

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Special Session

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1966

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

tice of the Superior Court.” (S. P. 656) (L. D. 1602)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending enactment.)

Bill, “An Act Approving Funds for Increased Staff at the Bangor State Hospital.” (S. P. 676) (L. D. 1714)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending enactment.)

Bill, “An Act to Incorporate the Seal Cove Water District.” (H. P. 1177) (L. D. 1645)

Which received the affirmative vote of 31 members.

Bill, “An Act Appropriating Funds for Additional State Police Officers.” (H. P. 1264) (L. D. 1759)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending enactment.)

Which bills were passed to be enacted.

Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate. (S. P. 624) (L. D. 1630)

Mr. STERN of Penobscot: Mr. President, this may be the last opportunity I will have to address this most distinguished body, and I do not like to miss the opportunity. I may never be here again, but I would like to take this opportunity to make a few remarks in connection with this bill.

I heard some rumblings as I came into this body this afternoon and I was somewhat disturbed, and before that increased in intensity I thought I had better address you. Many of you will note that we unanimously, on the bill which my good friend Senator Bernard introduced and on which he has done so much work, we passed it out unanimously “Ought not to pass.” Perhaps many of you cannot understand why we did this, but at the outset I want to say that I believe and many of the members of our committee believe that the bill reported out by

Senator Bernard and his committee is a much better bill, it is a much fairer bill, and one that I know many of you would like to have enacted at this special session; but we have seen the handwriting on the wall and we feel we cannot garner sufficient votes to pass that bill. My friends, this is one of the reasons that we have gone along with the Republican bill.

This 102nd Legislature will certainly want to be known as one that believed in the enactment of positive legislation; we certainly do not want to be labeled as obstructionists. I know many of you, my good friends, the Democrats, have wondered whether we have lost our minds. I say to you that we have given this considerable thought and we feel it is only a question of time when we must face up to the decision of our Supreme Court and that although we do not like this bill as well as we do Senator Bernard’s, we feel and I hope and I expect that my fellow Democrats will go along with this bill and enact it, because if we don’t the Supreme Court will, and we hope that we will be remembered as a party that certainly believed in the enactment of positive legislation. We do not want to obstruct, we want to do what we think is right, just and proper. I hope if we enact this bill, and I certainly hope that we do, that I will have the opportunity of seeing many of your familiar faces that I have seen through the regular session and at the special session, and I hope that this reapportionment will not affect you in any manner, but if it does I certainly do hope it will not affect the ratio of the Democrats to the Republicans. So I do hope that you will support it.

Mr. BERNARD of Penobscot: Mr. President, I would like to thank the Senator from Penobscot for his wonderful compliments. As Chairman of the interim committee studying reapportionment, I believe it is my duty this morning to make a short statement.

Although this is not the plan that was submitted by the interim

committee at the special session, I can with good conscience support this plan for Senate apportionment. I wish to congratulate the leadership of both parties for rising above petty politics by supporting this apportionment plan. Thank you.

Mr. JUTRAS of York: Mr. President, I would like to voice the feelings of the people who would be hurt by this in this way. I had come in this morning prepared to fight this and fight leadership all the way, because I did not think that leadership was performing other than in a manner of "followship" in this matter.

We come from a traditionally Democratic county, and we are bound to be hurt as a result of this potential gerrymandering by districts and within the counties, but, as I realize, the sentiments expressed by Senator Stern are true. It has been said that the Democratic majority of the 102nd Legislature would be remembered for its spirit of cooperation with the minority party to effect constructive and positive legislation. We have an opportunity today to demonstrate our spirit of cooperation in joining the senators of the minority party in voting, just as they will vote, for the Senate reapportionment bill submitted by Senator Hoffses. It is not easy, but we rise above that and we will, however reluctantly, because we feel that we do have to support this measure.

Mr. O'LEARY of Oxford: Mr. President, I was fortunate enough to be named to the committee on Senate reapportionment, although I cannot understand why, because of my vote here a year ago when I was definitely opposed to it. However, today I have to stand up here and defend a piece of legislation that I do not have much faith in.

We held two public hearings, one in Bangor and one in Portland. At our last session of the legislature we heard here on the Senate floor the sponsor of this piece of legislation which I believe we will enact today, get up and quote figures as to being within the range of 45 per cent

that was handed down by the Supreme Court of the United States, and there was a proponent of Senate reapportionment who got up and spouted off these same figures, I believe his name was Professor Mawhinney of the University of Maine. We also had a member of the opposition party, who is a leader in the other branch, get up and say that he wanted to maintain county lines regardless of whether the senator was a Holy Roller or not. Now I do not believe that the Senator is a Holy Roller, but each and every one to their own faith. However, that is not my point here. My only point is that the people of the State of Maine are aware of the fact that we need Senate reapportionment and they do want to maintain county lines.

In this Republican bill we are not going to maintain county lines; we are going to district, which is not consistent with the policy of apportionment of the House of Representatives. They talk about districts. We do not district our cities or towns according to population. This may be the final break in county government. This bill that is sponsored by the Republican Party is a complete reversal of what they have maintained as a population basis in our State Constitution.

In our Democratic bill we would give each and every county their own representation, which, to me, is what the majority of the people in the State of Maine would favor. However, I would favor senatorial districts within a county, although it would not necessarily mean that my good colleague here and I would necessarily be opposing each other in the primaries, either, but being a little bit larger in mind as to what the people of the State of Maine want, I will have to support this Republican bill. I am sure that if we defeated this Republican proposal and if we defeated this Democratic proposal and they both went to a referendum the people of the State of Maine would want to maintain our county lines. However, if we do not do it we will be cowards and it will be left up to the

judges of the State of Maine, and I do not believe we want that. We have certain responsibilities, we are being blackmailed by law; it is the dictate of the Supreme Court of the United States that we have one man, one vote. Therefore I am mindful that I as a citizen and as a responsible legislator and as a man that is supposed to represent the people of my entire county and the State of Maine, that I have certain responsibilities and that is to fulfill the terms of the law, and therefore I am for reapportionment. If we cannot pass our Democratic proposal then we had best, as a responsible party, not just being dictated to by the minority, pass this piece of legislation that is proposed by the minority party.

I am confident that the voters here in the State of Maine have witnessed in these past two years the progressive attitude of the Democratic Party. This would contradict the article in the Bangor Daily News which said that the State of Maine was going to hell. But I am mindful of the fact, and I have confidence in the intelligence of the voters of the State of Maine, that two years from now—and this is my prediction—that we will at least elect another twenty Democratic senators and we will be around to cut up the pie. I support this amendment to the Constitution.

Mr. HARDING of Aroostook: Mr. President and members of the Senate: As you know, I was a member of the interim committee under the able leadership of Senator Bernard that made the study and held hearings on the Senate reapportionment. We are also aware of the fact that the bill which this committee reported out and recommended to pass is not the one that you are here voting on. I have come to realize, however, as all of you have come to realize, that there comes a time in our life, in the support of the responsibility which we have, that we should do what we can do and necessarily what we would

like if everything were in our favor.

I would also point out to my good friends in the Senate that this bill, when it is passed, as I believe it will be passed, will not affect you when you run for re-election, and I hope all of you will, because for the next election you will all run as you have run before. This only affects the Senators who will be elected the next time after this coming election.

I feel also that it is fair at this time to salute our colleague, the Senator from Knox, Senator Hoffses, who had the courage to sponsor a piece of legislation which is not within the tradition of his party, and which I feel, if I recall his debate last time, is not in keeping with the way he would like things best to be. But I say to you, the issue here is not whether or not we are going to be reapportioned, because we are going to be reapportioned; the issue here is whether or not we will assume the responsibility or whether we will let others assume our responsibility for us.

I would also say that in this legislature I take exception to calling a bill either a Republican bill or a Democratic bill, because, for the first time in the history of this State in a period of fifty years it has been possible for the minority party, jointly with the majority party, if they wish, to co-sponsor legislation. We have enacted legislation upon its merits and not on the basis of who may have been the sponsor. This is to your everlasting credit.

I would also say that in the years to come the 102nd Legislature will stand the tallest among all legislatures of this century; and the hallmark of the 102nd Legislature, both in the regular session and in the special session, will be the courage that you have displayed to face the issues and to do something about them, no matter how difficult and controversial they have been, you have faced up to them and you have tried to do something about them.

If I recall, the advice that was given by some who have been in

politics for a long time, they said, "For the Lord's sake don't bring reapportionment into a special session, because it will cause dissension within your ranks and you will have problems". But you see that was not a proper objection, because this needed to be done. The Chief Executive of the State failed to put it in his call, but that does not give us the excuse for failing our responsibility, because if we do not reapportion ourselves then somebody else will do it. It has been seldom, at the regular session or the special session, that I have asked for your support on a specific measure. I do ask for your support on this on both sides of the aisle, because it is so important to the people of this State to avoid costly litigation and to have us do the thing which we ought to do and that which we have the responsibility to do, and that is to reapportion ourselves. And so I believe that the 102nd Legislature will measure up in this instance to the courage which it had displayed throughout its length and will do what it ought to do and will enact this legislation.

Mr. LETOURNEAU of York: Mr. President, I have been sitting here, and I have been overwhelmed with platitudes about men of strong determination and courage, so I am now going to ask the Senators to show their courage, and I will now make the motion that when this vote is taken it be taken by the yeas and nays.

The PRESIDENT: A request for the vote to be taken by the yeas and nays has been made. For the Chair to entertain the yeas and nays it must have the expressed consent of one-fifth of the membership present. All those in favor of the vote being taken by the yeas and nays will please rise and remain standing until counted.

A division was had.

The PRESIDENT: Obviously more than one-fifth of the members present having arisen the Chair will order the roll call vote.

This, being a constitutional amendment, requires for its passage the affirmative vote of two-thirds of the membership present. All those in favor of the final

passage of this Resolve will answer yea and all those opposed will answer nay. The Secretary will call the roll.

Roll Call

YEAS: Bernard, Boisvert, Brown, Carter, Casey, Chisholm, Dunn, Duquette, Faloon, Glass, Harding, Hoffses, Jutras, Manuel, Maxwell, MacDonald, Moore, Norris, O'Leary, Smith, Snow, Southard, Stern, Violette, Willey, Reed.

NAYS: Cahill, Girard, Hilton, Jacques, Letourneau, Sproul.

ABSENT: Mendell, Shiro.

The PRESIDENT: Twenty-six Senators having voted in the affirmative and six in the negative, two being absent, and twenty-six being more than two-thirds of the Senators present, this Resolve is finally passed. It will be signed by the President and presented by the Secretary to the Governor for his consideration.

On motion by Senator Manuel of Aroostook, the Senate voted to reconsider its action whereby the Resolve was finally passed.

On motion by Mr. Harding of Aroostook, the motion was tabled until Friday next pending final passage.

Emergency Measure

Bill, "An Act Relating to Interstate Conferences and Compacts with the Maine Milk Commission." (S. P. 672) (L. D. 1710)

Which received the affirmative vote of 31 members, and was passed to be enacted.

The President laid before the Senate the first tabled and assigned item.

(S. P. 666) (L. D. 1699) Bill, "An Act Relating to a Compact for Education."

Tabled—January 26, 1966, by Senator Snow of Cumberland.

Pending—consideration.

Mr. SNOW of Cumberland: Mr. President, I move that the Senate insist on its action on this measure and I would like to speak briefly on my motion.

The PRESIDENT: The Senator may.