favor of, would for the first time bring students under the age of 19 under the Minimum Wage Law at 75% of the prevailing minimum wage at that time. As I have cited before here in the Senate, there are many students now who are in federal employment who are receiving the federal minimum wage of \$1.40. If the Maine minimum wage goes to \$1.40, and we are all in hopes that it will, the students' minimum wage will only be \$1.05, but it will be better than what we have now.

There has been information compiled by the Department of Industry and Labor in this State, and I can quote from the figures, where we have students being paid as low as 40 cents or 50 cents an hour.

The second thing that this bill does: the present law reads that waiters, waitresses, chambermaids, bellhops, doormen now in certain instances are exempt from the minimum wage, and in some instances are underpaid. Of course, in many instances they are being adequately paid by the employer. But the purpose of this is to bring all of those people into a category known as "Service Employees," and they would be, briefly speaking, guaranteed a minimum wage, if it goes to \$1.40, they would be guaranteed \$1.40. However, the employer can credit towards that \$1.40, up to 50% of \$1.40, if

the service employee actually receives 50% of his wages in tips. If that service employee only receives 30 cents an hour in tips, and the minimum wage is \$1.40, then the employer would have to pay the difference, or \$1.10. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass as Amended Report of the Committee?

The motion prevailed, and the Bill was read once.

Committee Amendment "A", Filing No. S-127, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 91, L. D. 172, Bill, "An Act Revising the Minimum Wage Law."

Amend said Bill by striking out all of section 2.

Further amend said Bill by renumbering sections 3 to 8 to be section 2 to 7.

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

Mr. GOOD of Cumberland: Mr. President, I wanted to speak in favor of the adoption of the amendment, and I would like to say what the amendment does. We have been wrestling with the amendment for weeks.

This amendment would continue to exempt students who are working for summer camps such as dishwashers, and those who are working on the grounds, so that they would continue to be exempt from the minimum wage, and the camp owners would not have to pay them the minimum wage. As I say, we struggled with this for a long time, and we felt for the time being they should continue to be exempt.

I think the thing that convinced me was that a lot of these students who are working in summer camps are there 24 hours a day — they are not working 24 hours a day, but they are there 24 hours a day — and the camp owner, of course, has the responsibility for them day and night. And there was some evidence presented at the hearing which would point up that they were being paid the minimum wage. In some of these camps they were taking into consideration that the board and room

amounted to \$16.50 a week. So, what I am trying to say is that this amendment would continue to exempt students working in summer camps, but nowhere else. And, of course, the counselors would continue to be exempt and, therefore, I move the adoption of the amendment.

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

The motion prevailed, and the Bill, as Amended, was tomorrow assigned for second reading.

Ought to Pass — in New Draft

Mr. Snow for the Committee on Education on Resolve, Appropriating Funds for Operation of Advisory Committee on Education. (S. P. 387) (L. D. 1021) reported that the same Ought to Pass in New Draft (S. P. 645) (L. D. 1651).

Which report was read and accepted and the Bill, in New Draft, tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act to Authorize Lincoln County to Raise Money for Court House Capital Improvements." (S. P. 485) (L. D. 1206) reported that the same Ought to Pass.

(Signed)

Senators:

COUTURIER
of Androscoggin
SPROUL of Lincoln
MILLS of Franklin

Representatives:

FARRINGTON of China
CROMMETT

of Millinocket
WIGHT of Presque Isle
MEISNER
of Dover-Foxcroft

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

(Signed)

Representatives:

ROBERTSON of Brewer
SNOWE of Auburn
NADEAU of Sanford

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Mrs. Sproul.

Mrs. SPROUL of Lincoln: I move that the Majority Ought to Pass report of the Committee be accepted.

The PRESIDENT: The Senator from Lincoln, Mrs. Sproul, moves that we accept the Majority Ought to Pass report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President, I would only like to say that I know personally that those members who signed the Ought Not to Pass report on this bill did so very reluctantly because they have great respect for the Chairman of our Committee.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Majority Ought to Pass report of the Committee?

Thereupon, the Senate voted to Accept the Majority Ought to Pass report of the Committee. The Bill was 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 to Incorporate the Town of Richmond School District." (H. P. 1052) (L. D. 1526)

Bill, "An Act Relating to Publication of Notice for Public Hearing for Applications for Liquor Licenses." (H. P. 854) (L. D. 1267)

Which were read a second time and Passed to be Engrossed in concurrence.

House—As Amended

Bill, "An Act Relating to Aid for Persons Injured in Hunting Accidents." (H. P. 272) (L. D. 472)

Bill, "An Act Relating to Disposition of District Court Funds." (H. P. 1000) (L. D. 1462)

Bill, "An Act Relating to Licensing and Regulation of Use of Explosives." (H. P. 107) (L. D. 134)

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

Bill, "An Act Revising Laws Relating to Exemptions and Inspections Under Boiler and Unfired Steam Pressure Vessels Law." (H. P. 852) (L. D. 1266)

Which was Read a Second Time and Passed to be Engrossed, As Amended, in non-concurrence. Sent down for concurrence.

Senate

Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Maine School Building Authority Bonds. (S. P. 622) (L. D. 1624)

Bill, "An Act Relating to Sources of Supply and Purposes of North Jay Water District." (S. P. 608) (L. D. 1596)

Bill, "An Act Relating to Interest on Judgments." (S. P. 642) (L. D. 1647)

(On motion by Mr. Johnson of Somerset, tabled and specially assigned for Wednesday, May 17, pending passage to be engrossed.)

Bill, "An Act Creating a State Employees' Suggestion Awards Board." (S. P. 643) (L. D. 1648)

Which were Read a Second Time and Passed to be Engrossed. Sent down for concurrence.

Senate—As Amended

Bill, "An Act Creating the Uniform Act on Paternity." (S. P. 472) (L. D. 1164)

Bill, "An Act Requiring Approval of County Commissioners of Court Term Bills." (S. P. 459) (L. D. 1359)

Bill, "An Act Relating to Corporate Sale of Installment Bonds." (S. P. 267) (L. D. 648)

Bill, "An Act Relating to Appeals from Land Damage Board." (S. P. 231) (L. D. 556)

Which were 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 Relating to Certain Disqualifications of Benefits Under Employment Security Law. (H. P. 228) (L. D. 318)

An Act Increasing Amount of State Grants for Community Mental Health Facilities. (H. P. 260) (L. D. 381)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to the Reimbursement of Board for Secondary School Pupils. (H. P. 303) (L. D. 437)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Excluding Real Estate Brokers and Salesmen from Employment Security Law. (H. P. 592) (L. D. 822)

An Act Authorizing Use of Electronic Voting Systems in Elections and Granting Rule-making Authority. (S. P. 425) (L. D. 1079)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to State Prison Prisoners' Attendance at Funerals or Deathbed Visits. (H. P. 740) (L. D. 1063)

An Act Relating to Computation of Tuition Rates for Elementary Schools. (H. P. 973) (L. D. 1415)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Instruction in a Foreign Language in Secondary Schools. (H. P. 977) (L. D. 1419)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Regulations Regarding Atlantic Sea Run Salmon. (H. P. 1137) (L. D. 1619)

An Act Relating to Allowance for Widows of Justices of the Supreme Judicial Court and the Superior Court. (H. P. 1138) (L. D. 1620)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act to Restrict Purse Seining Near Certain Stop Seines. (H. P. 1139) (L. D. 1621)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Authorizing a Memorial to Klir Beck. (H. P. 1140) (L. D. 1622)

An Act Relating to Voting Procedures in School Administrative Districts. (H. P. 1141) (L. D. 1623)

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

Resolve, Increasing Pension for Leeman Grant of Milbridge. (H. P. 115) (L. D. 142)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction. (H. P. 400) (L. D. 566)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Resolve, Providing Funds to the Washington County Development Authority for Development of Recreational Areas. (H. P. 466) (L. D. 679)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Emergency

Resolve, Extending Time for Ramp and Docking Facilities at Long Island Plantation. (H. P. 53) (L. D. 78)

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

Additional paper from the House, out of order and under suspension of the rules:

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

Emergency

Bill, An Act Relating to Comprehensive Planning Under the Higher Education Facilities Act of 1963. (S. P. 617) (L. D. 1615)

This, being an emergency measure and having received the affirmative vote of 31 members of the Senate, was Passed to be Enacted, and, having been signed by

the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The Chair laid before the Senate the first tabled and today assigned matter (H. P. 457), (L. D. 631) House Reports from the Committee on State Government on Bill, "An Act Creating County Commissioner District." Report "A" Ought to Pass; Report "B" Ought Not to Pass. Tabled May 4, by Senator Wyman of Washington, Pending Acceptance of Either Report.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I move that we accept the Ought to Pass report, Report "A" of the Committee on State Government, and I would like to speak to my motion.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that we now accept report "A" Ought to Pass.

The Senator may proceed.

Mr. WYMAN: Mr. President and Members of the Senate: For some time it has been disturbing to me that the larger cities in the counties of the State have tended to hold seats in the State Senate, as well as offices in county government, far in excess of the proportional part of the population of these cities to the population of the whole county.

In order to correct the apparent inequity in the distribution of State Senate seats, I introduced a constitutional resolve in the 1961 session of the Legislature to divide the State into senatorial districts which, however, failed of enactment. Now the U. S. Supreme Court has decreed that we must do this, and we are presently in the process of carrying out the court decree.

Likewise, this Legislative Document 631 would divide each county into three districts for the election of county officers, county commissioners; each district having one-third of the county's population, give or take ten per cent.

To quote in part from a recent editorial in the Lewiston paper:

"The merit of the idea is exemplified well right here in Androscoggin County. Although Lewiston has less than half the total population in the county, the three commissioners now serving the county are all from Lewiston. This certainly does not offer representation either for Auburn or the large, geographical section composed of the twelve towns.

"We hasten to state the foregoing is no criticism of our current Board of County Commissioners, or a suggestion that it is not attentive to county problems as a whole. What we are suggesting is that the Commission's composition fails to coincide with the 'one man, one vote' concept set forth by the U. S. Supreme Court with respect to the make-up of State Governments. Presuming this approach is logical at the state government level, then it would appear to be valid when it comes to county government.

"It appears logical to think the rural areas of Androscoggin County, for example, deserve representation by a Commissioner familiar with rural problems. What holds true here obviously would be equally proper in other counties."

This is the end of the quotation from the newspaper.

As stated in the aforementioned editorial, this proposal does not reflect on the able and conscientious service of those County Commissioners now or formerly in office. Further, although Androscoggin County which was mentioned in the afore-quoted editorial may be the best example, there are other counties in the State which also have similar inequities.

In closing, I am sure you will agree that there are able and conscientious persons who have the qualifications and desire to serve their county, but who are denied that privilege due to geographical location and, that we may give these persons a fair chance to compete for County Commissioner, I hope you will support the County Commissioner reapportionment by voting for the adoption of the report of your Committee on State Government, Report "A". When the vote is taken, I move that it be taken by division.

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

Mr. STERN of Penobscot: Mr. President, a point of information—may I be informed how Senator Stern voted so I may act accordingly?

The PRESIDENT: The Senator signed the Ought Not to Pass Report, Report "B".

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I want to assure the good Senator from Washington that, this being second time I'm not voting with him today, this does not mean disintegration of the Ashmolian Society Conservatory Marching Band, but I am seriously concerned with the implications of this L. D.

One of the peculiar features of county government is that it has no legislative counterpart. The three branches of our government are the Judicial, the Executive and the Legislative. At the local level we have a city council, or a town meeting representing the legislative side of it. We have a Board of Selectmen and a Mayor representing the executive side. As we go up the ladder, we next come to the county form of government, and we completely lack at this level of government any representation of the voter. The voter's only control over county government is his election of a County Commissioner. The County Commissioner is the executive component. As I say, we lack completely the control of county government by the people's elective legislative counterpart. This is the basis of much of the trouble that county government finds itself in.

This bill, in setting up three county commissioners' districts, presumably has staggered voting periods. This means that you would be taking away from two-thirds of the people of the county at each election their right to vote for County Commissioner. I submit, that would increase the problem and not decrease it. I would be equally opposed to the proposal where we had simultaneous terms

in the three districts so that we would have three commissioners up for election at the same time.

The merits of the bill were very ably represented by Senator Wyman when he said this would solve possibly the problem of a large community dictating who will be County Commissioners. But I believe that we would be making a more serious mistake by doing it this way. The edict of the Supreme Court of the United States, in talking about the "One man, one vote" theory does not apply to county government by any stretch of the imagination. I feel this legislation has excellent merits as far as philosophy goes, but I really believe that it would result in a serious detriment to our county government, which already has enough problems.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise most reluctantly to oppose the good Senator from Washington, Senator Wyman, having served with him in the 101st Legislature and now serving with him in the 103rd, and still remembering the delicious festivities of the other night, it causes a tearing of my heart. Also I am very much concerned about the good Senator from Penobscot, Senator Stern, when he is so much concerned about taking a great deal of time here on a Friday, denying him of his law practice, and I understand also that his storm windows still have not been removed.

I have discussed the matter of the merits of this bill with the members of the County Commissioners in my county. I have discussed it with other people. In my county, in particular, we have a very good working agreement as to how the selection of the County Commissioners will take place, and I must take this opportunity to express my objections, and that of the County Commissioners, and all of those I have discussed this matter with in my county. I hope that the good Senator's motion does not prevail.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I can well appreciate the feeling of the various members of the Senate who live in the large areas where there are no unorganized territories. As you are well aware, the duties and the heavy load of the County Commissioners of the various counties are centered in the counties where they have a lot of unorganized territories. In these areas, they take care of the highways. In other words, they are municipal officers, so-called. They act in tax appeals, bridges and many, many other functions that go on in counties like Oxford, Aroostook, and other places. I am pretty familiar with the duties of the County Commissioners and I know that we are going to have some opposition from Portland and some of the other towns and cities where the County Commissioners are pretty much centered. In fact, if you really look at the problem of County Commissioners' duties, sometimes really I wonder if there is any need of County Commissioners in the counties where there are no unorganized territories.

I know the good Senator from Washington, Senator Wyman, has given this a lot of thought, and I hope that the Senate will go along with the Senator's Ought to Pass motion on this bill.

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

Mr. GOOD of Cumberland: Mr. President, I am in favor of the Ought to Pass motion of the Senator from Washington, Senator Wyman. I believe all of the County Commissioners in the Portland area at this time are from Greater Portland. They are outstanding men and well qualified. We probably couldn't do any better if we had some of them from outside the Greater Portland area. However, there are many county problems outside the Greater Portland area where, if we had a County Commissioner from that area, he would be nearer the people and nearer the problem. I don't

remember when there ever was a County Commissioner outside the Greater Portland area, and I have seen very strong candidates from outside the Greater Portland area run and they were defeated. One of them was Lew Pickett from Standish. He seemed to know everybody in the County and I can't understand why he was defeated. He wasn't from the Greater Portland area and somehow he didn't make it. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Brewer.

Mr. BREWER of Sagadahoc: Mr. President and Members of the Senate: One county may not have the same problem as others. This bill, I would reluctantly support it in respect to the feelings of my own County Commissioners and possibly my own legislative delegation. It has always bothered me in Sagadahoc that all three County Commissioners come from the City of Bath. Now, we are a small county with approximately 21,000 people, and the City of Bath is just about half that size. It has got to the point where we never get a County Commissioner from any town but the City of Bath. Therefore, there is no one who wants to run from the outlying towns. It is just like batting your heads against a stone wall.

I can appreciate the remarks by the good Senator from Cumberland, Senator Berry, but as far as my own county goes, I think this bill has some merit. Thank you.

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

Mr. STERN of Penobscot: Mr. President, now that my memory has been refreshed, I do recall why I voted that it ought not to pass; because we have three County Commissioners in the County of Penobscot. Despite the fact that the majority are Republicans, they are doing an excellent job, and we have County Commissioners from various sections of the State: one from Corinna, one from Garland, and the other from Bangor, and they have held these positions a number of years, and perhaps we are the exception, but

this is the reason I urge you to vote for Report "B," and against "A".

The PRESIDENT: The pending question is on the motion of Senator Wyman that we accept the Report "A" Ought to Pass.

As many as are in favor of accepting Report "A" Ought to Pass will stand and remain standing until counted. Those opposed will now stand and remain standing until counted.

A division was had. 21 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion prevailed and Report "A" Ought to Pass was accepted and the Bill given its first reading.

House Amendment "A" was Read and Adopted. House Amendment "B" was Read and Adopted.

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its action whereby it adopted House Amendment "A". Then the same Senator presented Senate Amendment "A" to House Amendment "A" and moved its adoption.

Senate Amendment "A" to House Amendment "A", Filing S-128, was read by the Secretary as follows:

SENATE AMENDMENT "A" to HOUSE AMENDMENT "A" to H. P. 457, L. D. 631, Bill, "An Act Creating County Commissioner Districts."

Amend said Amendment by striking out in the 6th line of the 6th paragraph the underlined words "**Indian Res.**" and inserting in place thereof the underlined words '**Indian Island Voting District**'

Further amend said Amendment by adding at the end the following:

'Further amend said Bill by striking out in the 5th line of the 58th paragraph of that part designated "**§105-B.**" of section 2 (4th in L. L. 631) the following underlined words "**Indian Reservation**" and inserting in place thereof the following '**Indian Township Voting District**'

Further amend said Bill by inserting after the underlined abbreviations and figure "**No. 14 Plt.**" in the 3rd line of the 59th paragraph of that part designated "**§105-B.**" of section 2 (same in

L. D. 631) the following: **'Pleasant Point Voting District,'**

Senate Amendment "A" to House Amendment "A" was Adopted, and House Amendment "A", as amended by Senate Amendment "A", was Adopted.

(On motion by Mr. Hildreth of

Cumberland, tabled pending assignment for second reading.)

The adjournment order having been received from the House, on motion by Mr. Ross of Piscataquis, adjourned until Monday, May 15, at four o'clock in the afternoon.