

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

Report "C" (2) "Ought to Pass" as amended by Committee Amendment "C" (H-585) Report "D" (1) "Ought Not to Pass" Committee on State Government on Resolution. Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor" (H. P. 16) (L. D. 24)

Tabled — June 2, by Mr. Rolde of York.

Pending — Motion of Mr. Cooney of Sabattus to Accept Report A. (Roll Call Ordered)

The SPEAKER pro tem: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I should like to refresh the memory of the members of the House. Report "A" would be a committee composed of ten members of the House, five members of the other body, which would be a legislative confirmation committee to confirm the appointments made by the governor. This would take the place of the executive council, once it was abolished.

Report "B" would be five members from this body and five members from the other body.

Report "C" would be the 33 members from the other body as a legislative confirmation committee.

Report "D" is the "Ought not to Pass" Report.

I would also remind the members of this House that we had a division, 63 members voted not to accept report "A", 40 voted yes. I submit that we should vote against "A". All we are doing is playing politics. Report "B" is the only responsible report, it is the one report that has any chance of enactment. Otherwise, if you vote for Report A, in effect, all you are voting for is to keep the status quo, the executive council. We can play politics all we want to but I submit that we should represent the vast majority of the people and that is our constituents who are for abolishing the executive council which has a negative image in the minds of the people in the State of Maine which is comparable to the negative image that the Nixon administration had in its last days. If we wish to abolish this council and represent the people of Maine you will vote against "A" and then accept "B".

The SPEAKER pro tem: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I have a couple short remarks. First of all we are not playing politics with Report "A", and it is not irresponsible as the gentleman from Hallowell has indicated to you. If we were being absolutely proportional and responsible and we were trying to see that the two bodies were proportionally balanced against one another in terms of making a committee to perform confirmation duties, the balance would be far greater than ten to five. I think those of us here in the House might have considerable sympathy in that direction. However, the effort of the majority of the committee, bi-partisan majority of the committee, was to create a workable confirmation committee of a size that would be small enough to work efficiently but still large enough so that we would have a range of opinions from both branches and from both parties. We feel that ten members from the House, and five members from the Senate is a step in that direction.

Somewhere down the road, Mr. Stubbs may be right, there may come a point of non-concurrence where some other alternative may be accepted and this House may back down and say, all right, we will go along with having just five from the House paired with five from the Senate to perform confirmation duties. That is a debate that I don't think we have to make today. Ten and five is a good, sound, workable, right, solution. The executive council is a dinosaur that has been lumbering around this State House for a century and a half. For decades members of both parties have sought solutions for that problem. We have an opportunity this morning to act on a majority report that has a very real possibility of passing and more important it is an alternative that will work in performing confirmation duties. I urge your support of Report "A".

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Very often during this session, my neighbor and my very good friend, the gentleman from Hallowell, the Honorable Mayor, Mr. Stubbs and I, have agreed on many items. However, I suspect that now he is being led into that psychological syndrome that we hear a lot of in other places in this building, that if you disagree with him, you are playing politics or may be even a professional politician or you may even be politically ambitious, heaven forbid. Don't be misled by that argument.

Let's take another page from that same scenario, the same combination of things that is talked about frequently, which of these programs is fair, which of these programs is the best for the people? Obviously, it seems to me, it is Report "A". We have ten House members and five Senate members, there is more of them than there is of us.

This executive council is sitting now, in my opinion, and I may be prejudiced, is one of the best ones we have ever had. They are the first group to institute public hearings on appointments. They have not been caught up in the partisan politics that we have seen in the past. However, I still agree, that the executive council is an albatross. It should be removed, we should adopt Report "A" and trust that the people at the other end will do the fair thing.

The SPEAKER pro tem: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: This legislative session will be like all other sessions, a full-fledged attack on the Governor's Executive Council, will once again, be undertaken. Politicians will assail, plead, and implore that the council go, they can be scrapped, overturned and thrown out. Surely too few will take the time nor devote much thought beyond bombast and rhetoric. Arguments will be made that the council is a relic of our colonial past but so is our Declaration of Independence. There will be charging that politics enter into the council deliberations, this arguments of course, overlooks the political nature of the legislature. It will be claimed that the council is not representative of anything, a strange oversight because it is chosen by the very members who accuse it. In a time when there are a good many people questioning how well our government works, how efficiently it does its job and at what cost, it is indeed strange the council is under fire. There are few instruments in state government that work as well and at

such little cost to taxpayers as the executive council. If there is a forward looking change that could be made it should come in the way of the council was chosen. There would be little inconvenience or cost to have the council chosen by the voters in the elective process. Beyond this possible alteration there is good reason to continue with the council pretty much as it is. The council, despite its detractors has served Maine well since statehood in 1820. It provides a reasonable, efficient and low cost check on the governor's powers of appointment and a useful surrogate for the legislature when it is not in session.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Auburn, Mrs. Snowe.

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: The Executive Council is at best an administrative body whose numerous but insignificant functions could easily be transposed elsewhere. In the early maturation years of State Government the council was primarily designed as a dual executive to act as a watchdog for the legislature, since the legislature met biennially, and certainly not for as long a period of time as we do today, and to assist the Governor in completing his tasks in a time when he did not have the full-time personnel that our Governors now enjoy. The council was also created as an attempt to avoid an administratively oriented government, to which our founding fathers were adverse. These reasons are no longer realistic considering the existence of countless departments, quasi-independent agencies, numerous miscellaneous and part-time boards, commissions, and regulatory agencies. To the same extent, the Governor's duties and responsibilities have undergone a tremendous expansion, so much so, that a part-time council is certainly ill suited to render a worthwhile assistance to the Governor or even to perform its intended role as a check on the power of the Chief Executive. The council, as it was originally conceived, can not keep up with the ever increasing demands of state government.

As one political scientist wrote, as far back as 1915, "the entire history of the council from its inception to the present time has dramatized its negative role. It is not constructive and it is not concerned with progress or programs. As a consequence, the Governor does not rely on the council for information, it is not in a real sense a body of advisers to whom the Governor looks for guidance and assistance on formulating administrative policy. He must turn to the heads of departments for such information. The council destroys the unity of the executive, the concentration of responsibility, and thus militates against efficiency. It exists in defiance of the theory of executive responsibility." The State Government Committee, almost unanimously agreed, that the executive council should be abolished, that we did not want to maintain the status quo. Our seemingly endless deliberations focused on which avenue to pursue as a viable replacement that would be acceptable to the members of both Houses and to the people of Maine as well as being consistent with Maine's form of government. That we did not develop a unanimous consensus on one mechanism in no way indicates weaknesses in our recommendations. To the contrary, it was the feeling of the committee, that if each of us felt strongly about particular options, then we should allow the legislature to examine them as closely as we did.

On the other hand, we did not come up with a radical alternative, because they simply and realistically do not exist. That's to be expected, because we were working within the delicate confines of our Constitution. Serious consideration had to be devoted to amending the Constitution without disruption of the separation of powers. This is what we accomplished.

I signed Committee Report A, because in my estimation, it is the most workable and most effective mechanism by which to transfer the confirmation powers vested in the executive council. The Legislative Confirmation Committee, as proposed by this report, is a good compromise. It is a bipartisan committee composed of members of both bodies. Establishing a committee made up of legislators would be more in keeping with a representative form of government. Undoubtedly, they would be more closely exposed to the public eye, and more available to the people. The suggestion, that perhaps, the council should be popularly elected is merely an attempt to perpetuate the existence of an historical anachronism. My basic objection is vesting the power of confirmation to the Senate is that it would be expensive and difficult to assemble a thirty-three member body every time an appointment needed to be confirmed. On the other hand, if the Senate were to perform these duties concurrently with their regular legislative duties, the result would be hasty consideration on the various appointments. In summary, there is little justification for retaining the executive council, conceived in 1819, for reasons no longer apparent today. Again, I strongly recommend acceptance of Committee Report "A".

In summary, there is little justification for retaining the executive council, conceived in 1819, for reasons no longer apparent today. Again, I strongly recommend acceptance of Committee Report "A".

The SPEAKER pro tem: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I am opposed to the change that is recommended. I think Maine government has worked as well as any others in the United States over the years. I would bend a little. I, at times, feel that there are certain ways and certain considerations that I might abolish the Governor's Council but not by this method. I don't like the methods proposed and I don't have anything against the present council and I don't have anything against the councils that have been here since I have been here. I will say I don't think this is one of the better ones that I have met but that is neither here nor there, the position is that I am talking about right this minute. I can see where probably more than some of you can where the errors have been, on the part of the House at least. In my long tenure here each year we have delegated more authority to the council. The Council, as it was originally in the Constitution, wasn't a bad idea. The powers given and invested to them by the Constitution of Maine, I subscribe to. In those days, they were needed and I think they are still needed today. What I am really opposed to is this House, year after year, delegating more authority to them. So, a few years ago, I can't remember which legislature, but I remember the legislator, his name was Libhart from Brewer, he belonged to the opposite party and we worked hard and we presented a bill to abolish the duties of

the council, those given to them by legislation and they were many. It was the biggest bill at that time that had ever been presented to this House. It weighed about a pound for each document. If you didn't subscribe to the whole of it, if you subscribed to part of it, we would have a lot better council. So, the council for a lot of things that they are being blamed for are really not to blame. They are blamed from this body, not your doings, but future bodies here or in the past by delegating authority to the council. So, at this time, I will not vote to abolish the council and I don't think the people of Maine would if they knew the facts. The fact of the matter is we should first abolish a lot of the duties that we have given to this council. I can't see what this report does, it just puts another group of people in there to harass the Governor. If we want to make the governor stronger we would have a governor and his cabinet to make these decisions, but apparently this House doesn't want to make the Governor stronger, they seem to want to make him weaker. At any rate, what they are coming up with in this bill, in my opinion, would be worse, not better. I would rather keep with something that I know works than try something that I know won't work. If this House really wants to do something to improve the council, the first thing they would do is look over the statutes and see how many places that we have delegated authority to them. Nearly every year we have delegated in many areas. We are going home in a hurry and this is the last minute, it is probably Sunday morning at 10:00 o'clock and we have worked all night and want to get out of here, well we delegate the council to do it and that is how a lot of these things got in the books and now that we are not in a hurry we may decide to do them ourselves. I recommend that we do, but I will not vote and I hope you don't accept this hasty piece of legislation that would accomplish nothing in my opinion.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Machias, Mrs. Kelley.

Mrs. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: To avoid confusion, with all the reports here that we have to decide on, and being in favor of keeping the Governor's Council, I move that this bill and all accompanying papers be indefinitely postponed and I ask for a roll call.

The SPEAKER pro tem: The Chair recognizes the gentleman from Orono, Mr. Wagner.

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I rise as a signer of Report "A" of State Government Committee. Generally speaking, I consider myself a friend of historic preservation. I am actively associated with a group in central Maine to preserve and operate a 19th Century historical farm. I think I have to draw the line at historical preservation when it comes to institutionalizing a carry-over from our colonial period. I wholeheartedly concur with the remarks of the gentlewoman from Auburn, Mrs. Snowe, of a historical nature dealing with the council.

The Governor and council is an old concept that goes back even beyond our colonial period to the parliamentary system in Britain with the King and council and it is just a transferral of that concept to the American colonies. We are dealing with two different councils, that council evolved into the Senate which was

to represent a property to the elite and eventually the special qualifications of property for the members of the Senate have been removed and we now have the same qualifications. At the end of the American Revolution most of the New England States, at least, were very suspicious of an executive, understandably after their recent experience with the king. They voted, in most of the New England Colonies in the New England States after the American Revolution and their state constitutions had a second type of council, a council which indeed was viewed as a check on the executive. The State of Pennsylvania didn't even have a chief executive until 1790, they were so suspicious of the king or the governor. In New England, we had a council in most all of the New England States but these were early removed. When the State of Maine was formed in 1820, a generation later, that suspicion of the executive, of the governor remained and the constitution of 1819 had an executive council, as a check on the governor, even though we had annual sessions until 1880. It wasn't until 1880 we went to a biennial session.

I agree that in that intervening period the Governor's council came to be an instrument of patronage which persisted really into the second world war and after. I think that we have a better council now than we had in that period but I think that the present councilors are in a position to judge this, they unanimously oppose the council as a carryover, no longer necessary. I think further that of the alternatives it offered, Committee Report "A" is the best because it abolishes the council, transforms some of its administrative duties to appropriate agencies of State Government, the confirming power is limited to major appointments and is given to elected representatives of the people, a mixed committee from the House and the Senate. One of the chief objections to the council, I think, is that it represents another layer of government that is not elected by the people. This committee that would act upon appointments being composed of both House and Senate members is representative of all the people and not just representative of the historically property Senate but represents a mixture of the two bodies, which I think is appropriate. I think it is a compromise for the House to accept a two to one ratio when the ratio between the membership of the bodies is about five to one. I think this is a reasonable compromise and I hope that we could all unite behind Report "A".

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As you well know, I am one individual that believes in the executive council and I might add that I supported the present member of the council from my district knowing full well that he is for abolition of the council. My reason for supporting that gentleman was he is not only a fine individual but he is a highly intelligent one and I respect his opinions on a lot of issues and this particular issue I don't.

Nevertheless I look at this council as a court who represents us when we are not in session, purely because I say us, we are the individuals that elected them. I support Mrs. Kelly's motion this morning although I would have liked to have seen us go step by step and just see what directly

the attitude of the House is. I am sure that we probably will be defeated because of the fact of the variety of reports. Nevertheless, I think the House should indicate to see by the variety of reports what a decision there was in the committee. I suspect that there is another bill upstairs somewhere where it would elect these individuals and I am not so much against that idea letting the general public but to abolish the council now or any other time as far as I am concerned is not a popular idea.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr. Gould.

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Two weeks ago, I had a chance to give a bride away at a wedding, nothing doing, I won't give anything away I want myself. I am in favor of keeping the Governor's Council and so I urge you to vote for the gentlelady's motion from Machias to indefinitely postpone this bill and all its accompanying papers and the sponsor.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair thanks the gentleman from Dover-Fox Croft, Mr. Smith.

Thereupon, the Sergeant-at-Arms escorted Mr. Smith to his seat on the Floor, amid the applause of the House, and Speaker Martin resumed the Chair.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise merely to urge you not to vote for indefinite postponement. We have three or four alternatives before us, one of them should survive, and we should go on and eliminate the council as we have known it in the past.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, urge you very definitely not to vote for the motion to indefinitely postpone. I hope you will keep this bill alive and accept Report A which I also support. I would just make one final point in urging you not to vote for indefinite postponement.

The gentleman from Orono, Mr. Wagner, in giving you the history of the council, said that the king had evolved into the Senate. I would just make the comment that if someone back then had voted to abolish the council, we wouldn't possibly have to cope with that other unmentionable body down the hall today.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Call.

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I am not for Reports A, B, C, or D or subsequently if they appeared, Reports E, F, G, H, I, J, and K. I am definitely for retention of the Governor's Council and I plan to vote for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I have a particular interest in urging you not to

vote for this indefinite postponement particularly since Mr. Gould has done me the courtesy of including me to be postponed. I would, therefore, be grateful if you would vote against this motion.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Machias, Mrs. Kelley, that the House indefinitely postpone Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassigned its Constitutional Powers to the Governor. House Paper 16, L.D. 24, and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bowie, Call, Conners, Cote, Curtis, DeVane, Dudley, Fenlason, Finemore, Gould, Gray, Hewes, Hunter, Kelleher, Kelley, Lewis, Lizotte, Lovell, Lunt, Mackel, McBreairty, Mills, Perkins, T.; Peterson, P.; Rollins, Silverman, Talbot, Torrey, Walker, Webber.

NAY — Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Dam, Davies, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kennedy, Laffin, LaPointe, Laverty, Leonard, Lewin, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell, McKernan, McMahon, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Smith, Snow, Snowe, Spencer, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Wilfong, The Speaker.

ABSENT — Carey, Carpenter, Doak, Faucher, Kauffman, LeBlanc, Littlefield, Martin, A.; Morin, Peakes, Sprowl, Winship.

Yes, 31; No, 107; Absent, 12.

The SPEAKER: Thirty-one having voted in the affirmative, one hundred and seven in the negative, with twelve being absent, the motion does not prevail.

Mr. Stubbs of Hollowell was granted permission to speak a third time.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: Almost without exception, except for one or two of the thirteen members of the State Government Committee, they all agree that if anything is going to be enacted, it will be "B". I would remind the members that the Governor is charged with filling some 635 different positions, which must be confirmed by the Legislative Confirmation Committee, if we so adopt one. It is obvious that more than two thirds of the people in this body wish to abolish the executive council. Therefore, I am asking you to take the responsible position, not vote for "A", but wait, and then vote for "B", so that we are not polarized into two extreme positions. I say that political reality is such that if we wish to abolish the council, the only report is Report "B".

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to point out that in Report "A" the committees are elected by the membership of both bodies. There is some minor confusion, these committees that will exist in confirmation do not consist of leadership nor are they appointed by leadership, they are elected by the members at large. Secondly, we envision that many of the present functions of the council will be divided in other portions of government. For example, Mr. Stubbs just referred to 635 positions that require a confirmation. If this constitutional amendment is approved by the voters, then this legislature in an omnibus bill will decide which of these positions are to require confirmation and the vast majority of those 635 will receive routine government approval. This same thing will happen to the pardons board, and to the exercise of money. So, this committee, elected from this body, and elected from the Senate will only be working on a relatively few number of important confirmations.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I would like to pose a question to anyone who may care to answer. What is the situation on a measure concerning itself with bond issues?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I assume if there is anything in the Constitution relating to bond issues, which I think there are, as it relates to the Maine Guarantee Authority, that should be an initiated petition, which would require by the same method 50 percent approval of the legislature and then two-thirds of the people in a referendum.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am sorry to take the time of the legislature, but I want to support this thing. I believe in the sincerity of the sponsor and the sincerity of those people who are supporting it. By the same token, I want to make very certain that we are not wrong here.

I asked a question on bond issues, because I am going to make a very flagrant boast here. I am a student of the Constitution. I am a student of the rules of this House, the rules of the Senate and the Joint Rules. I have a tremendous amount of respect for the people. I want, however, to make very certain, before I push my button, that I am assured that if we go through such a procedure, and if we pass by a majority vote and then we go on a bond issue, say, and then it is voted, even by two-thirds, I want to make certain that we are not going to be hung up after we spend thousands and thousands of dollars on the planning board, I want to make sure we are not hung up by bonding houses.

I also have a fantastic amount of respect for John Benoit. I think this man who has practiced before the United States Supreme Court, his ability knows no bounds, and I ask the majority leader if he would not table this thing for one day. I want to make sure that I am voting — and I wish the lady would sit in her seat. I don't get up very often. I will be down in my seat again in two seconds, so please hear me

out. Listen to me first and then you can get up when I sit down. I want to make certain on this very, very important matter just how I am voting. If ever, in my opinion, a matter should be given to the courts, this is it.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, and Members of the House: I was just going to get to my feet to say that perhaps I misunderstood his question in the first place.

As far as the bond issues that we send out to people now, if that is what he is talking about, the method does not change. I thought he meant the provisions in our Constitution applying to those authorities which do mention bonds. I assume that the bond issues are the same, and I would have no objection if somebody would table this for two days.

Thereupon, on motion of Mr. Rolde of York, tabled pending final passage and specially assigned for Monday, June 9.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that the House accept Report "A", "Ought to pass" on Resolution Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor, House Paper 16, L. D. 24. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Dam, Davies, Doak, Dow, Drigotas, Farley, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, Leonard, Lizotte, Lunt, Lynch, MacEachern, Mahany, Martin, R.; Maxwell, McBreairty, Mitchell, Mulkern, Nadeau, Najarian, Pelosi, Perkins, S.; Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Strout, Susi, Talbot, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Webber, Wilfong, The Speaker.

NAY — Albert, Ault, Bagley, Berry, G. W.; Birt, Bowie, Byers, Call, Conners, Cote, Curtis, DeVane, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Garsoe, Gould, Gray, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Kelley, Laverty, Lewin, Lewis, Littlefield, Lovell, Mackel, MacLeod, McKernan, McMahon, Mills, Miskavage, Morton, Norris, Palmer, Perkins, T.; Peterson, P.; Pierce, Raymond, Rollins, Shute, Stubbs, Terr, Teague, Torrey, Walker.

ABSENT — Carey, Carpenter, Faucher, Gauthier, Kauffman, LeBlanc, Martin, A.; Morin, Peakes, Sprowl, Winship.

Yes, 86; No, 53; Absent, 11.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-three in the negative, with eleven being absent, the motion does prevail.

Thereupon, the Bill read once. Committee Amendment "A" (H-583) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The following papers appearing on

Supplement No. 2 were taken up out of order by unanimous consent:

An Act Providing for Temporary Interim Relief to the Availability of Hospital and Medical Malpractice Insurance (H. P. 1160) (L. D. 1459)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an Emergency Measure, a two-thirds vote of all the members elected to the House necessary, a total was taken. 118 voted in favor of same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Jalbert of Lewiston, by unanimous consent, was ordered sent forthwith to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, would it be in order to ask that an L. D. earlier ruled not germane in New Draft be referred back to committee?

The SPEAKER: The gentleman's motion would be in order.

Mr. JENSEN: Mr. Speaker, I would move that L. D. 1911, House Paper 1656, Bill "An Act Relating to the Maine Transportation Board," be referred back to the Committee on Transportation.

The SPEAKER: In reference to L. D. 1489, New Draft L. D. 1911, an item that the Chair rules that the Committee Redraft was not germane to the Bill, the Bill is still in our possession, since I ruled only on the redraft itself, the motion to recommit to the Committee on Transportation would be in order.

The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, would it be proper at this time for it to be tabled for one day?

I would ask that somebody table this for one day.

Thereupon, on motion of Mr. Albert of Limestone, tabled pending the motion of Mr. Jensen of Portland to recommit to the Committee on Transportation and tomorrow assigned.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

The following Communication:

June 4, 1975

Honorable Edwin H. Pert
Clerk of the House
107th Legislature
Augusta, Maine
Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it accepted the Minority Ought Not to Pass report on Bill, "An Act Establishing an Experimental Open Season on Moose" (H. P. 99) (L. D. 106).

Respectfully,

(S)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-217) on Bill "An Act to Further the Conservation of Vision" (S. P. 169) (L. D. 556)

Messrs. HICHENS of York

GREELEY of Waldo

-of the Senate.

Mrs. LAVERTY of Millinocket

MORIN of Old Orchard Beach
Messrs. SPROWL of Hope
KENNEDY of Gray
CURRAN of South Portland
HENNESSEY of West Bath
GOODWIN of South Berwick

-of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Bill was signed by the following members:

Mr. BERRY of Androscoggin

-of the Senate.

Mrs. POST of Owls Head

Messrs. LOVELL of Sanford

LaPOINTE of Portland

-of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-217) Report of the Committee read and accepted and the Bill passed to be engrossed as amended.

In the House: Reports were read.

Mr. Goodwin of South Berwick moved that the House accept the Majority "Ought to pass" Report in concurrence.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report in concurrence and tomorrow assigned.

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-235) on Bill "An Act to Amend the Maine Housing Authorities Act by Creating a Loans-to-Lenders Program and Making Changes to Improve the Efficiency of Using Federal Housing Funds" (Emergency) (S. P. 286) (L. D. 1002)

Report was signed by the following members:

Messrs. CURTIS of Penobscot, GRAHAM of Cumberland — of the Senate.

Mrs. SNOWE of Auburn, Mrs. KANY of Waterville, Messrs. COONEY of Sabattus, CARPENTER of Houlton, LEWIN of Augusta, QUINN of Gorham, PELOSI of Portland, WAGNER of Orono, STUBBS of Hallowell — of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. WYMAN of Washington — of the Senate.

Mr. FARNHAM of Hampden — of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-235) Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "A" (S-254) and "B" (S-258) thereto.

In the House: Reports were read.

Mr. Cooney of Sabattus moved that the House accept the Majority "Ought to pass" Report in concurrence.

On further motion of the same gentleman, tabled pending his motion to accept the Majority Report in concurrence and tomorrow assigned.

RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Lot in Trescott, Washington County, to Clarify Title (H. P. 954) (L. D. 1193) which was enacted in the House on May 23.

Came from the Senate passed to be