

TAKE AMERICA BACK

(TAB)

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WHAT HAPPENED TO THE CONSTITUTIONAL EXECUTIVE COUNCIL IN MAINE?

The Maine Constitution was ratified in 1820, 31 years after the United States Constitution was ratified. Many of those who contributed and supported or helped write the final copy of the Maine Constitution understood that there were changes and improvements that could be made to the Maine Constitution that would clarify, benefit, improve, and advance the Maine people's rights by incorporating certain language to the finalized copy.

The U.S. Constitution allowed the Maine Constitution's reformist language which is found in the 10th amendment. The Maine Constitution, Article 10, sections 3, 4, 6; Article IV, section 1, also allowed these advancements, as long as the changes were not **repugnant** to either the U.S and Maine Constitutions

Making changes to the State Constitutions was not unique just to Maine. Many other States that later entered the Union and some of the original States took advantage of the 10thg Amendment and they followed suit and added other forms of Constitutional processes and layers of checks and balances to help shape improvements to their own State Constitutions.

In Maine, as in Massachusetts & New Hampshire, they also created the provisions like the 'Council', also called the Executive Council or Governor's Council. The label Executive or Governors Council should not be misconstrued to be a council under the direction and/or control of the Executive; as the intent was to be in strict words as an administrative unit, a knowledgeable group of researchers that could oversee and monitor because they were 'Learned in the Law', a common phrase in the public circles and heard and understood in the many court systems in the 18 & 19 centuries to mean 'disciplined in the doctrine of Common & Constitutional Law'.

After 31 years of watching and learning how to use the U.S Constitution, the original Founding Fathers and Founders of the Maine Constitution, saw a need for additional checks & balances in the form of legislative referees, intermediaries or coaches to help council Governors to stay on a constitutional track when finalizing or vetoing bills and on other minor issues that would lighten the many duties and give more free time for the Governor to focus on important tasks.

As the theory of a republican democracy was a political experiment never done before in history, the intent was to place a body of knowledgeable, honest men in between the executive department and the bicameral legislature. The 7 member Council would be, as much as possible, politically neutral and extremely knowledgeable in “Common Law, the U.S & Maine Constitution and how the court would interpret these practices of laws, individually and in combination. At that time, this did not necessarily mean that the unit or body of the “Council” was a Democrat, Republican or Independent as it is today, because party politics was not prevalent at that time.

There were other qualifications, such as being a U.S. Citizen that resided in Maine. The Councilors were elected by joint ballot from both houses of government and only one councilor could come from the same district. The 7 member team would act independently from any outside demands or pressure from the other 3 departments of government and the council’s advice would only be recommendations or proposals for an appropriate course of action for the Governor. The Governor would always maintain the full power with desecration to assemble the Councilors for their advice of State affairs. The Council’s final advice had to be a majority (4), for or against and the results had to be recorded in a journal/register and signed by those in agreement. Dissenting Councilors may also record their descent to resolutions or issues.

We all know that words have several meanings and some meanings change over the years or through the whims of different age groups and different societal or vocations.

What follows is the exact language in *Article V, Part Second, Section 4*, “No member of Congress, or of the Legislature, of this State, nor any person holding any office under the United States (Post Officers excepted) nor any civil officers under this State, (Justices of the piece and Notaries Public

excepted) shall be Councillors. And no Councilor shall be appointed to any office during the time, for which he shall be elected.”

There was a reason for not allowing Councilors to have appointments or being elected to positions that would appear to have a direct conflict of interests or political agendas. The word spelled Councilor and Councillor in 1820, meant a member of a counseling group and not a Barrister, Attorney, Lawyer or Judge.

Note also the ban on the Congress, the Maine Legislature, other federal and Maine State Civil Servants.

In 1965, the Republican Governor John A Reed vetoed a bill; written by Democrats and some Republicans, to rid or weaken the Council, but to no avail over the next 3 sessions. Governor Reed must have known that the position of Councilor was a Constitutional Position and can only be removed by Impeachment or by Convention or by a Constitutional Resolution. The major drawback to the Democrat leadership was, the Council's responsibility and duty was Constitutional and not directed statutorily. Their duty and position was as sacred as the Governor, Secretary of State, Attorney General or Sheriff. This means they could individually remove any of the councilors they did not like or did not function under the Maine Constitution, but they would have to replace their individual position with people who would replace the Constitutional Officers position. To remove both the positions of the Constitutional Councilors and their Constitutional position and duties would be **repugnant** to the Maine Constitution.

It is still not clear at this time as to whether the Council was corrupted or whether any of the Legislators were corrupted, as the records of 1973 do not cover the issues to any great degree, but the original intent of how the council would work and guarantee continuity of the U.S & Maine Constitutions had seemed to have changed drastically; if you are to believe the arguments and complains in the legislative communications.

- It appears from the Legislative communications that several conditions occurred between the years 1965 to 1973.
- It appears that the Democrats and most of the Republicans did not understand that the Executive Council were “Learned in the Law’ or experts in “Common Law & U.S. & Maine Constitutional Law’

- It appears that the Democrats and most of the Republicans did not understand what it meant to be “Learned in the Law’ or experts in “Common Law & U.S. & Maine Constitutional Law’
- It appears that the Democrats and most of the Republicans did not understand “Common Law and U.S. & Maine Constitutional Law’

The Maine Constitution, when written, Article III, gave equal powers to three distinct Departments: the Executive, The Legislative and the Judicial. If any part of the three departments of the Constitutional mandates are deleted or weakened in one department, one or two of the other departments picks up on that loss of equal power and that department(s) becomes stronger, that would be **repugnant** to the Maine Constitution.

The Executive Council was part of the original Maine Constitution in 1820. For 140 years the Executive Council gave its service to the Executive Department. It was their duty to make sure that the Governor was following the mandates of the Constitution. The function of the “Council” was to Constitutionally support and/or direct the Governor as he/she are only one person, while the Legislators and the Judicial Department have many people to hold conventions, caucus and committee meetings.

If the Council is removed from the equation and the Constitutional responsibilities are deleted and/or transferred to the Legislative Council for the Legislative Department; that essentially ignores, changes or damages the checks and balance that were originally created to insure the intent of the independence and equal powers. And this action clearly violates the Maine Constitution, Article III. If the Council’s Constitutional Duties are replaced by a special legislative committee or a Joint Standing Committee, that also defies the Maine Constitution and is **repugnant** and violates Articles IV, Part Third, section 1 and X, section 3.

Could it be that there is a conspiracy or an agenda to give more power to the Legislature? Can it be the intent to weaken the Executive Department? If so, that is a crime, or maybe considered treason! If we know a criminal violates the law, we immediately cry for justice. Why then do we turn our backs to those legislators who violate our rights? One could also choose to believe that there may have been a conspiracy for the Legislature, the Governor, the Attorney General or the Secretary of State to concoct an agenda to fool the citizens of Maine and dumb Legislators who had not idea of the importance

of having a “Council” of honest people that would filter out bills that were repugnant to the U.S. & Maine Constitutions.

In order to understand what really happened to the Constitutional Council, we have to study the communication with those who were in the 106th Legislature in 1973 and 1975-1976. The Council was repealed in its entirety 1975-1976. We have the records of floor votes and dialogue in 1973 and 1975 and nothing makes any sense as one reads the dialogue of those who participated.

We know that a person can be manipulated by words that can evoke emotion. The emotional change can be measured in seconds or can evolve over hours depending on the person’s psychological make up. We also know that there is a condition that people feel more secure when they are surrounded by people who believe in the same mindset. Word smiths have learned how to control people by making them feel comfortable by being with like minded people who are intelligent and want to be with and associate with those who are considered intelligent.

I would suggest reading these communications of the floor records, starting with Legislative records of the Maine House, 106th Legislature, June 6, to July 3 1973. For reference, the bill was “An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to abolish the Legislative Research Committee, to create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committee of the Legislature and to Provide for an Annual Rather than Biennial Budget”.

First of all to understand and facilitate this bill, there are many working parts and actions that are needed to take place:

- To Redistribute Certain **Statutory** Powers Now Vested in the Executive Council.
- To Abolish the Legislative Research Committee.
- To create a Statutory Legislative Council.
- To Provide for Permanent Joint Standing Committee of the Legislature.
- To Provide for an Annual Rather than Biennial Budget.

We will only be interested in the first 3 Bullets.

1. The intent of the Executive Council was to give constitutional and statutory advice on all administrative issues, namely to faithfully enforce and execute the laws of Maine. The Governor is the supreme executive power, also other Constitutional Officers in the Executive Department is the Attorney General, the Secretary of State and the Sheriffs to help enforce and execute all the laws of Maine. These Constitutional positions are only a part of the Executive Department and they are his field agents who assist his Constitutional Mission. The Governor is also responsible for appointing other civil positions and Judges to the Maine Courts. The Governor and the Council is part of the sacred ceremony to provide an OATH to all of the appointed and elected under his mission and responsibility and the Council members may also provide the OATH in the Governors absence. The powers vested in the Executive Council are not only Constitution to Redistribute Certain **Statutory** Powers Now Vested in the Executive Council.
2. To Abolish the Legislative Research Committee and to create a **Statutory** Legislative Council is of no great importance or consequence; the change is **only a name change** because the **statutory functions are the same**. The Legislative Council may council those who use or need to understand statuary law, but not those who are under Constitutional Law, because only the Executive Council had that Constitutional mandate! The major mistake in the 1973 bill 2021 is who is responsible to provide Constitutional Council if the Executive Council is abolished? The responsibility of the Constitutional duty of the Governor and advice would have to ride completely on the shoulders of the Governor and he/she would have to rely on the Attorney General, the Secretary of State and the Sheriffs, because there is no longer any advice to enforce and execute all the laws of Maine. This could cause a major political catastrophe if the Attorney General, the Secretary of State and the Sheriffs are registered to the opposition party. This I would assume was considered by the founders of the Maine Constitution.

Before we delve into the communication of the floor debate; anyone that has had the opportunity to study bills and the process and path of a bill from concept to enactment of the Governor signature; the process has many pit falls and rabbit holes that would appear to the public as controlled chaos or a state of extreme confusion and disorder. A bill may morph one hundred

times before it dies or becomes a law. And in some instances, the intent is lost or had evolved in o the opposite intent.

Much of this controlled chaos, state of extreme confusion and disorder has to do with the psychological make up of the legislators. There is a saying that there are three types of legislators, those who do not know what is happening, those who know what is happening and those who make things happen. This is OK if the legislators are honest, because its just a matter of follow the leader, but when the legislators are not honest or have ideological agendas, then we lose.

This is why bill makers and writers add as much as possible in the first bill, because they know that there will be opposing agendas and eventually there will be trade off and expectable compromises for those who agree with the original idea or intent. When the *“Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to abolish the Legislative Research Committee, to create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committee of the Legislature and to Provide for an Annual Rather than Biennial Budget”*, was brought before the Legislators.

L.D. 2021 and S.P. 661 was coined as legislative reform, reform being “to make a better legislative process, to make changes for improvement in order to remove injustices, to straighten out or correct a situation that was not working properly”. I personally believe several conditions existed: ignorance, stupidity or a conspiracy of sorts and levels, because the proposed removal of the “Council” was not reform of the legislative process.

To understand and prove how this plan developed, I would suggest reading the Legislative Records of the House floor debates, starting with:

June 19, 1973, page 4484-4488.

Also June 26, page 4811-4812.

Also June 27, page 4866-4878, 4882-4884.

Also June 28, page 4937-4938

Also July 02, page 4985-4986

I would suggest that the reader request this information from the Maine Law Library and read and take notes and references of the names for and against and then read it again, many times if you must, to get the jest of the arguments.

The preamble of the 1973 bill, L.D. 2021, does not mention to redistribute “Constitutional powers vested in the Executive Council”. Did the authors of the bill not understand that the ‘Councilors’ were Constitutional Officers? They must have, because they knew that the Councilors were elected and all information concerning their position had to be removed from the Maine Constitution, or did they wish to confuse their fellow legislators with the difference between Constitutional powers with the statutory powers?

The preamble of the 1973 bill 2021 states the bill will create a **Statutory** Legislative Council. This tells me that the authors realized that the Legislative Council could only council the legislature using “knowledge acquired through study, experience or instruction” as the Legislative Research Committee had done previously.

Before we begin with the floor debate, we wish to re-iterate the fact that the desired results of this imitative is to repeal the (Executive) Council, and transfer the duties & responsibility and transfer them to a re-named committee labeled the Legislative Council.

To succeed in this endeavor, a bill and a constitutional resolution must be enacted at the same time or the anticipated outcome to transfer the power from the Governor to the Legislature will not take place. The transfer of power would take place by weakening the Executive Departments tap of knowledge and to use the knowledge to the legislatives benefit.

We would like to take two statements from the record that leads us to wonder, as they did.

On June 27, 1973, Legislative Records, pg 4872, Representative Jalbert was confused as to why this bill was not being processed as past bills were treated. Mr. Jalbert Said: **“This bill never had a hearing. Someone said this bill had a hearing. When did a single member districts have a hearing? I would like to have someone give me the answer to that question?”**

On June 27, 1973, Legislative Records, pg 4883, Representative Ross exposed the history and fact that other legislators were not aware of. Mr. Ross said: **“It was neither written, seen, nor approved by any person in the office of the director or legislative research. The draft was started by one person and finished by an aide who had little technical knowledge of the process. In the engrossment process, no one could find the original**

bill, just an almost unreadable zerox copy. It was extremely poorly prepared. Twenty five references had to be corrected, and still no one could find the original bill.

I will admit that these are now in proper technical form. But in my opinion, the thought behind this bill is neither practical nor thoroughly enough studied.”

Please keep in mind the three different types of legislators. We begin the research with a few excerpts from the floor debate that pertain to the issue of repealing the “Council”. We have left out much dialogue that is not pertinent. We leave you to that responsibility to do that on your own. Please remember both the statutory bill and repugnant resolution to remove a Constitutional office would have to take place in the same session, at the same time if they were to get their way.

I have re-copied the quotes from the two representatives that exposed the fact that something is wrong with the process and intent of the bills. We did this to keep the continuity of the excerpts.

We were not present when the bill and resolution was produced, but reading the dialogue of the floor debate leads us to believe that someone, or group of people are trying to bypass the proper process and are trying to hopefully shove this bill through by ignoring the opposition and rely on the deceived and ignorant to look the other way. As we read the statements for and against, we see some legislators are fooled, some misguided, some who are misguiding and some who know what is going on and are not afraid to challenge the bill and resolution language and intent.

June 19, Page 4485, Reprehensive Silverman: I would like to throw a question out at this time to the majority floor leader and minority floor leader (John Martin). If the Statutory bill passes and the Constitutional for government reform is defeated, what are you going to do with the Suntory bill?

June 19, Page 4485, Representative Martin: If this bill should, in effect, become law without the other one becoming part of a constitution, then what you affect would have done would be to transfer the statutory powers of the Executive Council to the Legislative Council. (1st lie)

June 19, Page 4486, Representative Martin: But to answer his question directly, there is no problem. We can enact one without the other. (2nd lie)

June 19, Page 4486, Reprehensive Silverman: I also understand from the minority floor leader that if the Constitutional amendment fails, you will still stick with the statutory amendment if passed, is that correct?

June 19, Page 4486, Representative Martin: I don't believe I ought to be encouraging anyone to put words in my mouth, I have enough problem tell other people what I believe when issued by my own voice and by my self. (Contradicts first two lies)

I am saying however, that if we believe in any kind of reform, that it is impossible to enact one without the other. (3rd lie)

June 19, Page 4488, Reprehensive Curtis: To my thinking, again, this is probably the most important and far-reaching, piece of legislation, combined with the proposed constitutional amendments that will come before this legislature or has come before any Maine legislature in many years.

June 26, Page 4811, Reprehensive Ross: This bill before us right now would eventually lead us to Legislative reform whether we want it or not, and we have just proven that we do not want it. It would force us to abolish the Council and instead create a legislative Council. In my opinion, it would give too much power to the leadership and they scarcely have the time now to do all their jobs properly.

June 27, Page 4872, Representative Jalbert: This bill never had a hearing. Someone said this bill had a hearing. When did a single member districts have a hearing? I would like to have someone give me the answer to that question?

June 27, Page 4877, Representative Dudley: Now, I don't want to take away what is given to them (Executive Council) by the Constitution because I still think that is a pretty good document, it was well written and our fore-fathers had good foresight when they set this form of government up.

I do think the Governors Council probably should be elected by the people to be more reflective of the people either that or elected by the delegation from each county.

June 27, Page 4883, Representative Ross exposed the history and fact that other legislators were not aware of. Mr. Ross said: I would like to give you a little history of this bill that I don't believe that you know. It was neither written, seen, nor approved by any person in the office of the director or legislative research. The draft was started by one person and finished by an aide who had little technical knowledge of the process. In the engrossment process, no one could find the original bill, just an almost unreadable zerox copy. It was extremely poorly prepared. Twenty five references had to be corrected, and still no one could find the original bill.

I will admit that these are now in proper technical form. But in my opinion, the thought behind this bill is neither practical nor thoroughly enough studied.

Many want a stronger Governor. In certain areas I agree. However, be he a Republican or Democrat, I believe few people would be willing to go as far as this bill goes and I hope it fails of a final enactment.

The package was sent to the Senate for the last time and it was sent back to the House where Representative Martin refused to give up and called for a vote to recede. (See below)

July 02, Page 4985-4986, Representative Ross. After an excellent last chance solicitation for reason, Mr. Ross said: "I move the indefinite postponement of this bill. I go with the yeas and nays, and I hope you do not recede and concur." Recede or recede and concur: *(An action whereby, in the face of conflicting action on a bill by the other chamber, one chamber elects to revoke its prior action. Frequently, this action is coupled with the decision to agree with the other chamber.)*

Note: it was John Martin who motioned and pushed to recede and concur (See above), however the vote was two to one, 42 yea & 84 no. Mr. Ross immediately called for a vote to adhere and the vote was 72 yea and 43 no: it was over! Adhere: *(a parliamentary action whereby, in response to conflicting action on a bill by one chamber, the other chamber of the*

legislature votes to stand adamantly by its previous action. It is not proper for the adhering body to request a committee of conference, and to vote to adhere to a negative vote kills a bill. This motion is stronger than the motion to INSIST, it is opposite to the motion to recede.

CONCLUSION

This was the fourth session that an attempt was made to remove the “Council” from the Maine Constitution and it was voted down because there were enough Legislators that knew the truth. Apparently it was not the last effort, because the repeal to end the “Council” was re-introduced in the 107th legislature and it was finally successful in 1975-1976. It was rumored that an effort was made to find and elect new legislators that would agree with the proposed removal of the “Council” and pass the repeal.

Please note the new names and lack of support for the Maine Constitution in Addendum #1

ADDENDUM #1

What follows are excerpts (pages 4484 to 4488) from communications recorded in the legislative records on June 19, 1973.

There are four starred notes of additional information; from the Author (Phil Merletti) of this document.

I draw your attention to four sections highlighted in yellow that are important to understand the intent of those who are identified and recorded.

LEGISLATIVE RECORD-HOUSE, JUNE 19, 1973. Page 4484

The Chair laid before the House the second tabled and today assigned matter: Bill "An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature and to provide for an Annual Rather than Biennial Budget" (S. P. 661) (L.D. 2021).

Tabled - June 15, by Mr. Simpson of Standish.

Pending - Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as you realize, does not need a 2-3 vote, because it just redistributes certain statutory powers and does things like this. But if we pass this bill before we even act on the constitutional amendment, we will be forcing ourselves into abolishing the Executive Council and abolishing the Legislative Research Committee. I don't think we want to do that yet.

I now move indefinite postponement of this bill.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the indefinite postponement of L. D. 2021 and all accompanying papers.

Mr. Simpson of Standish requested a roll call vote.

The SPEAKER: 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.

LEGISLATIVE RECORD-HOUSE, JUNE 19, 1973 page 4485

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

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I completely concur with the remarks made by the gentleman from Bath, Mr. Ross, with regard to this bill. I happen to be one of those who probably are not going to go along with some of the provisions of the reorganization bill will cause us to amend the constitution. I realize this bill is only a majority vote. However, I would feel that those who feel that they are likely to be inclined not go along with the reorganization embodied by such things as single member districts, the abolition of the council, and many other things too numerous to mention, when they vote would beal!" this in mind. This is the beginning of going along that course, and I do not propose to take it, and I think 'that those who feel as I do would be well advised to do likewise.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to vote for the indefinite postponement of this piece of legislation. There is one thing I would promise you, at least as far as my own vote goes and my own position on this thing, and that is that We are only into the engrossment on it right at the present time. It is not my intention to ever let this go through enactment in this body until such time as the other bill comes through and is passed first. I feel that is the only way that it should be handled, but I do feel at this time those of us who feel that **legislative reform** is a very vital, essential part of this legislature and in the best interest of governing this state, that we should not indefinitely postpone this, that we should engross it today.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As I have stated more than once, I have grown to like and respect the gentleman from Standish, Mr. Simpson, a great deal. My old pappy told me never to go back

to the same bad barn twice. I remember one time when the gentleman from Bath, Mr. Ross, and I went along with an amendment that the gentleman from Standish, Mr. Simpson, put in, and after we went along like a couple of donkeys, I, whammo, indefinitely postponed the whole bill. So I think maybe we better go along with the fine thing the gentleman from Bath, Mr. Ross, is doing and the fine gentleman from Perham, Mr. Bragdon and then we will be safe.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: I would like to throw a question out at this time to the **majority floor leader** and the **minority floor leader**. If the statutory bill passes and the constitutional bill for government reform is defeated, what are you going to do with the statutory bill?

The SPEAKER: The gentleman from Calais, Mr. Silverman, poses a question through the Chair to anyone who may answer if he or she wishes. The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: In response to the question, let me put it this way. If the Governor of the State of Maine in 1965 had not vetoed the statutory changes dealing with the powers of the governor's council, we would have done away with most of those powers that the council held at that time. Those powers would have been transferred. If this bill should, in effect, become law without the other one becoming part of a constitution, then what you in effect would have done would be to transfer the **statutory powers of the Executive Council** to the Legislative Council.

*** (Note #1; The Executive Council had Constitutional Powers! Constitutional Powers of the Executive Council cannot be transferred to the Legislative Department.) This was the first lie!**

LEGISLATIVE RECORD-HOUSE, JUNE 19, 1973. page 4486

You would have also abolished the Legislative Research Committee and created instead the Joint Standing Committee. You would also provide for an annual rather than the biennial state budget, and you would also provide for a legislative council consisting of the Leadership consisting of ten people. Now, keep in mind that all of this package that the gentleman is concerned about could indeed stand on its own two feet. This particular package needs 101 votes in order to become enacted by this body. The other bill, which deals with the constitutional amendments going to the people, needs 2/3 of the votes of those present and voting. So, in effect, you would not need the 101 votes necessary as you need on this particular bill. I want to make it perfectly clear, as the President would say, that this bill can stand alone, if that is the wish of this body. The gentleman from Standish has indicated that we 'Ought to consider both of them together, and I agree. But to answer his question directly, there is no problem. We can enact one without the other.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Members of the House: To give the gentleman from Calais, Mr. Silverman, my position on this thing, I would just repeat what I started with, that I personally do believe the two of them do go hand in hand, and as far as I am concerned, the other one has to be passed by this body and the other body and go before this one does. I personally am not ready yet as much as I believe that most of this should go into law, I am not ready to take and give up and enact this package without the other one first being passed and out to the people. That is why I said as far as I am concerned, I am willing to let it go to the enactment stage; that therefore, at that stage, we should hold it and bring the other one along first. The two of them go hand in hand, they are part of a package, and therefore, should be considered as a package. If later you want to consider them individually, fine; but as far as I am concerned, if the constitutional question package does not pass, I will never vote for this one.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: As I understand from the majority floor leader, if the constitutional amendment

fails enactment in this House, the statutory reform will not take place either from your chair.

I also understand from the minority floor leader (John Marten) that if the constitutional amendment fails, you (John Martin) will still stick with the statutory amendment if passed, is that correct?

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: I don't believe I ought to be encouraging anyone to put words in my mouth, I have enough problem telling other people what I believe when issued by my own voice and by myself. I made the statement that both packages ought to be considered together; that we ought to be talking about and enacting both of them. Now, how we do that, which bill comes first, is, in part, academic and in part, trying to figure out who is going to have what power at what time. I am saying, however, that if we believe in any type of reform, that it is possible to enact one without the other.

*** (Note #2: This is the second lie! If the Executive Council is abolished, the protection for the Governor from signing a Repugnant bill is totally removed and the Legislative Council's hierarchy and power is subject and left to the power of the controlling political party for the Legislature only!)**

Now if you are asking me point blank would I support this and not the other, I doubt that, but I will reach that bridge when I get there if the other bill is defeated. I think it is important to keep in mind that we are talking about a complete package. We are not going to agree on everything. We may never disagree on some things, but we have to determine whether or not the people of Maine are going to be better served by what we have after we are through.

LEGISLATIVE RECORD-HOUSE, JUNE 19, 1973. Page 4487

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker Ladies and Gentlemen of the House: I think I agree to some extent with the gentleman from Eagle Lake, Mr. Martin. However, my position here is that I would feel if I should vote to take the powers away from the council and then I found that we didn't have votes enough to eliminate the council, I would feel a little as if we had done the wrong thing.

*** (Note #3: If the Constitutional Power is removed from the Council, they have essential abolished the Council, as the intent of the Council is for their knowledge to give Constitutional advice to the Governor!)**

At least I think we should remove their salary when we remove their powers, and nothing has been done about that. We would feel a little awkward if they came down here and sat around the next legislative session with no authority and still collecting their \$20, \$25 a day. I don't know if this could be provided for, and perhaps it may be in this package. I do feel that if we have the votes to make this de-organization that we talk about, I will go along with it gracefully, and in this stage of the game, I don't believe we have got them. So for that reason, I feel that we should not take this one step. If you want to keep these bills together, that is all well and good, but I think we better watch out that we don't start down the path too far ahead, one ahead of the other.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to comment briefly on remarks made by the gentleman from Eagle Lake, Mr. Martin.

He said that if the governor had not vetoed this bill, it would be law now. He realizes that in 1965, both bodies were controlled by the Democrats. I would like to remind him that the loyal opposition did not go along with this, and the governor who happened to be a Republican did veto it.

Such, of course, has been the same the last three terms. The Republicans have had a slight majority. There have been things that we have wanted to go through we have put through to the Governor's desk, and he has vetoed them. They also would be law if he had not vetoed them.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to comment, too. I think that this is the reverse of divide and conquer. We are asked today to vote on two very important things, not necessarily connected in any way, in hopes that there will not be debate - at least this is my opinion - that there will not be the same amount of debate on the two bills. There seems to be no connection, in my mind, whether we should eliminate the research committee or whether we should have a legislative council. Either one should, in my opinion, stand on its own feet and not be combined and sluffed over so that there will be a better chance to pass the two of them. I think that it is quite different whether or not we feel that the Legislative Research Committee does as good a job as the individual standing committees might do. And this is what this part talks about. The other section, you address yourself to whether or not the Executive Council could best be promoted or replaced by the Legislative Council. I am not sure how you folks feel about this, but I think you should give it some thought.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: Before we vote on this, I hope we don't lose track of a couple of very important things. The first is this is indeed at the engrossment stage and not at the enactment stage, and that there would, of course, be some changes made if we were to get the whole package. More important than that by far, it seems to me is that we now have an opportunity at the end of what has been a very long and I think productive session to really provide some meaningful reform of the legislature and the legislative process.

If you will remember back with me far just amendment to the first day of this session, a day that is usually devoted to great formalities when we stayed in our seats here in the House until the very end of the afternoon in order to vote, finally after much debate by an overwhelming margin, to provide ourselves with same staff assistants. That was an attempt by this body, it seems tame, to provide ourselves with the tools we needed to work properly.

Now, a lot of work has been done on this bill, some of it by the State Government Committee but most of it by the leaders of the two political parties and people outside this particular body who are very concerned with legislative reform. To my thinking, again, this is probably the most important and far-reaching piece of legislation, combined with the proposed constitutional amendments, that will come before this legislature or has come before any Maine legislature in many years. I certainly hope it receives a favorable vote at this time.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to put a little meat in the potatoes if I could. I would like to ask a question of the gentleman from Orono, Mr. Curtis. If there was one item in here that was killed finally in a statutory manner, if that item was not in here, would he vote for the enactment of this bill. The item is called single member districts.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, to indefinitely postpone L. D. 2021 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA - Albert, Baker, Binnette, Bragdan, Brawn, Bunker, Cameron, Carey, Carie'l, Churchill, Cate, Curran, Danaghy, Dunn, Evans, Faucher, Finemare, Fraser Good, Herrick, Hunter, Immanen, Kelley, Keyte, Littlefield, McNally, Merrill, Parks, Rallins, Ross, Shaw, Silverman, Stillings, Trumbull, Webber, Willard.

NAY - Ault, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Baudreau, Brawn, Bustin, Carter, Chick, Chanka, Clark, Cannally, Caoney, Cattrell, Crammett, Curtis, T. S., Jr.; Dow, Dr i gat as, Dunleavy, Dyar, Emery, D. F.; Farnham, Fecteau, Ferris, Flynn, Gahagan, Garsoe, Gauthier , Genest, Gaadwin, H.; Goodwin, K.; Greenlaw, Hamb~en, Hancock , Haskell, Henley, Habbins, Haffses, Huber, Jackson, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Kilray, Knight, LaCharite, LaPainte, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahan, McTeague, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pratt, Rolde, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Susi, Talbot, Theriault, Trask, Tyndale, Walker, Wheeler, White, Whitzell, Wood, M. E., The Speaker.

ABSENT - Briggs, Con ley,Cressey, Dam, Davis, Deshaies, Dudley, Farley, Far r i n g ton Jacques, Pontbriand, Ricker, Santoro, Sheltra, Strout, Tanguay, Tierney.

Yes, 36; No, 98; Absent, 17.

The SPEAKER: Thirty-six having voted in the 'affirmative and ninety-eight in the negative, with seventeen being absent, the motion does not prevail. Thereupon, the Bill was passed to be engrossed and sent to the Senate.

*** Note #4: The Bill and Constitutional Resolution never came to be. This did not stop those who wished to destroy the intent and need for the Constitutional Council. During the 106th and 107th reassess, a move was made to elect sympathetic, manipulable and manipulative legislators to repeal the Council. The Bill and Constitutional Resolution was resubmitted and finally passed in 1975.**