

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, June 21, 1963

Senate called to order by the President.

Prayer by the Rev. Joseph Craig of Augusta.

On motion by Mr. Hinds of Cumberland, the Journal of yesterday was read and approved.

House Papers

Non-Concurrent Matters

Bill, An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1964 and June 30, 1965. (S. P. 632) (L. D. 1595)

In Senate, Passed To Be Engrossed.

Comes from the House, Passed to be Engrossed As Amended by House Amendment "A" (H-492) in Non-Concurrence.

In the Senate, House Amendment A was read and the Senate voted to recede and concur.

Mr. REED of Sagadahoc presented the following order and moved its passage:

ORDERED, the House concurring, that the Legislative Research Committee be directed to study the program of the Military and Naval Childrens Home located in Bath, Maine. In so doing, the efficiency, the adjustment of the child, the contribution of the area, the physical plant and the overall contribution to the State and departments involved shall be studied and the results reported to the 102nd Legislature.

Read and passed.

Committee Reports —

Majority — Ought Not to Pass

Minority — Ought To Pass

The Majority of the Committee on Taxation on Bill, An Act Increasing the State Liquor Tax. (H. P. 825) (L. D. 1212) reported that the same Ought Not To Pass (signed)

Senators: WYMAN of Washington
BROWN of Hancock

LETOURNEAU of York

Representatives: WATERMAN

of Auburn

JONES of Farmington
COTTRELL of Portland
ALBAIR of Caribou

The Minority of the same Committee on the same subject matter reported that the same Ought To Pass (signed)

Representatives:

WOOD of Brooks

BROWN of Fairfield

AYOOB of Fort Fairfield

Comes from the House, Minority — Ought To Pass Report Read And Accepted.

In the Senate, on motion by Mr. Wyman of Washington, tabled pending acceptance of either report and especially assigned for later in today's session.

Second Reader

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

Senate — As Amended

Bill, An Act to Authorize General Fund Bond Issue in Amount of Seventeen Million Dollars and to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Year Ending June 30, 1964. (H. P. 263) (L. D. 357)

In Senate June 20, House Amendments "C" (H-475) "D" (H-479) and "E" (H-486) were Adopted in concurrence, and Senate Amendment "C" (8-333) was Adopted.

And on motion by Mr. Edmunds of Aroostook, tabled pending passage to be engrossed.

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (S. P. 287) (L. D. 860) Senate Report, Ought Not to Pass, covered by other legislation, from the Committee on Appropriations and Financial Affairs on bill, "An Act to Authorize the Construction of Buildings and Plant Facilities for the University of Maine and the Issuance of not Exceeding Twenty Million Dollar Bonds of the State of Maine for the Financing Thereof"; tabled on June 20 by Senator Campbell of Ken-

nebec pending acceptance of the report; and on further motion by the same Senator, the Ought not to pass report was accepted.

Sent down for concurrence.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 313) (L. D. 406) bill, "An Act Increasing Sales Tax"; tabled on June 20 by Senator Edmunds of Aroostook pending motion to reconsider; and that Senator was granted permission to withdraw his motion to reconsider.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 872) (L. D. 1259) bill, "An Act Relating to Partial Unemployment Benefits and Experience Rating Record under Employment Security Law; tabled on June 20 by Senator Edmunds of Aroostook pending passage to be engrossed; and on further motion by the same Senator, the bill was retabled and especially assigned for later in today's session.

The President laid before the Senate the 4th tabled and specially assigned matter, (H. P. 871) (L. D. 1258) Bill, "An Act Relating to Disqualification and Claims for Benefit and Employer's Contribution Rate Under Employment Security Law," which was tabled on June 20th by Senator Edmunds of Aroostook pending passage to be engrossed; and on motion by Senator Edmunds the bill was retabled and specially assigned for later in today's session.

The President laid before the Senate the fifth tabled and specially assigned matter, (S. P. 453) (L. D. 1345) Bill, "An Act Amending Certain Provisions of the Employment Security Law," which was tabled on June 20th by Senator Couture of Androscoggin, pending passage to be engrossed.

Mr. COUTURE of Androscoggin: Mr. President, for the purposes of preparing an amendment which is not quite ready, I move to table this matter until later in the day.

The motion prevailed and the bill was retabled and specially assigned for later in today's session.

On motion by Mr. Edmunds of Aroostook,

Recessed to sound of the bell.

House Papers

Non-Concurrent Matters

Bill, An Act Providing for State Support of Education Foundation Program and the Financing Thereof. (H. P. 1067) (L. D. 1532)

In House, June 18—Bill Indefinitely Postponed.

In Senate, June 20—Passed to be Engrossed as Amended by House Amendment "B" (L. D. 1598) and by Senate Amendment "A" thereto (S-321).

Comes from the House, that body having insisted and asked for a Committee of Conference. The Speaker appointed as House Members:

Mr. EASTON of Winterport
Mr. TREWORGY of Gorham
Mr. SNOW of Jonesboro

In the Senate, on motion by Mr. Cram of Cumberland, the Senate voted to insist and join in the Committee of Conference.

Bill, An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders. (S.P. 628) (L. D. 1589)

In House, June 18, Passed to Be Engrossed As Amended by House Amendments "A", "B", and "D" in Non-concurrence.

In Senate, June 19, House Amendments "A" "B" and "D" Indefinitely postponed, and voted to Insist.

Comes from the House, that body having insisted and asked for a Committee of Conference; The Speaker appointed as House conferees:

Mr. BERMAN of Houlton, Mr. CROMMETT of Millinocket and Mr. SNOW of Jonesboro.

(The motion to Reconsider was made and lost)

In the Senate, on motion by Mr. Wyman of Washington, tabled

until later in today's session pending consideration.

Committee Report — House Ought to Pass in New Draft

The Committee on Appropriations And Financial Affairs on Bill, An Act to appropriate moneys for capital improvements, construction, repairs, equipment, supplies and furnishings for the fiscal years ending June 30, 1964 and June 30, 1965. (H. P. 265) (L. D. 359) reported that the same ought to pass in new draft — same title (H. P. 1109) (L. D. 1591)

Comes from the House, Passed To Be Engrossed as Amended by House Amendment "A" (H-476)

In the Senate, the report was read and accepted, House Amendment A read and adopted, the rules suspended, the bill read twice, and on motion by Mr. Edmunds of Aroostook, was tabled until later in today's session pending passage to be engrossed.

Enactors

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

Bill, An Act to Increase the Pensions of Certain Retired Teachers. (H. P. 246) (L. D. 314)

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

Bill, An Act Relating to Eligibility of Trustees as Directors of Trust Companies. (H. P. 657) (L. D. 913)

Bill, An Act Relating to Election Recounts. (H. P. 1058) (L. D. 1523)

Bill, An Act Relating to the Organization of the Maine State Guard. (S. P. 86) (L. D. 192)

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

Resolve, in Favor of Town of Arrowsic and Town of Stockton Springs. (S. P. 141) (L. D. 418)

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

Bill, An Act Directing Review of Maine Criminal Statutes and

Model Penal Code. (S. P. 2737) (L. D. 787)

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

Bill, An Act Creating an Allagash River Authority for State of Maine. (S. P. 581) (L. D. 1534)

(On motion by Mr. Cyr of Aroostook, tabled until later in today's session pending enactment).

Constitutional Amendment

Resolve, Proposing an Amendment to the Constitution Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House. (H. P. 1110) (L. D. 1592)

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

The President laid before the Senate Item 6-1 on today's Calendar, Committee reports on bill, "An Act Increasing the State Liquor Tax" (H. P. 825) (L. D. 1212) tabled earlier in today's session by Senator Wyman of Washington pending acceptance of either report; and on further motion by that Senator, the bill was retabled and especially assigned for the next legislative day.

The President laid before the Senate Item 7-1 on today's calendar bill "An Act to Authorize General Fund Bond Issue Amount of Seventeen Million Dollars and to appropriate moneys for capital improvements, construction, repairs, equipment, supplies and furnishings for the fiscal year ending June 30, 1964 (H. P. 263) (L. D. 357) tabled earlier in today's session by Senator Edmunds of Aroostook and that Senator moved that the bill be retabled and especially assigned for later in today's session.

Thereupon, on motion by Mr. Lovell of York

A division of the Senate was had.

Twenty-four having voted in the affirmative and four opposed, the motion to table prevailed.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 872) (L. D. 1259) bill, "An Act Relating to Partial Unemployment Benefits and Experience Rating Record under Employment Security Law"; tabled earlier today by Senator Edmunds of Aroostook; and on further motion by the same Senator the bill was retabled and especially assigned for later in today's session.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 871) (L. D. 1258) bill, "An Act Relating to Disqualification and Claims for Benefit and Employer's Contribution Rate under Employment Security Law"; tabled earlier in today's session by Senator Edmunds of Aroostook pending passage to be engrossed; and on further motion by the same Senator, the bill was retabled and especially assigned for later in today's session.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 453) (L. D. 1345) bill, "An Act Amending Certain Provisions of the Employment Security Law" tabled earlier in today's session by Senator Couture of Androscoggin.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: This amendment would only allow the press — Chapter 1, Section 39 — this is a part of the "Right to Know" law which allows anybody to hold executive sessions at any time. In other words if, during a hearing, one party or the other wants to hold an executive session they are entitled to do it. I hope that this amendment now will have passage.

Mr. BOARDMAN of Washington: Mr. President and members of the Senate: Yesterday afternoon we had a debate on this particular bill, and as far as this amendment is concerned it is exactly what I had in mind, and as far as I am concerned this cures any defects that the amendment had yesterday, and I would certainly approve it.

Mr. EDMUNDS of Aroostook: Mr. President, I arise in a state of ignorance to direct a question to any member of the Senate who might be able to answer it for me. Would the press now have the privilege of attending these hearings, other than executive sessions, under the so-called "Right to Know" law enacted by the 99th Legislature. I would appreciate it if any Senator could answer it.

The PRESIDENT: The Senator from Aroostook, Senator Edmunds, poses a question through the Chair to any Senator, who may answer if he chooses.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: Repeating myself from yesterday, I sent this to the Commission two years ago and the matter went to the Attorney General and the answer was no, it was left to the discretion of the Commission. There has always been a question in my mind under this "Right to Know" law how could that be denied.

On motion of Mr. Edmunds of Aroostook, the bill was tabled until later in today's session pending adoption of Senate Amendment "D".

Recess

After Recess

Senate called to order by the President.

The PRESIDENT: With reference to Item 1-1 on today's supplemental calendar, An Act Providing for State Support of Education Foundation Program and the Financing Thereof", the Chair will appoint as Senate conferees, Senators: Cram of Cumberland, Stitham of Somerset and Brooks of Cumberland.

The President laid before the Senate the 5th tabled item (S. P. 453) (L. D. 1345) bill, "An Act Amending Certain Provisions of the Employment Security Law"; tabled earlier in today's session by Senator Edmunds of Aroostook pending adoption of Senate Amendment D.

Mr. EDMUNDS of Aroostook: Is it Senate Amendment "B" or "D", Mr. President?

The PRESIDENT: "D", as in "dog."

Mr. EDMUNDS of Aroostook: Mr. President, I would call attention at this time to the rapport which exists between the President of the Senate and the majority floor leader. (Laughter)

I would like to move the indefinite postponement of Senate Amendment "D". I will be very brief in the remarks I have to make. During the recess I have consulted with certain officials of the Employment Security Commission and I have read the parts of the law which are pertinent to the hearings which are held, and I am as firmly convinced today that this is poor legislation as I was when I debated it at somewhat greater length yesterday. I would move that when the vote is taken on my motion for indefinite postponement that it be by a division.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: I am kind of shaken in regard to the statement about poor legislation and a poor amendment. It is based on the "Right to Know" law and the people voted for the "Right to Know" law which would allow the reporters and the press to be at the hearing, and under Chapter 1 the persons that made a claim for a hearing on a denial could go to an executive session at any time they wanted to. That is just exactly how this chapter reads. I cannot understand the good Senator from Aroostook County going against such an amendment. There was no part of the law that deprived the reporter from attending these hearings, and it was brought out that it was denied by the Attorney General and also the Commission and now there is a question in their minds whether they are entitled to attend or not according to the law. I stand here and I am anxious to get the answer as to whether they are entitled to or not. If I remember right it was tabled on this basis, to find out more about the law, whether or not they are entitled to attend these hearings.

I would like to ask any member of the Senate here if he can answer whether they can attend or can't attend.

The PRESIDENT: The Senator from Androscoggin, Senator Couture, poses a question through the Chair to any Senator who may answer if he chooses.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I have checked with the attorney for the Commission during our recess and the Commission, on advice of counsel has been conducting these hearings in closed session, and this is based upon several sections of the unemployment security law dealing with the fact that reports, records and so forth shall be confidential, and other portions of the law which refer to certain privileges in relation to information and testimony at these hearings. I would assume that this opinion is concurred in by the federal attorneys who are also interested in this same law because of the matching funds by the government.

I think that actually it pretty much boils down to a matter of philosophy. I would surmise that an amendment such as this, if enacted and the press were to be present at all hearings the first one, as a rule that would be objecting would be the employee, who would not care to have many of these things reported in the press. On the other hand the press probably would not report many incidents in going to the great majority of these routine appeals before the hearing examiner or the appeal tribunal, even though it is one man sitting as a rule. But it really is a matter of philosophy and I cannot see where there would be any great harm done by having an amendment such as this, so I shall vote for it.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Edmunds, that Senate Amendment D be indefinitely postponed.

A division of the Senate was had.

Seventeen having having voted in the affirmative and eleven in the negative, the motion to indefinitely

postpone Senate Amendment D prevailed.

Thereupon, the bill was passed to be engrossed.

The President laid before the Senate Item 1-2 on today supplemental calendar bill, "An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders" (S. P. 628) (L. D. 1589) tabled earlier in today's session by Senator Wyman of Washington.

Mr. WYMAN of Washington: Mr. President and members of the Senate, in an effort to bring this to a vote in the other branch, I offer Senate Amendment C which makes a slight change and I move its adoption.

Thereupon, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, Senate Amendment C was read and adopted and the bill as amended was passed to be engrossed and ordered sent forthwith to the House.

The President laid before the Senate Item 8-7 on today's supplemental calendar, Bill, "An Act Creating an Allagash River Authority for State of Maine (S. P. 581) (L. D. 1534) tabled earlier in today's session by Senator Cyr of Aroostook pending enactment; and that Senator moved the indefinite postponement of the bill and all accompanying papers and requested a division.

Thereupon, Senator Whittaker of Penobscot was excused from voting and his vote was paired with the vote of Senator Hichborn of Piscataquis.

Senator Brooks of Cumberland was excused from voting and his vote was paired with the vote of Senator Noyes of Franklin.

Senator Porteous of Cumberland was excused from voting and his vote was paired with the vote of Senator Letourneau of York.

A division of the Senate was had.

Fifteen having voted in the affirmative and twelve opposed, the motion prevailed and the bill and all accompanying papers were indefinitely postponed.

Mr. JACQUES of Androscoggin: Mr. President, I wish to inquire if L. D. 1169, An Act Relating to Discrimination in Rental Housing is in the possession of the Senate.

The PRESIDENT: The Chair will answer in the affirmative, the bill having been held at the request of Senator Campbell of Kennebec.

Mr. JACQUES of Androscoggin: Mr. President, having voted on the prevailing side I now move that the Senate reconsider its action whereby this bill was passed to be engrossed as amended.

Mr. WHITTAKER of Penobscot: Mr. President, I oppose the motion to reconsider and ask that a division be had when the vote is taken. It is not my intention to debate this bill on the merits because this has been done three times. However, I do want to take a moment to state the history of our parliamentary procedure on this particular bill so you may know why I am opposing the motion for reconsideration.

May I explain first that my connection with this particular bill stems from the fact that I was requested to sponsor it by the so-called Equal Opportunities Committee, comprised of leading clergymen, laymen, educators, lawyers and others in the State.

When the bill first came before us it had its first reading by a vote of 18 to 8. It was then amended to eliminate the exceptions so that it would apply to all rental housing. This was done against my desires in the matter since the original bill did make a distinction between private and public domain in that it provided that the bill did not apply to dwellings in which there were more than two units one of which was occupied by the owner. The bill passed its first three readings in the House and on enactment failed of passage by eight votes and was returned to us in non-concurrence, as you all remember, I am sure, all of you who were here. The Senate then voted to add an amendment which restored the exceptions and also took care of some of the argu-

ments against the bill which had been set forth in the other body, particularly with relation to summer housing. So the bill has now been amended and, if it is not reconsidered here will go to the other body for consideration. Then before it can be enacted it must be returned to this body at the enactment state. I feel that it does not need to be debated or reconsidered at this time on its merits. We have done that three times, as I have indicated and I think the position of the Senate has been the same on each occasion. I hope therefore that we may now allow the other body to consider this matter, on its merits as amended, and then if they approve we can reconsider it on its merits when it comes back for enactment. I hope therefore that the motion to reconsider may not prevail.

Mr. EDMUNDS of Aroostook: Mr. President, I do not want to be discourteous to Senator Jacques of Androscoggin or Senator Whittaker of Penobscot, but at this time I would ask the Chair to declare a three minute recess before the vote is taken on this measure.

The President declared a three minute recess.

After Recess

Senate called to order by the President.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate, I would like to explain why I requested reconsideration. Yesterday in the Senate there were members not present and I was doing this as a courtesy to the members that were not here. I shall vote against the motion to reconsider.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, this morning the Senator from York, Senator Letourneau was in contact with the Senator from Androscoggin, Senator Jacques and requested that Senator to see if he could arrange a pair on this vote for reconsideration. Senator Jacques has requested if I would be willing to pair my vote with Senator Letourneau. If he were here he would vote against reconsideration

and I would vote for reconsideration and thus I request to be excused from voting.

The Senator was excused from voting and his vote was paired with the vote of Senator Letourneau.

Mr. CYR of Aroostook: Mr. President, Senator Hichborn asked me yesterday afternoon if I would pair my vote on this. If he were here he would vote against reconsideration and I would vote for reconsideration.

Thereupon that Senator was excused from voting and his vote was paired with Senator Hichborn of Piscataquis.

The PRESIDENT: The question is on the motion of Senator Jacques of Androscoggin that the Senate reconsider its action whereby this bill was engrossed as amended. A division has been requested.

A division of the Senate was had.

Twelve having voted in the affirmative and fourteen in the negative, the motion to reconsider did not prevail.

Mr. EDMUNDS of Aroostook: Mr. President, I am about to make a recess motion which I anticipate will last approximately thirty minutes. I move that the Senate recess to the sound of the bell.

The motion prevailed and the Senate recessed.

After Recess

Senate called to order by the President.

Out of Order and under suspension of the rules:

From the House:

Bill, "An Act Amending Certain Provisions of the Employment Security Law" (L. D. 1345)

Which bill was passed to be enacted.

On motion by Mr. Edmunds of Aroostook,

Recessed until 7:30 tonight.

After Recess

Senate called to order by the President.

Additional Papers from the House Non-Concurrent Matter

Bill, "An Act Relating to the Educational Foundation Program Allowances." (H. P. 862) (L. D. 1249)

In Senate, June 20, passed to be engrossed as amended by House Amendment "A" (H-465) and House Amendment "B" (H-466) and by Senate Amendment "A" thereto, in Non-concurrence.

Comes from the House — House Amendment "B" indefinitely postponed, and passed to be engrossed as amended by House Amendment "A" (H-465) and House Amendment "C" (H-500) in Non-concurrence.

Mr. BROOKS of Cumberland; Mr. President, I move that we recede and concur.

The Secretary read House Amendment C.

Mr. CRAM of Cumberland: Mr. President, I would like to inquire of any member of the Senate who is able to answer that the cost of this bill would be in this form.

The PRESIDENT: The Senator from Cumberland, Senator Cram, poses a question through the Chair to any Senator, who may answer if he chooses.

Mr. BROOKS of Cumberland: Mr. President, this bill in its entirety will cost in the neighborhood, I believe, of six to seven hundred thousand dollars for the second year of the biennium.

Thereupon, the Senate voted to recede and concur.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee study the relationship between the State ETV network and WCBB and costs relative thereto, and report the result of these findings to the next special or regular session of the Legislature. (H. P. 1121)

Comes from the House read and passed.

Which was read and on motion by Mr. Brown of Hancock was placed on the Special Legislative Research Table pending passage.

Committee Reports — House

Majority — Ought to Pass in New Draft "A"

Minority — Ought to Pass in New Draft "B"

The Majority of the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve, Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives. (H. P. 1030) (L. D. 1495) reported that the same Ought to pass in New Draft "A" (H. P. 1116) (L. D. 1599) (Signed)

Senators:

PORTEOUS of Cumberland
FARRIS of Kennebec

Representatives:

VILES of Anson
BERMAN of Houlton
PEASE of Wiscasset
DENNETT of Kittery
SMITH of Strong
SMITH of Bar Harbor
WATKINS of Windham

The Minority of the same Committee on the same subject matter reported that the same Ought to pass in New Draft "B" (H. P. 1117) (L. D. 1600)

(Signed)

Senators:

JACQUES of Androscoggin
EDMUNDS of Aroostook
NOYES of Franklin

Representatives:

PLANTE
of Old Orchard Beach
COTTRELL of Portland
CARTIER of Biddeford

Comes from the House Minority Report "B" read and accepted, and passed to be engrossed as amended by House Amendment "A" (H-485)

In the Senate:

Mr. EDMUNDS of Aroostook: Mr. President, I move the acceptance of Minority Report B, H. P. 1117, L. D. 1600.

Mr. LOVELL of York: Mr. President and members of the Senate: I have not studied this constitutional amendment at any great length. I am impressed, however, by the signers of the new draft

“Ought to pass” report, the New Draft “A”.

I am from York County and I am here to vote for the best interests of my county, and I am wondering if this is for the best interests of my county if I vote for New Draft “B”. I have voted consistently with progress for the State of Maine. I note one signer in particular of New Draft “B” and I happen to know the reasons why he signed it. So I would move the indefinite postponement of New Draft “B” at this time, feeling that it will hurt the Republican Party in York County as well as the Republican Party in the entire State, and I definitely feel that as a Republican — and I may not be the best Republican in York County by any means — but as a Republican of York County I do not feel that I can accept New Draft “B”, certainly without further study of the draft.

This amendment to the Constitution has come to us very quickly. It has been suggested by many papers that we would not even figure on reapportionment of the House. Nevertheless this draft has come out. I do not feel that I can go against the great number of Republicans that have signed New Draft “A”, and for that reason I hope that the Senate will go along with the indefinite postponement of New Draft “B”, and I feel that in the long run it will be better for my party and for the people in the front office and the entire legislature if we do not accept New Draft “B”.

The PRESIDENT: The Senator from York, Senator Lovell, moves indefinite postponement of the minority report.

Mr. EDMUNDS of Aroostook: Mr. President, all I can say in answer to the good Senator from York, Senator Lovell, is that Draft “B” is a completely fair reapportionment proposal from the Committee on Constitutional Amendments. I believe I am correct in saying that many of the people who have signed Draft “A” are now prepared to vote for Draft “B”, and when the vote is taken on this measure I request a division.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: Having signed the Republican proposal, Report “A”, I certainly feel that some explanation should be given as to the reason that I signed Report “A”. This is a rather important issue, one of the most important to be brought before this Legislature, and I certainly join with my colleague from York, Senator Lovell, in his sentiment that it is late and there has not been much opportunity for study of the two issues.

A great number of hours were put into this matter of reapportionment by the committee and particularly by the Chairman and those of us who were to make practically all of the special early morning meetings that were held on this issue. In coming up with Report “A”, if you will look at the bill, which is L. D. 1599, the real gist of the apportionment is on the second page in what would be Section 3 of the Constitution. The last sentence, “No voter shall vote for more than one representative” was inserted into this measure after the proponents of Report “B” submitted their proposal, and I think it only fair to explain that it was on the day or at least no earlier than the day prior to the last day that the committees were supposed to clear all reports and the committee chairmen have the final reports filed with this legislature. That was the first time that any of us saw this so-called Report “B” and the first two drafts we saw that as a matter of fact were not identical with the final draft known as L.D. 1600.

I have seen the figures worked out on several counties and I do concur with the Senator from Aroostook, Senator Edmunds, that at least in the counties where I have seen this actually worked out — and I have had it worked out in the County of Kennebec this afternoon — that it does work out on a fairly equitable basis. You may have quite a variance in some counties of which we have no knowledge at this time on the number of people that a representative will be representing. Unfortunately the proponents of

this measure did not, as did the proponents of Report "A", work out a detailed tabulation of just what the effect of the formula would be, so we have never had anything before us as to what its effect would be on a statewide basis.

I might also point out that Report "B" as amended by House Amendment "A" makes a great deal of difference in the entire context and content of the resolve. The amendment is included as an integral part of Report "A" and is now included in Report "B" as a House amendment, and certainly this House amendment sweetens Report "B" considerably because it does provide that each county shall be entitled to that number of representatives which is in the same proportion to the total number of representatives as the number of inhabitants of the county bear to the number of inhabitants of the State and your fractional excesses over the whole numbers will be computed in favor of the counties having the larger fractional excesses. In other words, we are reversing our present formula in the Constitution. Fractional excesses at the present time are being allocated to the smaller counties and that, of course, has tended to take us out of disproportion to good, equitable representation. But actually the removal of the Rule of 7, so-called, that is removing the limitation that no city shall have more than seven representatives and allocating your fractional excesses to the larger counties, in my opinion does bring our constitutional resolve within the framework of the decision of Baker vs. Tarr, which is the recent constitutional decision on the matter of reapportionment. But I do find in Report "B" one disturbing feature, and that is in the same section 3 that I referred to in the first report, the last sentence reads: "Cities or towns entitled to two or more representatives under the formula may, by affirmative vote of two-thirds of both houses of the legislature, be organized in a single member district." Now the single district concept is in keeping with the report of the Constitutional Commission or at least the members

of that commission with whom I have discussed this matter, and I concur in their thought, which is this: that in the very near future the Supreme Court of the United States is going to render a decision and is going to state that it is completely unfair, for example in the City of Portland, for one person to be able to vote for eleven representatives whereas in practically all other areas one person only votes for one representative. In other words, we may be placing ourselves so far out of proportion to what is fair and equitable on the matter of voting rights when the people of Portland can vote for eleven representatives whereas the people in Gardiner, for example, can only elect one representative, and the trend is certainly in that direction; and under the Report "A" proposition, even if you take out "No voter shall vote for more than one representative" it will be possible for the legislature, in keeping with any future decision of the Supreme Court, to allocate a representative into single voting districts. Now under Report "B" this can be done, to be sure, but it can only be done if you have a two-thirds vote of both branches of the legislature. Now as a practical matter you can see why it would be pretty much of an impossibility to get a two-thirds vote to agree to put cities, for example, into single voting units, like in Portland have eleven voting units or Augusta three voting districts. I think the day is going to come when we are going to be faced with it, and this provision of having to have a two-thirds vote is going to be a very sticky proposition, in my opinion, but here again if I were a Democrat I certainly would be delighted with this provision in the constitutional resolve.

Now the only other basic difference in the two reports is on the matter of when we shall have our first apportionment. Now the majority of the Republicans on this committee feel that inasmuch as we are a biennial state that if we put out this constitutional resolve to the people it should be voted upon and in our regular orderly process that we should come back into the next

session of the legislature and reapportionment, and the reapportionment would take place in 1965. Now under Report "B" the reapportionment must take place in 1964, and that will mean this: it cannot be voted upon by the people until November, and so when voted upon in November we immediately must come into special session and we immediately must work out our reapportionment program very quickly so that people who are running for office on January 1, 1965 know from which class towns, for example, they are going to have to seek nomination and election. It is, in my opinion, a dangerous move, because if we delay for a number of days, and I think we may, because under any reapportionment formula some counties are going to lose and some counties are going to gain representation, and immediately we are going to have 185 experts on reapportionment. That would be about the only issue before us and I can see a lot of tussle arising over this proposition, whereas if it is to be acted upon in the regular session by the 102nd Legislature the reapportionment committee would go about its work the same as other committees go about their work, and I think we would have a much more orderly process.

Now the alternative to this proposition, that is having the 102nd Legislature reapportion say "Well, the Supreme Court or a federal court may be brought in and you will have to reapportion before 1965 anyway." That I do not believe. I do not believe that any federal court, when this legislature has instituted a resolve to let the people vote and merely wait for the next legislature to come in, is going to interfere here in the State of Maine, particularly where we are not too far out of proportion in comparison with the rest of the nation anyway. And, as a practical matter, if they got three federal judges up to Maine to do this — first they would tell us to do it, so we would have to come into special session to do it, but if we just waited I think our next legislature would still have it done before any federal court could tackle the problem in

the orderly process and have this completed.

So I am disturbed about Report "B", not so much because of the formula but because of the necessary two-thirds vote to move into districts in the event the court comes down and says this is a fair and equitable proposition, and also about having to come into a special session and being under pressure between November and the first of December in getting this job done, particularly where you are running into your so-called holiday season around Thanksgiving and Christmas. I will admit it could be worked out orderly and done in 1964 if every delegation would get together and work out its own formula before we came in here. It can be done, but I seriously doubt that it will be done, but if this report is accepted, and I guess it is a foregone conclusion that Report "B" is going to be accepted, I only hope it is done in an orderly fashion and that we come in here and do it and get out in a matter of two or three days. Nevertheless there will be quite a bit of hauling and pulling and it will not help the image of the 101st Legislature in any respect whatsoever. And, for the reason I do not like the date that we must reapportion and I do not like the two-thirds vote, most reluctantly I must support the motion of the Senator from York, Senator Lovell, to indefinitely postpone L. D. 1600.

The PRESIDENT: The question before the Senate is the motion of Senator Lovell of York that the Minority Report be indefinitely postponed.

A division of the Senate was had.

Three having voted in the affirmative and twenty-eight opposed, the motion did not prevail.

Thereupon, Minority Report B was accepted, the bill read once, House Amendment A was read and adopted and under suspension of the rules, the bill was given its second reading and passed to be engrossed, as amended.

Order Out of Order

Mr. Brooks of Cumberland, out of order and under suspension of the

rules presented the following order and moved its passage:

ORDERED, the House concurring, that there be created an interim joint committee, to consist of two senators and three representatives appointed respectively by the President of the Senate and the Speaker of the House, to study and report to the 102nd Legislature concerning a third institution in the State of Maine for the housing and treatment of all offenders committed to the State Prison or correctional State institutions; and be it further

ORDERED that the committee serve without compensation but shall be reimbursed for their expenses incurred in the performance of their duties under this order; and be it further

ORDERED that there be appropriated to the committee from the legislative appropriation the sum of \$1000 to carry out the purposes of this order.

Read and passed. Sent down for concurrence.

Additional Papers from the House Committee Reports — House

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve Authorizing the Disposal of Western Maine Sanatorium. (H. P. 401) (L. D. 600) reported that the Senate should recede and concur in passing the Resolve to be engrossed as amended by House Amendment "A".

Which report comes from the House read and accepted.

Which was read and accepted in concurrence, and the Senate voted to recede and concur.

The Committee on Labor on Bill, "An Act Repealing Certain Portions of the Employment Security Law." (H. P. 1) (L. D. 7) reported that the same Ought not to pass, covered by other legislation.

Comes from the House, Bill substituted for the report and passed to be engrossed.

In the Senate:

Mr. JOHNSON of Somerset: Mr. President, in view of the fact that

the committee reported this bill out "Ought not to pass as covered by other legislation," and in view of the fact that the other legislation has all been killed, I would now move that we substitute the bill for the report.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I am sure that when the good Senator said that the other legislation had been killed he was referring to the so-called Thaanum bill, and I certainly hope that has been killed. However, there is other legislation before the legislature and there is a proposal which is being drafted which I think will take care of some of the errors and defects in the so-called Estey bill.

To review this briefly: this L. D. 7 would propose to go back to the law which existed prior to the last session of the legislature. Under that law the fund for unemployment security payments was drawn down from some forty million to around twenty million, and it was drawn down principally because the benefits were broadened and more money continually paid out than was being taken in, due to the relaxation in these benefit payments. Now the last session of the legislature passed the so-called Estey bill which was an endeavor to correct inequalities and to tighten up on some of the laxities of the former law. Admittedly the Estey bill went too far and it does have errors and they should be corrected. However, I think there is other legislation and another proposal is being drafted which will give us a better bill and a more satisfactory and safer bill than to go back to this former legislation. If we go back to the former law we will soon draw the fund down even further and it will only be a matter of time before the employees who have been drawing smaller checks and who are among the small wage-earners will be disqualified under necessity of some other legislation to tighten this law, and so I hope that the motion of the Senator from Somerset, Senator Johnson, does not prevail.

Mr. JOHNSON of Somerset: Mr. President, I would agree with the good Senator from Washington, Sen-

ator Wyman, that there is a possibility that other legislation can be introduced here, probably in conjunction with the Brown bills, but I would like to say that we have been waiting now three or four weeks to get this thing resolved, and the way we are going I imagine it could be another three or four weeks, and the only solution I can see here is to pass this bill and see what happens.

Mr. HINDS of Cumberland: Mr. President and ladies and gentlemen of the Senate: I would hope that perhaps we might be able to keep this bill alive until we do see what new compromise is coming out of these two Brown bills that have been tabled here before us for the last several weeks. I have not seen this and I know nothing of it and I think we might not be wise in killing this particular legislation right now. I would be very happy to do it later if these amendments to these Brown bills seem to be something that we can all live with. I would hope that the Senate would go along and at least keep this bill alive a little longer.

The PRESIDENT: The question before the Senate is the motion of the Senator from Somerset, Senator Johnson who moves that the bill be substituted for the report.

Mr. EDMUNDS of Aroostook: Mr. President, I request a division.

A division of the Senate was had. Fifteen having voted in the affirmative and sixteen opposed,

The motion did not prevail.

Thereupon, the report of the committee was accepted.

On motion by Mr. Edmunds of Aroostook.

Recessed until 7:30 this evening.

After Recess

Senate called to order by the President.

The President laid before the Senate Item 7-1, Bill, "An Act to Authorize General Fund Bond Issue in the Amount of Seventeen Million Dollars and to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Year Ending June 30, 1964" (H. P. 263)

(L. D. 357) and on motion by Senator Edmunds of Aroostook, the bill was retabled and especially assigned for the next legislative day.

The President laid before the Senate Item 6-1, Bill, "An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Years Ending June 30, 1964 and June 30, 1965" (H. P. 265) (L. D. 359) and on motion by Senator Edmunds of Aroostook, the bill was retabled and especially assigned for the next legislative day.

The President laid before the Senate Item 3 on Page 2 of today's calendar, Bill, "An Act Relating to Partial Unemployment Benefits and Experience Rating Record Under Employment Security Law" (H. P. 872) (L. D. 1259) and on motion by Mr. Edmunds of Aroostook, the bill was retabled and especially assigned for the next legislative day.

The President laid before the Senate the 4th tabled item on page 2, Bill, "An Act Relating to Disqualification and Claims for Benefit and Employer's Contribution Rate Under Employment Security Law" (H. P. 871) (L. D. 1258) an on motion by Mr. Edmunds of Aroostook, the bill was retabled and especially assigned for the next legislative day.

Mr. CYR of Aroostook: Mr. President, out of order and under suspension of the rules, having voted on the prevailing side, I move that we reconsider our action whereby we substituted the bill for the report on Item 6-2 of our supplemental calendar, and I would like to explain my reasons.

The PRESIDENT: The Senator may proceed.

Mr. CYR: Mr. President, sometime today I promised a gentleman that approached me and told me that there was a new bill coming out to correct somewhat the amendments on the Estes bill and I promised him my vote. This evening I promised another gentleman, Senator Wyman, my vote the other way. Now I must apologize to the two gentlemen. This is a matter of honor so far as I am concerned.

Throughout my short political life there is one thing I cherish very much and that is my integrity, and in so doing in my attempt to try to correct my mistake, my "booboo" so to speak, I agreed to make this motion this reconsideration.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, moves that we reconsider our action whereby we accepted the "Ought not to Pass" report of the committee on Bill, "An Act Repealing Certain Portions of the Employment Security Law."

Mr. EDMUNDS of Aroostook: Mr. President I want to assure the Sen-

ate that the motion I am about to make does not reflect upon the integrity of the Senator from Aroostook, Senator Cyr. However, the hour is late and I would move that this matter lie on the table and be specially assigned for the next legislative day pending the motion of Senator Cyr that we reconsider our action whereby we failed to substitute the bill for the report.

The motion prevailed and the bill was so tabled.

On motion by Mr. Edmunds of Aroostook,

Adjourned until ten o'clock tomorrow morning.