

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Friday, April 2, 1965

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Edward F. Allen of Augusta.

The journal of the previous session was read and approved.

**Papers from the Senate  
Senate Reports of Committees  
Leave to Withdraw**

Report of the Committee on Judiciary on Bill "An Act relating to Burden of Proof in Certain Negligence Cases and Pleading Contributory Negligence" (S. P. 203) (L. D. 584) reporting Leave to Withdraw.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Covered by Other Legislation**

Report of the Committee on Appropriations and Financial Affairs reporting Leave to Withdraw on Bill "An Act to Authorize the Construction of Self-Liquidating Student Housing and Dining Facilities for the State Teachers Colleges and Vocational-Technical Institutes and the Issuance of Not Exceeding \$1,523,000 Bonds of the State of Maine for the Financing Thereof" (S. P. 111) (L. D. 338), as covered by other legislation.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Authorizing Purchase of Ten Oil Paintings of Certain Covered Bridges in Maine (S. P. 172) (L. D. 538)

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Ought to Pass**

Report of the Committee on Appropriations and Financial Af-

fairs reporting "Ought to pass" on Bill "An Act Providing Moneys for National Legislative Conference to be Held in Maine in 1966" (S. P. 37) (L. D. 377)

Report of the Committee on Labor reporting same on Bill "An Act to Repeal the Fish Packing Wage Board Law" (S. P. 293) (L. D. 908)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and assigned the next legislative day.

**Ought to Pass with  
Committee Amendment**

Report of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans on Personal Property for Industrial Purposes (S. P. 222) (L. D. 681) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Resolve passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Resolve read once.

Committee Amendment "A" was read by the Clerk as follows:

**COMMITTEE AMENDMENT**  
"A" to S. P. 222, L. D. 681, Resolve, Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans on Personal Property for Industrial Purposes.

Amend said Resolve by striking out all of the 6th and 7th lines and inserting in place thereof the following:

**"Section 14-A. Permits insuring payment of industrial loans secured by real estate and personal property by legislative Act. For the purposes of"**

Committee Amendment "A" was adopted in concurrence and the Resolve assigned for second reading the next legislative day.

Report of the Committee on State Government on Bill "An

Act relating to Closing State Liquor Stores and Licensees in Case of Riots, Hurricanes and Floods" (S. P. 407) (L. D. 1230) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House the Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT  
"A" to S. P. 407, L. D. 1230, Bill, "An Act Relating to Closing State Liquor Stores and Licensees in Case of Riots, Hurricanes and Floods."

Amend said Bill by striking out all of the 6th and 7th lines and inserting in place thereof the following: "**floods, order any or all state liquor stores to be closed.**"

Further amend said Bill by striking out all of the last 4 lines and inserting in place thereof the following: "**floods, order any or all licensee not to sell any liquor.**"

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading the next legislative day.

#### **Non-Concurrent Matter**

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 47) (L. D. 218) which was finally passed in the House on February 24 and passed to be engrossed as amended by Committee Amendment "A" on February 19.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

#### **Non-Concurrent Matter**

An Act Directing an Improvement of Property Tax Administration (H. P. 257) (L. D. 327) which

was passed to be enacted in the House on February 23 and passed to be engrossed on February 12.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

#### **Non-Concurrent Matter**

Bill "An Act relating to Boards of Registration in Certain Towns" (H. P. 471) (L. D. 624) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 24.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

#### **Petitions, Bills and Resolves Requiring Reference**

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one-tenth of the members present objecting, was received and referred to the following Committee:

#### **Appropriations and Financial Affairs**

Bill "An Act Appropriating Funds to Aid in Dredging the Harbor at Owl's Head" (H. P. 1059) (Presented by Mr. Kittredge of South Thomaston)

(Ordered Printed)

Sent up for concurrence.

On motion of Mrs. Ruby of Bangor, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

#### **House Reports of Committees Leave to Withdraw**

Mr. McKinnon from the Committee on Business Legislation on Bill "An Act Requiring Bonding of Fire Insurance Companies for Payment of Losses in Event of Bankruptcy or Discontinuance

from Business" (H. P. 958) (L. D. 1293) reported Leave to Withdraw.

Mr. Davis from the Committee on Judiciary reported same on Bill "An Act Providing for Agreement on Detainers" (H. P. 997) (L. D. 1351)

Mr. Starbird from the Committee on State Government reported same on Joint Resolution Memorializing the President of the United States and the Secretary of State to Prevail Upon the West German Government to Recall Certain Scientists Developing Missiles for the United Arab Republic, and to Extend Its Statute of Limitations Relative to War Crimes (H. P. 1022) (L. D. 1390)

Reports were read and accepted and sent up for concurrence.

#### **Covered by Other Legislation**

Mr. Baldic from the Committee on Inland Fisheries and Game on Bill "An Act relating to Weight and Number of Salmon and Trout Taken from Sebago Lake, Cumberland County" (H. P. 915) (L. D. 1244) reported Leave to Withdraw, as covered by other legislation.

Mr. Bernard from the Committee on Liquor Control reported same on Bill "An Act relating to Definition of Premises under Liquor Law" (H. P. 241) (L. D. 310)

Mr. Roy from same Committee reported same on Bill "An Act relating to Definition of Premise under Liquor Laws" (H. P. 753) (L. D. 990)

Reports were read and accepted and sent up for concurrence.

#### **Ought Not to Pass**

Mr. Anderson from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act Establishing Raymond Cape as Game Preserve" (H. P. 916) (L. D. 1245)

Report was read and accepted and sent up for concurrence.

#### **Tabled and Assigned**

Mr. Poulin from the Committee on Inland Fisheries and Game, reported "Ought not to pass" on

Bill "An Act Permitting Sunday Hunting in Unorganized Territory of Aroostook County" (H. P. 64) (L. D. 75)

Report was read.

(On motion of Mr. Bourgoins of Fort Kent, tabled pending acceptance of Committee Report and specially assigned for Wednesday April 7.)

#### **Tabled and Assigned**

Mr. Starbird from the Committee on State Government reported "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election (H. P. 547) (L. D. 718)

Report was read.

(On motion of Mr. Bussiere of Lewiston, tabled pending acceptance of Committee Report and specially assigned for Wednesday, April 14.)

#### **Covered by Other Legislation**

Mr. Dudley from the Committee on Highways on Bill "An Act relating to Notice to Utilities in Discontinuing Town and County Roads" (H. P. 783) (L. D. 1036) reported "Ought not to pass", as covered by other legislation.

Mr. Lund from the Committee on Liquor Control reported same on Bill "An Act relating to Liquor Fees of Motels Serving and Not Serving Meals" (H. P. 750) (L. D. 987)

Reports were read and accepted and sent up for concurrence.

#### **Ought to Pass in New Draft New Drafts Printed**

Mr. Cookson from the Committee on Inland Fisheries and Game on Bill "An Act relating to Boundaries of Standish Game Preserve" (H. P. 914) (L. D. 1243) reported same in a new draft (H. P. 1061) (L. D. 1437) under same title and that it "Ought to pass"

Mr. Poulin from same Committee on Bill "An Act relating to Legal Length of Salmon Taken from Sebago Lake" (H. P. 913) (L. D. 1242) reported same in a new draft (H. P. 1062) (L. D. 1242) under title of "an Act relat-

ing to Legal Length of Salmon and Weight and Number of Certain Fish Taken from Sebago Lake" and that it "Ought to pass"

Mr. Glazier from the Committee on Retirements and Pensions on Resolve Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens (H. P. 248) (L. D. 316) reported same in a new draft (H. P. 1060) (L. D. 1435) under title of "Resolve Providing Increase in Retirement Allowance for Fred G. Smith of Ellsworth" and that it "Ought to pass"

Mr. Katz from the Committee on State Government on Resolve Providing for Study of the State Personnel and Retirement Systems (H. P. 554) (L. D. 725) reported same in a new draft (H. P. 1064) (L. D. 1440) under title of "Resolve Providing for a Study of the State Personnel System" and that it "Ought to pass"

Reports were read and accepted, the New Drafts of Bills read twice, the New Drafts of Resolves read once, and assigned the next legislative day.

#### **Ought to Pass Printed Bills**

Mr. Carroll from the Committee on Education reported "Ought to pass" on Bill "An Act Simplifying Computation of Special Education Subsidy" (H. P. 205) (L. D. 260)

Mr. Gifford from same Committee reported same on Bill "An Act Adjusting the School Tax Rate in Unorganized Territory" (H. P. 204) (L. D. 259)

Mr. Champagne from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Publication of Notice of Hearings on Rules and Regulations of Department of Inland Fisheries and Game" (H. P. 815) (L. D. 1106)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Industrial and Recreational

Development reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes (H. P. 582) (L. D. 774)

Report was signed by the following members:

Messrs. JACQUES

of Androscoggin

MOORE of Washington

HOFFSES of Knox

— of the Senate.

Mr. FORTIER of Waterville

Mrs. KILROY of Portland

Mr. BENSON

of Mechanic Falls

— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Messrs. TRUMAN of Biddeford

LITTLEFIELD

of Hampden

PAYSON of Falmouth

NORTON of Caribou

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Fortier.

Mr. FORTIER: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Majority Report of the Committee, "Ought to pass."

Thereupon, on motion of Mr. Littlefield of Hampden, the Reports and Resolve were tabled pending the motion of Mr. Fortier of Waterville to accept the Majority "Ought to pass" Report and specially assigned for Tuesday, April 6.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Liquor Control on Bill "An Act relating to Definition of Hotel under Liquor Law" (H. P. 748) (L. D. 985) reporting same in a new draft (H. P. 1063) (L. D. 1439) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. JACQUES

of Androscoggin

FALOON of Penobscot  
—of the Senate.

Messrs. COTE of Lewiston  
HAYNES of Camden  
BERNARD of Sanford  
ROY of Winslow  
of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. MEISNER  
of Dover-Foxcroft  
LUND of Augusta  
FAUCHER of Solon  
—of the House.

Reports were read.

(On motion of Mr. Jalbert of Lewiston, tabled pending acceptance of either Report and specially assigned for Tuesday, April 13.)

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act Authorizing Purchase of Certain Land on Indian Island by Penobscot Indian Baptist Church, Incorporated" (H. P. 372) (L. D. 474)

Report was signed by the following members:

Messrs. STERN of Penobscot  
MAXWELL of Franklin  
WILLEY of Hancock  
—of the Senate.

Messrs. PITTS of Harrison  
DOSTIE of Lewiston  
EDWARDS of Portland  
STARBIRD  
of Kingman Township  
BERRY of Cape Elizabeth  
LIBHART of Brewer  
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. KATZ of Augusta  
—of the House.

Reports were read, the Majority "Ought to pass" Report accepted, the Bill read twice and assigned for third reading the next legislative day.

#### Divided Report

Majority Report of the Committee on State Government reporting

"Ought to pass" on Bill "An Act Changing Name of Soil Conservation Districts to Soil and Water Conservation Districts" (H. P. 374) (L. D. 476)

Report was signed by the following members:

Messrs. STERN of Penobscot  
MAXWELL of Franklin  
WILLEY of Hancock  
—of the Senate.

Messrs. PITTS of Harrison  
DOSTIE of Lewiston  
EDWARDS of Portland  
STARBIRD  
of Kingman Township  
KATZ of Augusta  
LIBHART of Brewer  
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same bill.

Report was signed by the following member:

Mr. BERRY of Cape Elizabeth  
—of the House.

Reports were read, the Majority "Ought to pass" Report accepted, the Bill read twice and assigned for third reading the next legislative day.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Towns and Counties reporting "Ought not to pass" on Bill "An Act Repealing Law Providing for a Fire Marshal for Aroostook County" (H. P. 901) (L. D. 1211)

Report was signed by the following members:

Messrs. CASEY of Washington  
GIRARD of Androscoggin  
BERNARD of Penobscot  
—of the Senate.

Messrs. BUSSIÈRE of Lewiston  
CROMMETT  
of Millinocket  
SULLIVAN of Portland  
HAMMOND of Paris  
Mrs. KILROY of Portland  
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. WIGHT of Presque Isle  
FARRINGTON of China  
—of the House.

Reports were read.

(On motion of Mr. Bishop of Presque Isle, tabled pending acceptance of either Report and specially assigned for Wednesday, April 7.)

### Third Reader Tabled and Assigned

Bill "An Act Repealing Compensation Limitation in Actions for Injuries Causing Death" (S. P. 202) (L. D. 583)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker and Members of the House: L. D. 583 is the first of a series of bills which I hope this honorable body will give a great deal of attention to. These are a series of bills which will have a great deal of financial impact upon the residents of the State of Maine. This one will have its impact on your insurance rates. The bill is very brief. It totally removes in the question of damage suits by juries any limitation and it removes the present limitation of \$30,000. The sky is the limit when this bill passes. I would hope that the proponents of the bill in their presentation this morning will convince you that the bill found its origin in the needs of the people of the state, which of course it didn't; that it will result in better protection for the people of the State, which of course it will not. I earnestly ask you to read L. D. 583, if you are not familiar with it, but what I told you ladies and gentlemen of the House is the pith of the matter. Mr. Speaker, I move that L. D. 583 be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this Bill and its accompanying papers be indefinitely postponed.

Thereupon, on motion of Mr. Danton of Old Orchard Beach, the Bill was tabled pending the mo-

tion of Mr. Berry of Cape Elizabeth to indefinitely postpone and specially assigned for Tuesday, April 13.

### Passed to Be Engrossed

Bill "An Act relating to Title References in Conveyances of Real Estate" (S. P. 399) (L. D. 1224)

Bill "An Act Appropriating Moneys for Dredging Project at New Harbor" (H. P. 22) (L. D. 25)

Bill "An Act relating to Non-lapsing Funds for Armory Expansion" (H. P. 116) (L. D. 140)

Bill "An Act relating to Inmates at Reformatories Attending Funerals" (H. P. 800) (L. D. 1077)

Bill "An Act relating to Right to Hold Property of Corporations for Facilities for Elderly Persons" (H. P. 802) (L. D. 1094)

Bill "An Act relating to Stickers on Windshields of Motor Vehicles of the Department of Civil Defense and Public Safety" (H. P. 876) (L. D. 1172)

Bill "An Act to Incorporate Security Corporation" (H. P. 903) (L. D. 1213)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

### Third Reader Amended

Bill "An Act relating to Definition of Cord under Weights and Measures Law" (H. P. 1053) (L. D. 1429)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Mitchell of Frankfort offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 1053, L. D. 1429, Bill, "An Act Relating to Definition of Cord Under Weights and Measures Law."

Amend said Bill, in section 1, by striking out all of subparagraph (1) of paragraph A of subsection 1 and inserting in place thereof the following:

'(1) A cord when used in connection with pulpwood, slabs or



**edgings or manufacture of tooth-picks, tongue depressors and similar items shall mean the volume of wood contained in a space 4 feet wide, 4 feet high and 8 feet long, or its equivalent, when the wood is ranked and well stowed.'**

House Amendment "A" was adopted and the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act to Provide Funds for Expansion of Vending Stand Program for the Blind" (H. P. 1054) (L. D. 1430)

Bill "An Act to Authorize Construction of Self-Liquidating Student Housing and Dining Facilities for the State Teachers Colleges and Vocational-Technical Institutes and the Issuance of Not Exceeding \$3,960,000 Bonds of the State of Maine for the Financing Thereof" (H. P. 1057) (L. D. 1433)

Resolve Authorizing Preparation and Sale of Index to Private and Special Laws (H. P. 189) (L. D. 244)

Were reported by the Committee on Bills in the Third Reading Bills read the third time, Resolve read the second time, all passed to be engrossed and sent to the Senate.

### **Third Reader Tabled and Assigned**

Resolve to Provide Funds for the Purchase of Copies of the "History of Madison" (H. P. 1055) (L. D. 1431)

Was reported by the Committee on Bills in the Third Reading and read the second time.

Mr. Stoutamyer of Madison offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

**HOUSE AMENDMENT "A" to H. P. 1055 L. D. 1431, Resolve, to Provide Funds for the Purchase of Copies of the "History of Madison."**

Amend said Resolve in the 2nd line by striking out the figure "\$250" and inserting in place thereof the figure '\$500'

(On motion of Mr. Bishop of Presque Isle, tabled pending

adoption of House Amendment "A" and specially assigned for Friday, April 9.)

Resolve to Provide Funds for the Purchase of Copies of the "History of Brownfield," Bicentennial Edition (H. P. 1056) (L. D. 1432)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed and sent to the Senate.

### **Amended Bills**

Bill "An Act Providing for Paid Holidays for Employees of City of Lewiston" (S. P. 231) (L. D. 689)

Bill "An Act Classifying Penobscot River and Segment of Millinocket Stream" (H. P. 526) (L. D. 700)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

### **Amended Third Reader Tabled and Assigned**

Bill "An Act to Revise the Real Estate Law" (H. P. 579) (L. D. 771)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mrs. Kilroy of Portland, tabled pending passage to be engrossed and specially assigned for Tuesday, April 6.)

Bill "An Act Creating a Department of Indian Affairs" (H. P. 777) (L. D. 1031)

Resolve Appropriating Money for Support of the Civil Air Patrol Program (H. P. 119) (L. D. 143)

Were reported by the Committee on Bills in the Third Reading, Bill read the third time, Resolve read the second time, both passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

### **Order out of Order**

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet on Tuesday, April 6th. (S. P. 483).

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The SPEAKER: The Chair recognizes in the balcony of the House, forty-six pupils of Lisbon Falls Grammar School, accompanied by their teacher Louis Moskovis and chaperones Marie Karkos and Marguerite Richard. They are the guests of the Representative from Durham, Mr. Hunter. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

#### **Constitutional Amendment Tabled Later in the Day**

Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions (S. P. 44) (L. D. 215)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Anderson of Orono, tabled until later in today's session.)

#### **Constitutional Amendment Failed of Final Passage**

Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation (H. P. 6) (L. D. 6)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, and Ladies and Gentlemen of the House: I rise in opposition to the enactment of this measure to abolish the Executive Council. I am beset by a compelling desire to express my reasons here this morning.

This nation, in its childhood, was the greatest exporter of ideas

of any nation in the world. Governments abroad, one after another, copied our republican form of government. I noted a recession of this movement during the second quarter of this century, and to my dismay a movement of social reform, so-called, is being sown here in America. The social reform that I see, vesting more power in the governmental machinery, taking it from the governed, in violation of our basic concept of government by the people.

In 1962, a well-known and well respected professor of government in this state advocated abolition of the Council in an article he wrote for a series "On State Government in Maine." Two weeks earlier, in the same series, he wrote; and I quote: "In a democracy such as ours, government should be kept as close to the people as possible, that they may have a voice in government."

Now, I submit to you ladies and gentlemen, that these two viewpoints are far from being consistent. As I see it, a councilor, representing an average of approximately sixty to a hundred thousand people, has closer contact with his people than the Governor who is representing close to a million citizens.

This shift of government authority from the people has been the pattern of socialistic democracies of Scandinavia, where the growth of bureaucratic government and the growing power of bureaucrats convinced the humble citizen he needed someone he could appeal to to carry his cause for him. And so, the citizens of Sweden, Norway, Denmark and Finland have created an official in government whose title, roughly translated, is "The People's Man." It is his job to be that contact between the individual citizen and his government to protect the person from the high-handed, impersonalized treatment that comes from the bureaucratic government.

The "People's Man" idea has spread from the Scandinavian countries to West Germany, and

to New Zealand. Britain is now studying the idea. Meantime, here in Maine, there's a movement afoot to eliminate our "People's Men," the Executive Councilors.

Our Executive Councilors are chosen in much the same manner as these "People's Men" by the legislative bodies abroad. And, I submit to you that one of the functions of our councilors is just exactly the same as the chief duty of the "People's Man"; that is: to take up the cudgel for the citizen who feels he's not getting a fair shake from a department. This is an unofficial duty of our councilors, one that doesn't get much publicity, but a very important job, and if our government gets any further from the people, a job that would be increasingly more important.

Already in our society you hear the frustrated citizen cry out: "You can't beat City Hall." The only salvation we can offer the individual is an official advocate within the government, someone who can go to bat for him, someone with the prestige of office but at the same time is not himself a bureaucrat, in other words an Executive Councilor.

I appeal today to your sense of fairness as representatives of the people, as men and women whose job here is, to a great extent, taken up with trying to help the citizens who have been victimized by arbitrary and unbending application of bureaucratic policy. There are, you know, exceptional cases where policy is not always right, cases where an individual is turned away, in his need, with a curt dismissal that "There is nothing that can be done." Must these individuals wait two years for the next Legislature to work out a solution? Are we going to abolish the citizen's one hope for immediate help? Are we going to kill here this morning his "People's Man"? I say "no."

This is a momentous day, I feel, in the history of the State of Maine as to whether we shall continue our present form of government which has stood the trial of a good many years in the State of Maine. When I see something offered that is better than we have here in

Maine I might be willing to buy it. The offer under this bill to me is not a submission and justifiable reason for abolition of our Executive Council. I was most happy when the Assistant Majority Leader this morning tabled the former enactor, because, should we pass this amendment this morning, we would be faced with annual sessions in the State of Maine, which I feel is not necessary when we have a population of less than a million people.

I hope that you will vote against the enactment of this measure and when the vote is taken, I move it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Pitts.

Mr. PITTS: Mr. Speaker, Members of the House: As House Chairman of the State Government Committee that reported this bill out eight to two ought to pass, I feel that I should have a word to say. I don't very often make a speech but I wrote this one down as I want to get it all on the record.

As Mainers, we feel strongly about our traditions and past history. We also pride ourselves on being practical. The Governor's Council has helped us in preserving that part of Maine's character which appeals to history alone, but it has ignored that part of us that is motivated by common sense.

A number of the thirteen colonies originally had governors' councils. For the most part, the members represented the wealthy and, in intent and practice, these councilors were the agents of the governor. Just before the Revolutionary War, the councils were used to curb radical proposals put forward by a popularly elected lower house. Following the war, the council was revived and used this time to hem in the governor, whose office had been used to suppress popular held opinions.

As the years passed, the states one by one abandoned this council and returned to the governor sufficient powers to make him something more than a figurehead. By the turn of the century only three states still used this curious councilor system.

What are the pillars supporting, the empty structure which is our Governor's Council? This unnecessary appendage to our government structure rests on the pillars of inaction, ineptitude and, at times, impropriety. The Council is unnecessary because our governors are no longer appointed or influenced by an English King across the ocean. Our governors are elected by the people. They are responsible to the people and not to a council. In the last analysis, it is the people who must decide whether a governor has served faithfully and wisely. No group of men far removed from the pressures of the ballot box and sheltered from the winds of change can make this decision for our citizens.

Should our governors have to tolerate having their appointments placed before the Governor's council for advice and consent? I don't think they should. Should our governors be required to obtain the council's approval before money can be drawn from the treasury? I don't think they should. Do council members usually have the qualifications necessary to advise the governor on reprieves, commutations and pardons? Of course not. Then I ask you, why do we continue to put up with it?

The latest evidence of the council's complete failure to act usefully can be found in the recent disclosure that Maine could save upwards of \$93,000 a year through the creation of a non-partisan, financially self-supporting board to handle the state's multi-million dollar insurance coverage. Under the present system the council has sliced up the pie into seven parts, to allow councillors to let contracts in seven districts. This patronage has cost Maine citizens dearly.

Make no mistake, the ship of our state government is doomed if it depends on the albatross that is the Governor's Council. That albatross would greatly hinder an energetic, alert governor. Such fragmentation of the responsibilities of our executive office can no longer be tolerated. We need strong governors with powers sufficient to the tasks which confront them. We have an informed electorate

able to judge for themselves the job he is doing. This is the proper and legitimate check on possible gubernatorial excesses.

The existence of the council also hampers our Legislature. The legislative body of any government is assumed to have the duty and the right to act as a check on gubernatorial power. This is a historic role of all legislative branches and it has worked well.

Past attempts to abolish the council have failed, but past criticism by Democrats has led to reawakened public interest. It is a fact that the council's importance has been in a forty year decline. For many years it has largely served as a rubber stamp for decisions made by administrative personnel. The only powers of any consequence still exercised by this august body are over confirmations of appointees whom the governor must nominate, pardons for prisoners whose eligibility we have more competent men to judge, and that patronage plum, the letting of state insurance policies.

It is time we relegated this useless fossil to the museum of time. We must not allow it to meddle further with a state government valiantly trying to meet twentieth century problems. We Democrats have complained for years about this intolerable situation. Now, let's do something about it.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, Members of the House: This morning, I rise in support of my good friend, the gentleman from Milbridge, Mr. Kennedy, and in staunch opposition to those who would destroy the council.

Our present constitution of Maine has given to the council the fundamental powers to confirm judicial appointments. And, in logic, statutes of Maine have given to the council the power to confirm major executive appointments. I submit that this is both fitting and proper for the responsibility in performing the confirming function is better vested in a cohesive body of seven than scattered and fragmented as this resolve would have

us do in a Senate now of thirty-four.

Group responsibility in the confirming process, I submit, is sharper and more clearly defined in a council of seven than it could ever be in a Senate of thirty-four. Today we should be proud that Maine, the first state to greet the sun, has had the courage to have kept the confirming power in a council and not to have scattered it broadside to the shifting numbers, not fixed like this House of Representatives but subject to increase. We should also remember some lessons of contemporary history. We have seen in recent time how a small clique of powerful men led by a senator from the southwest called upon those politically obligated to them and destroyed President Eisenhower's considered and most excellent choice for an important cabinet appointment.

We must also recall the numbers of men untrained in the field of foreign affairs who have been confirmed as ambassadors by a national senate. Now in all of these instances, fair and impartial men and women have shuddered at this exercise of the confirming power by a national senate.

A short time ago, the comments of a thoughtful peer were carried in a great London paper. They concerned an established branch of that government which had been under attack far longer than our council and which survives to the present day. He said "We are fortunate to have inherited an institution like the House of Lords, which we certainly would never have had the intelligence to create for we might have landed with something like the. . ." such as a national senate.

Members of the House, I submit, that some of the most bitter critics of the House of Lords have become members of that body themselves. The great liberal Prime Minister Lloyd George fought the lords tooth and nail and he became an earl. Herbert Morrison, the able spokesman of labor, fought the lords and he became Morrison of Lambeth. And

Clement Attlee, a Socialist Prime Minister, no less, is now an earl.

I submit the wisdom of experience should temper criticism and that these men are shining examples of what new blood can do in any well established institution. In Maine the wisdom of our constitution only permits fundamental change if at least two-thirds of this House and the other body and a majority of the voters concur.

Now I hope that two-thirds of this House today will not vote to destroy the council. I hope we will preserve it and very possibly improve it. And, Mr. Speaker, that the people of Maine may know those among us who would destroy the council and those who would preserve it, I support the request of my good friend, from Milbridge, that a roll call be taken when the vote is taken.

**THE SPEAKER:** The Chair recognizes the gentleman from Brewer, Mr. Libhart.

**MR. LIBHART:** Mr. Speaker, Members of the House: I would feel remiss if I didn't say at least a few words about this extremely important constitutional amendment.

We have been debating this outside this House all this session, all of us, Republicans and Democrats alike. My party has chosen to oppose this change. This disturbs me greatly because I hate to have our party labeled one which opposes change — or opposing change's sake. This is the only real reason I can ascribe the stand we will probably be taking here today. There is nothing in common sense that commends us to continue this body. There is nothing in political thinking if one thinks through logically the reason for this body to be in existence. We know it was here, brought here to the New England states particularly because the people here did not trust the king's governors and was placed particularly here to control his power. I submit that that usefulness has long since vanished.

And what has happened over the years? This body has given up its duties, its prerogatives to the council it chooses and then it

goes home leaving the council as it were, as a stone tied to the governor's office. What happens when we are gone? These people in vital issues can control the governor's appointments and his thinking. These people are not elected by the people; I hope we're not confused in thinking that they are. These people are not the people's advocates, they have got no responsibility to the people. They are not elected; they shouldn't be. They are a fourth branch of government with no roots except here in this House. And when we are in session I suppose we control them to a certain extent; but once they are appointed they're on their own. They don't do what we want them to. They do what they want to do. They are elected by us and we are elected by the people. Now if they're people's representatives, I ask you how so? How can this be so? Of course, it is not so.

They have become a rubber stamp. They have interfered with appointments and when a bad appointment is made they can all stand in a circle and point to the other one. Where is the responsibility? There is no responsibility to the people. There no responsibility to anyone.

Now good government dictates that the executive branch is responsible unto itself, and responsibility means that you must know who is responsible. If the governor makes an appointment, and it's a good one, he should have the credit. If he makes an appointment and it's a poor one, to him the blame. Our system does not allow this to be done. I hope my good friend, Mr. Berman, will not suggest to us that the appointments, major appointments, over the years in this state have all been good, because of course this is not so. And when bad ones have been made, who is responsible?

My final point, fellow Republicans particularly, is the question I have asked you before, why is it our children when they grow to voting age so frequently do not stay in the same party we're in?

You know as well as I do that in high school, and those that are lucky enough to go to college, are taught in their textbooks that this is not good government. The State of Maine's Constitution needs changing in many respects, and in this one in particular, and the logic of their teachers compel them to adopt their views; and when we as a party refuse to adopt changes that will make our government better these youngsters cannot go with us. It's time all of spent a little more time thinking about good government and the logic of these arguments for change and a little less time listening to the platitudes of the past.

The SPEAKER: The Chair recognizes the gentleman from South Thomaston, Mr. Kittredge.

Mr. KITTREDGE: Mr. Speaker, Ladies and Gentlemen of the House: Taking up this question of doing away with the council. What we are talking about here is power, power of the governor.

Now in 1870, Bismarck invaded France — or Germany invaded France. They did it, they conquered France in one month. Could I ask it— I would like to ask you this. Could Bismarck have invaded France if Bismarck had a council that was responsible to the Reichstag? In 1937, Hitler invaded the Rhineland. Could he have done this if he had had a council which was responsible to the Reichstag?

Now, I note the amusement on your faces, let's get down to practical politics. You people as Democrats are going to be concerned in the next two years with patronage if you do away with the council. We have 239,000 enrolled Republicans in this state. We have 139,000 enrolled Democrats. If there is any weakness in the Republican Party it is in the matter of patronage in the organization. If we do away with this, what's the answer going to be? Are we going to be able to build our parties stronger in those two years? So it's up to you whether you as Democrats want to do away with the council this morning.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Poulin.

Mr. POULIN: Mr. Speaker, Ladies and Gentlemen of the House: I refuse to live in history. I believe in progress. Here we put people in orbit and we're trying to live with the horse and buggy. I think the horse is getting a little tired, he's worn out the buggy and he ought to be retired. I say advance. Let's get on the ball and join the rest of the United States for a change.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Graham.

Mr. GRAHAM: Mr. Speaker, Members of the House: By eliminating the council we are not removing the government from the people, we are moving it closer to the people. No other state in the Union has a governor's council more powerful or further from the people than in Maine. Only two other states have a governor's council. Every expert on government that I know favors the abolishment of the governor's council as costly, inefficient and totally superfluous. It is time, I think, that we abolish this Maine House of Lords.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker, Members of the House: In correction, I think, in regards to history, Mr. Kittredge of South Thomaston, he mentioned that if Hitler had had a council they might have controlled him. It is my understanding, if I remember my history correctly, he did have a Reichstag and many in that Reichstag tried to control him and if I remember also, I think they were put out of the way very effectively.

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: I was very pleased to hear the integrity and the honesty of the statement of the gentleman from South Thomaston, Mr. Kittredge, when he said it's a practical matter, the Republicans need this as patronage. I submit to you

that the platitudes expressed here today, the great concern for the people of the State of Maine, is not the true reason, but Mr. Kittredge's are. If we have this great concern for the people and their desires and their needs, let us remember that this is to go to referendum. If we truly want to do what the people want us to do, I don't see how we can do anything else except pass this resolution so that the people may make up their own minds.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Maine's history shows that the Executive Council has always been a controversial issue even when the Constitution of Maine was formed in 1819. There have been many proposals for change by both Republicans and Democrats in the past, from scholars in the field of government, from professional surveys by objective firms, from citizens, and from the councillors themselves. We must remember that of the thirteen original colonies, only two still have it, these being Massachusetts and New Hampshire. Of the remaining thirty-seven states that were admitted to the Union, Maine is the only one that presently has such a council.

Is the Republican party suggesting that all the other states are wrong and Maine is the only one that is right? I don't agree. Most states today provide for Senate confirmation of the governor's appointment. Is the council speaking for the people? My answer for this question is no. How can seven members of one party speak for all the people of this state? If confirmation were in the hands of the Senate, it would certainly be closer to the people than it is now.

I am sure that the gentleman from Houlton, Mr. Berman, agrees that not all councils and councillors have made excellent choices in choosing individuals for offices in this state and in other states which had had the council. As a student of government, I cannot help but see the Republican Party this morning trying to block gov-

ernmental reforms and I agree with the gentleman from Milbridge, Mr. Kennedy, that the vote by yeas and nays should be taken so that the people of Maine will know which party is trying to prevent good government in this state of ours.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Members of the House: After hearing all these eloquent speakers, ladies and gentlemen, I must say that after being here several terms I have heard a great deal of conversation and remarks relative to home rule. Now if we stop and think this morning, this constitutional amendment is only going to give the people back home a chance to vote and express their own desires. So, therefore, I say let us adhere to home rule.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, Members of the House: Maine's Executive Council was established in the wisdom of our founding fathers for good reason. The reason I submit is still valid today. Our government is devised as a system of checks and balances to prevent rampant dictatorship overbearing bureaucracy, or degeneracy into anarchy. That this system works well is attested to by the fact that the United States, which conceived it, remains as one of the oldest successful Republics on earth. The basis of our checks and balances system, both nationally and in the State of Maine, is the separation of powers among three distinct branches of government, Executive, Legislative and Judicial.

Here in Maine, the Legislative branch is the only part-time branch of government, in session less than six months out of every twenty-four. The other eighteen months in each two years would see an imbalance in our system of government, except for one thing: the Executive Council. The

council is elected by the Legislature to serve in its absence, maintaining the desirable and necessary balance in government. To abolish the council would be to diminish the quality of government Maine people have enjoyed for 145 years.

Therefore, I cannot find it in my heart to vote for the passage of this measure today.

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: We have constantly heard the council referred to as representatives of the people of the State of Maine and we heard the gentleman from South Thomaston, Mr. Kittredge, tell us that two-thirds of the people in the State of Maine are Republicans. I pose this one question. Where is the representation on today's council for those two-thirds?

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I can agree with our esteemed colleague over in the left hand corner about this being a very important day. It is too important for me to speak unprepared as I am. I didn't realize until late yesterday afternoon that this momentous question was going to be aired here this morning. I have made some notes and I am very glad that so many speakers here have made it unnecessary for me to do what I thought I might do. I will ask for your indulgence here as I know I will not speak with unity or clarity perhaps at this time, but I feel that I must speak.

The King of England appointed the governor of each colony and then the governor of each colony appointed the council, which all through our colonial history was against the Legislature. I always wondered why Maine still had a council, and Massachusetts. I did find out that in the early 18th Century I believe, Massachusetts



was able to swing the council towards its side, that is Massachusetts Legislature was. So when they set up their constitution, remembering that the council had helped them free themselves from the power of the king, they preserved it in their constitution and from that, I suppose, Maine when they separated, did.

But, we find that this is not the first attempt to eliminate our council. In the constitutional commission — constitutional convention held at Portland in 1819, Dr. Rose of Boothbay Harbor made a good fight to have the council eliminated from the Maine Constitution because it was needless, it was expensive, it set up two governors; and of course that has come down to us.

We sometimes ask ourselves whether we have an executive or a figurehead. Some of our citizens even go so far as to denigrate our governorship to a position of a ribbon cutter and Maine historically is known as one of the weak governor states. But then again in 1875 they had a constitutional commission set up headed by a Republican, Edward Kent, a two time governor, a jurist, Supreme Court, State Supreme Court jurist and they proposed eighteen changes in our Constitution. They only adopted eleven and they didn't adopt the three important ones.

In 1930, Governor Tudor Gardiner sparked an effort to eliminate the council. And then we get down to 1956, and here is our \$50,000 wonderful souvenir. This is the PAS report which we paid \$50,000 for, and we haven't adopted one of those recommendations. Since 1957 they did adopt the four-year term for the governor. I might say this, that this report did not suggest that we eliminate the council entirely. The people that made this report are in favor of eliminating the council but they thought it was too much of a recommendation to bite off, I think, because the language in this report states that in deference to Maine traditional thinking

we suggest at this time, that we change the powers of the council. And then in 1962 of course, our great student from the University of Maine, Doctor Dow, who as you know is a graduate of Bowdoin, did his doctorate work at Harvard, he did his post-doctorate work at the American University, and he in this little pamphlet analyzed the Maine Constitution; and he has this article "Executive or Figurehead," and he makes six recommendations to be given the governor, or tools to be given the governor, to make his office more responsible, to make it more effective. The first tool that he recommends is the elimination of the council.

Now there are three recent constitutions. One here is the Constitution of the State of Hawaii, another is the Constitution of the State of Alaska, and another is the recent new Constitution of the State of New Jersey. That is probably the most up-to-date, model constitution for any state to follow and of course it eliminates the council—I mean we see no council in their structure of government.

Incidentally, we find the same language in each one of these constitutions relative to the Executive Department, that there shall be no more than twenty major departments; and we find in our government that we have twenty-nine major departments, and I believe we set up another department of Indian Affairs the other day, that we have eighty statutory boards and commissions and that the PAS report calls our whole fabric of government patchwork and piece work.

So I do think that this is an important day. I hate to see the issue decided here with so little debate, you might say. I am a little—I was a little shocked to hear our distinguished colleague from Brewer say that his party had decided to take a stand against a reform measure like this. If that is so, it is quite hopeless for us to continue any debate because as we all know we have to have a hundred and one votes and I don't know as there is anyone can change their mind about this;

but I do hope that we will recognize this as—I would hope that we would not recognize this as a party issue, that we would recognize it as a reform for the benefit of the people of our state to take the first step towards streamlining our government, a step which is long overdue. And I guess that is about all I have to say here. I could say a lot more because I think there is a lot more that could be said about this matter, but I thank you for your patience.

The SPEAKER: The Chair recognizes the gentleman from Phillips, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Members of the House: The people of Alabama are being killed today because they seek the right to vote as they see fit. We as members of this House could also withhold this right if we fail to pass this bill.

The SPEAKER: The Chair recognizes the gentleman from South Thomaston, Mr. Kittredge.

Mr. KITTREDGE: Mr. Speaker, Members of the House: I don't mean to quibble, but I just would like to set the record straight or perhaps receive another history lesson. As I recall, the gentleman from Kingman Township, Mr. Starbird, referred to the Reichstag. I would like to reiterate my previous words. I do not believe that the chancellor of Germany had a council that was responsible to the Reichstag in 1937.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Bishop.

Mr. BISHOP: Mr. Speaker, Members of the House: I hesitate to delay the vote because I think it may be very exciting and very unexpected. I can't contain my amusement at the opponents of this measure likening the incumbence of the governor's office to a succession of monsters from whom the people of Maine must be protected, mostly of their own party. They have compared them to one of the most bloodthirsty dictators in history. True, some of them may have been ambitious and others perhaps a little autocratic, but I have known some of these men. For the most part they

were warm human beings to whom the people of Maine had given their trust. And I believe we should give them the opportunity for fulfilling that trust.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Members of the House: I just have a few words here but having had the experience on some of many spending bills coming before the Appropriations and realizing the amount of money which is required to operate the state today, I just wonder if anyone has thought how much more money the next Legislature might have to spend on the Executive Department Budget if the council is off it. It seems to me that if the governor is going to have to take on all the duties now performed by seven men in addition to these he already carries, he is going to be asking for a lot of new staff positions and I find in checking through the budget that actually the cost of the council has not been an expensive operation.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Libhart.

Mr. LIBHART: Mr. Speaker, I promise this is the final comment as far as I am concerned. In reference to my colleague from East Millinocket, Mr. Birt, it isn't going to cost us any more money. All the governor will have to do is buy seven rubber stamps.

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

Mrs. CARSWELL: Does anybody have the exact amount that it costs to keep the governor and council going for two years?

The SPEAKER: The gentlewoman from Portland, Mrs. Carswell, has posed a question to any member of the House. Any member of the House may answer if he so desires.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: According to the budget in the 1963-1964 biennium there was \$17,352.10 spent for the operation of the council. The

estimated cost of operation for 1964-1965 is \$26,720. The additional cost is probably caused by the fact the council is in operation more during the time the Legislature is in session and this is an anticipated amount because we have to anticipate it through the 30th of June, but these are the figures presently in the budget and I have just taken them out a short while ago.

The SPEAKER: This Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation, House Paper 6, L. D. 6, having had its two several readings in the House and having been passed to be engrossed and having had its two several readings in the Senate and having been passed to be engrossed and the Committee on Engrossed Bills having reported that it is now truly and strictly engrossed, is it now the pleasure of the House that this Resolve be finally passed? This being a Constitutional Amendment it requires for its final passage the affirmative vote of two-thirds of the members present. The gentleman from Milbridge, Mr. Kennedy, has requested a roll call. In order for the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. All those in favor of a roll call will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth of the members present desire a roll call, a roll call is in order. The question before the House is on the final passage of this constitutional amendment. If you are in favor of its final passage you will say yes; if you are opposed to it, you will say no.

The Chair recognizes the gentleman from Augusta, Mr. Katz.

Mr. KATZ: I understood that the motion before us was for the indefinite postponement.

The SPEAKER: The gentleman is in error.

The Clerk will call the roll which is on final passage.

### ROLL CALL

YEA—Anderson, Orono; Baldic, Bedard, Benson, Mechanic Falls; Bernard, Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Burwell, Bussiere, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Crommett, Curran, D'Alfonso, Danton, Dostie, Doyle, Drigotas, Drouin, Dudley, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gilbert, Glazier, Graham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Healy, Hunter, Durham; Jalbert, Jordan, Keyte, Kilroy, Knight, Laberge, Lane, Lebel, Lent, Libhart, Lowery, Martin, McKinnon, Mills, Mitchell, Nadeau, Palmer, Pitts, Poulin, Roy, Ruby, Sawyer, Searles, Starbird, Stoutamyer, Sullivan, Truman, Wheeler, Whittier, Wuori, Speaker.

NAY—Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berman, Berry, Birt, Bragdon, Brewer, Buck, Carter, Cookson, Cressey, Crosby, Cushing, Dickinson, Dunn, Erwin, Farrington, Gifford, Hammond, Hanson, Gardiner; Hanson, Lebanon; Hariman, Hawes, Hawkes, Haynes, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Lincoln, Littlefield, Lund, Lycette, Meisner, Millay, Mosher, Payson, Peaslee, Pendergast, Pike, Prince, Rackliff, Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sahagian, Scott, Storm, Susi, Waltz, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

ABSENT—Beane, Davis, Evans, Gillan, Hoy, Levesque, Norton, Richardson, Cumberland; Ward.

Yes, 79; No, 63; Absent, 9.

The SPEAKER: The Chair will announce the vote. Seventy-nine having voted in the affirmative and sixty-three in the negative and nineteen absent, seventy-nine being less than two-thirds of 142 who are present and voting, this

Constitutional Amendment fails to receive passage.

Sent up for concurrence.

### **Passed to Be Enacted**

An Act Authorizing the Leasing by the State of Wing of Community General Hospital, Fort Fairfield, to the Hospital (S. P. 163) (L. D. 493)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

### **Tabled and Assigned**

An Act to Eliminate Straight Ballot Voting in Elections (S. P. 191) (L. D. 571)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Roy of Winslow, tabled pending passage to be enacted and specially assigned for Wednesday, April 14.)

An Act to Consolidate The Universalist Church of Maine with Northeast District of the Unitarian Universalist Association (S. P. 471) (L. D. 1410)

An Act to Consolidate the Maine Unitarian Association with Northeast District of the Unitarian Universalist Association (S. P. 472) (L. D. 1411)

An Act Pertaining to Privately Owned Trade and Technical Schools (H. P. 206) (L. D. 274)

An Act relating to Lights on Rescue Vehicles of Civil Defense and Public Safety Agencies (H. P. 292) (L. D. 374)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

### **Enactor**

#### **Indefinitely Postponed**

An Act Providing for Safety Belts for Motor Vehicles (H. P. 436) (L. D. 565)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I believe this bill is unnecessary legislation. It is needless because anyone can buy seat belts, and it is too bad to think of cluttering up the law books with such a useless law, and I would move that this article be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Hampden, Mr. Littlefield, that this bill and its accompanying papers be indefinitely postponed.

Mr. Brewer of Bath requested a division.

The SPEAKER: A division has been requested. All those in favor of the indefinite postponement of this bill will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty voted in the affirmative and fifty-six voted in the negative.

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

Mr. JALBERT: Mr. Speaker, I move that we reconsider our action whereby we voted that this bill be indefinitely postponed, and when you vote, vote against me.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Katz, and inquires for what purpose does this gentleman arise?

Mr. KATZ: Mr. Speaker, is a motion for tabling of a reconsideration motion in order at this time?

The SPEAKER: A motion for reconsideration is not in order yet. I have not announced the vote as being official.

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

Mr. JALBERT: I am waiting for you to slap it down so I can make my motion.

The SPEAKER: Sixty having voted in the affirmative and fifty-six having voted in the negative, the motion to indefinitely postpone does prevail.

The gentleman from Lewiston, Mr. Jalbert, now moves we reconsider our action whereby this bill and its accompanying papers were indefinitely postponed.

Mr. Brewer of Bath requested a roll call.

The SPEAKER: The gentleman from Bath, Mr. Brewer, requests a roll call on the reconsideration motion.

The Chair recognizes the gentleman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker, I move we table the motion to reconsider until Friday, April 9.

The SPEAKER: The gentleman from Portland, Mrs. Carswell, now moves that this matter lie upon the table until next Friday pending reconsideration.

Mr. Littlefield of Hampden requested a division.

The SPEAKER: A division has been requested. All those in favor of this matter being tabled and assigned for next Friday will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-six having voted in the affirmative and sixty-eight having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker, is a roll call in order on the motion to reconsider?

The SPEAKER: A roll call will be in order if one-fifth of the members here so desire it. This matter is now open for debate.

Mrs. CARSWELL: The reason I am making this motion is, if we reconsider and this fails, the bill is dead, so I hope that we will have a roll call on this and we will not reconsider.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker, supporting the request for a roll call, I would hope we would reconsider and you would vote yes.

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

Mr. JALBERT: Mr. Speaker, if the reconsidering motion is going to be debated, I would say all those that don't want the seat belts vote no; vote no, period.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Jalberty, that we reconsider our action whereby this bill and its accompanying papers were indefinitely postponed, and the gentleman from Bath, Mr. Brewer, has requested a roll call. For the Chair to order a roll call, it must have an expressed desire of one-fifth of the members present. All those in favor of the yeas and nays will rise and remain standing until the monitors have made and returned the count.

More than one-fifth of the members present arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the gentleman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker, please announce just what happens now if this is reconsidered and the motion is lost, is the bill not dead for good then?

The SPEAKER: The gentleman is making a parliamentary inquiry and the Chair will answer to this effect, that if the motion to reconsider fails, this means that this bill would then go over to the other branch as having been indefinitely postponed. The other branch at that time may insist on their former action and a committee of conference could be appointed. If we reconsider at this time, then another motion would be in order which would be to indefinitely postpone it again or to enact the bill in its present stage. If you vote to reconsider, this matter would be debatable once again on whatever motion is put before the House. If you vote not to reconsider, this means this bill would go to the Senate as being indefinitely postponed.

The Chair recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: Parliamentary inquiry, on the way you posed the question, those who are for the seat belt project will vote no, those against it will vote yes, is that correct?

The SPEAKER: Those who are for seat belts would vote on the

reconsideration motion yes; those who are against seat belts would vote no.

Mr. JALBERT: Mr. Speaker, my question is this, if you are in favor of seat belts, you vote no, if you are against seat belts, you vote yes. The inquiry is this, if you want to reconsider, which means you are against seat belts, you vote yes; if you want to not reconsider, you are against seat belts, you vote no.

The SPEAKER: The Chair will consider the gentleman's inquiry as his own remarks. The Chair has answered the question. The Chair recognizes the gentleman from Sanford, Mr. Blouin.

Mr. BLOUIN: If you don't want seat belts, just vote no. That's it.

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

Mr. DUDLEY: The motion is not debatable is it?

The SPEAKER: The motion for reconsideration is debatable.

Mr. DUDLEY: Mr. Speaker, I don't want to debate the motion, I just want to make sure—I've heard enough about seat belts. I hope everybody votes no on reconsideration.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker and Members of the House: It seems to me that it is a little unfortunate that this rather serious measure is being treated with such jocularity today. We have heard over the past years in Maine a great deal about highway safety. We have a Highway Safety Committee, and one of the criticisms I have of our highway safety program is that we have had entirely too much talk and too little action. I am pleased that we have the opportunity for a roll call today because the voters today, the people in the House today who will be voting, will give voters at home an opportunity to see those who wish to see some action taken on highway safety, and those who do not.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Jal-

bert, that we reconsider our action whereby An Act Providing for Safety Seat Belts for Motor Vehicles, House Paper 436, L. D. 565 was indefinitely postponed. The Chair will explain once again, if you are for seat belts, you should vote yes; if you are against seat belts, you should vote no. The Clerk will call the roll.

### ROLL CALL

YEA—Anderson, Orono; Avery, Baker, Orrington; Benson, Mechanic Falls; Benson, Southwest Harbor; Berry, Birt, Bishop, Bragdon, Brennan, Brewer, Burwell, Carroll, Carswell, Conley, Cottrell, Cressey, Crosby, D'Alfonso, Dickinson, Dunn, Erwin, Fortier, Gaudreau, Graham, Hanson, Gardiner; Hanson, Lebanon; Harriman, Haugen, Haynes, Healy, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kilroy, Kittredge, Knight, Lent, Lewis, Libhart, Lowery, Lund, Martin, McKinnon, Millay, Palmer, Payson, Pike, Pitts, Prince, Richardson, Stonington; Ross, Bath; Ross, Brownville; Ruby, Sahagian, Sawyer, Scott, Storm, Wheeler, Wood, Young.

NAY—Anderson, Ellsworth; Baker, Winthrop; Baldic, Bedard, Berman, Bernard, Binnette, Blouin, Bourgoin, Bradstreet, Buck, Busiere, Carter, Champagne, Cookson, Cote, Crommett, Curran, Cushing, Danton, Dostie, Doyle, Drigotas, Drouin, Dudley, Dumont, Edwards, Eustis, Farrington, Faucher, Fecteau, Fraser, Mexico; Fraser, Rumford; Gauvin, Gifford, Gilbert, Glazier, Hammond, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Hawes, Hawkes, Hunter, Durham; Jalbert, Jordan, Keyte, Laberge, Lane, Lang, Lebel, Lincoln, Littlefield, Lycette, Meisner, Mills, Mitchell, Mosher, Nadeau, Peaslee, Pendergast, Poulin, Rackliff, Roberts, Searles, Starbird, Stoutamyer, Sullivan, Susi, Waltz, Watts, White, Guilford; Whittier, Wight, Presque Isle; Wuori.

ABSENT—Beane, Boissonneau, Davis, Evans, Gillan, Hoy, Lesvesque, Norton, Richardson, Cumberland; Roy, Truman, Ward.

Yes, 63; No, 75; Absent, 12.

The SPEAKER: Sixty-three having voted in the affirmative, seventy-five having voted in the negative, with twelve being absent, the motion does not prevail.

Sent up for concurrence.

An Act relating to Adequate Brakes on Truck Tractors and Semitrailers (H. P. 575) (L. D. 745)

An Act relating to Procedure for Commitment to the State Hospitals (H. P. 641) (L. D. 866)

An Act Classifying Collier Brook, Cumberland County (H. P. 843) (L. D. 1144)

An Act relating to Procedure for Registration of Voters (H. P. 883) (L. D. 1180)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Enactor**

##### **Tabled and Assigned**

An Act Providing Only One Way to Split a General Election Ballot (H. P. 884) (L. D. 1131)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed

(On motion of Mr. Binnette of Old Town, tabled pending enactment and specially assigned for Wednesday, April 14.)

#### **Enactor**

##### **Tabled and Assigned**

An Act Authorizing Municipalities to Establish Park and Conservation Commissions (H. P. 897) (L. D. 1207)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Danton of Old Orchard Beach, tabled pending enactment and specially assigned for Wednesday, April 14.)

An Act relating to Minimum Number of School Days in Secondary Public Schools (H. P. 959) (L. D. 1294)

An Act relating to Equal Pay for Men and Women Employees (H. P. 1041) (L. D. 1412)

#### **Finally Passed**

Resolve to Reimburse Richard Robinson of Robbinston for Dam-

age by Highway Construction (S. P. 142) (L. D. 383)

Resolve to Reimburse Merritt Elwell of Sherman Mills for Loss of Well (H. P. 123) (L. D. 147)

Resolve to Reimburse Lincoln Home, Newcastle, for Well Damage by Highway Construction (H. P. 124) (L. D. 148)

Resolve to Reimburse Doris Carlisle of Surry for Property and Well Damage by Highway Construction (H. P. 395) (L. D. 507)

Resolve Relating to Transfer of Profits from Institutional Farms (H. P. 1042) (L. D. 1415)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

#### **Orders of the Day**

The SPEAKER: The Chair will request the Sergeant-at-Arms to escort the gentleman from Milbridge, Mr. Kennedy, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Kennedy assumed the Chair as Speaker pro tem and Speaker Childs retired from the Hall.

The Chair laid before the House the first item of Unfinished Business:

HOUSE REPORT — "Ought to pass"—Committee on Inland Fisheries and Game on Bill, "An Act Designating Androscoggin Game Preserve as a Game Management Area." (H. P. 696) (L. D. 934)

Tabled—March 26, by Mr. Drigotas of Auburn.

Pending—Motion of Mr. Gilbert of Turner to Indefinitely Postpone Report and Bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I move that we accept the unanimous Report of the Committee which was ought to pass.

The SPEAKER pro tem: The Chair would advise the gentleman that the pending motion before the House is the motion of the gentleman from Turner, Mr. Gilbert, to indefinitely postpone the Report and Bill.

All those in favor of indefinite postponement will answer yes, those opposed, no.

A viva voce vote being taken, the motion did not prevail.

The SPEAKER pro tem: The Chair now recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker, I now move the "Ought to pass" Report of the Committee be accepted.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Drigotas, now moves the acceptance of the "Ought to pass" Report.

The Chair recognizes the gentleman from Falmouth, Mr. Payson.

Mr. PAYSON: Mr. Speaker, Ladies and Gentlemen: You have just tabled a bill, 1207, An Act Authorizing Municipalities to Establish Park and Conservation Commissions. This applies to open areas, marshlands, swamps, wet lands and so forth. The last two sentences in section 3 reads: "Land taken for the purposes hereinbefore described shall not be used for purposes other than those for which originally taken."

Now landowners have given up their hunting rights on their own land so that the state could have a game preserve on their property. This act, L. D. 934 is intended to change the provisions of the original agreement over the expressed objections of the landowners. This is contradictory and I urge that it ought not to pass.

The SPEAKER pro tem: Does the gentleman make the motion that this ought not to pass, the acceptance of the report?

Mr. PAYSON: Yes.

The SPEAKER pro tem: The Chair recognizes the gentleman from Turner, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, personally, I couldn't care less, you vote on the issue, but I will tell you that I have an opinion from the Attorney General who says that if this goes through, the State of Maine will be required to pay these landowners for the use of their land.

The SPEAKER pro tem: Is the House ready for the question?

Mr. Blouin of Sanford requested a division.

The SPEAKER pro tem: A division has been requested. The Chair understands the gentleman from Falmouth, Mr. Payson, moved indefinite postponement. Is that true, sir?

Mr. PAYSON: I moved ought not to pass. I think there is a motion already ought to pass.

The SPEAKER pro tem: The question before the House is the acceptance of the "Ought to pass" report. All those in favor of the acceptance of the "Ought to pass" report will please rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

Forty-six having voted in the affirmative and sixty-three having voted in the negative, the motion did not prevail.

Thereupon, the Report and Bill were indefinitely postponed and sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

HOUSE REPORT — "Ought to pass" as Amended by Committee Amendment "A" — Committee on Inland Fisheries and Game on Bill, "An Act relating to Closed Season on Bear." (H. P. 886) (L. D. 1183) (C. "A" H-157)

Tabled March 26, by Mr. Martin of Eagle Lake.

Pending — Acceptance.

On motion of Mr. Martin of Eagle Lake, retabled pending acceptance and specially assigned for Wednesday, April 7.

The Chair laid before the House the third item of Unfinished Business:

HOUSE REPORT—"Ought to pass" as Amended by Committee Amendment "A" — Committee on Towns and Counties on Bill, "An Act Authorizing County Commissioners for York County to Make a Loan for Construction of a Sewage Treatment and Disposal System for its Courthouse and Jail." (H. P. 571) (L. D. 741) (C. "A" H-153)



Tabled — March 26, by Mr. Bernard of Sanford.

Pending — Acceptance.

On motion of Mr. Bernard of Sanford, retabled pending acceptance and specially assigned for Wednesday, April 14.

The Chair laid before the House the fourth item of Unfinished Business:

**DIVIDED REPORT** — Majority (8) "Ought to pass" in New Draft — Minority (2) — "Ought not to pass" — Committee on Retirements and Pensions on Bill, "An Act to Liberalize Credit for Out-of-State Service for Teachers Under State Retirement Law." (H. P. 1047) (L. D. 1418)

Tabled — March 26, by Mr. Buck of Southport.

Pending — Motion of Mrs. Carswell of Portland to accept Majority "Ought to pass" Report.

On motion of Mr. Buck of Southport, retabled pending the motion of Mrs. Carswell of Portland to accept the Majority "Ought to pass" Report and specially assigned for Friday, April 9.

The Chair laid before the House the fifth item of Unfinished Business:

**DIVIDED REPORT** — Majority (8)—that same be Referred to the Committee on Appropriations and Financial Affairs—Minority (2)—"Ought not to pass"—Committee on Towns and Counties on Bill, "An Act Providing for Penobscot County Funds for Buildings for Education Programs for Retarded Children." (H. P. 16) (L. D. 16)

Tabled—March 26, by Mr. Anderson of Orono.

Pending—Acceptance of Either Report.

The **SPEAKER** pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: Mr. Speaker, I have stood and talked for matters which I felt belonged to their proper committees. If you will only look at this bill you would know that this has absolutely no business before the Appropriations Committee. For that reason, I

move this bill be referred to the Committee on Towns and Counties.

Thereupon, the Reports and Bill were referred to the Committee on Towns and Counties and sent up for concurrence.

The Chair laid before the House the sixth item of Unfinished Business:

**HOUSE REPORT**—"Ought not to pass" as Covered by Other Legislation—Committee on Agriculture on Bill, "An Act Creating Facility Improvement Fund for Certain Recipients of Stipend Fund." (H. P. 853) (L. D. 1263)

Tabled—March 26, by Mr. Hawes of Union.

Pending—Acceptance.

Thereupon, the "Ought not to pass" Report as covered by Other Legislation was accepted and sent up for concurrence.

The Chair laid before the House the seventh item of Unfinished Business:

**HOUSE REPORT** — "Ought to pass" — Committee on Agriculture on Bill, "An Act Revising Law relating to Facility Improvement Fund for Agricultural Fairs." (H. P. 615) (L. D. 1008)

Tabled — March 26, by Mr. Hawes of Union.

Pending — Acceptance.

The **SPEAKER** pro tem: The Chair recognizes the gentleman from Union, Mr. Hawes.

Mr. HAWES: Mr. Speaker and Ladies and Gentlemen of the House: First let me say that I am not opposed to the small fairs receiving some financial aid, but I am opposed to the method of the way they are going about trying to get it.

This bill here before us right now is very complicated for anybody that doesn't understand fair business. In a short time I will try to explain it to you. We have in the state about twenty-five fairs. Of this twenty-five, eleven are pari-mutuel fairs, and the rest of them are what we call non pari-mutuel or small fairs. The eleven pari-mutuel fairs conduct as you probably understand pari-mutuel

racing. In fact six years ago I believe, the Legislature passed a bill to help these pari-mutuel fairs improve their racing facilities, which is called the Facility Improvement Fund. Now this fund is altogether different than the stipend fund which you have heard about. The stipend fund is a fund made up — part of it comes from the pari-mutuel fairs through the betting; part of it comes out of the State Commission on Harness Racing and part of it comes from a two cents per inhabitant. Now this is paid back to the fairs, all the fairs, prorated according to the amount of the premium paid.

Now this bill before us today wants to take this Facilities Improvement Fund, which was set up originally to help the pari-mutuel fairs improve their racing facilities, and thereby increasing the bet, the amount of money taken in at these tracks, which has been proven over the past five or six years to the amount of about five million dollars, they want to take part of this money, these non pari-mutuel fairs, and divide it up so that they will be — go into the stipend fund actually. This fund was originally set up divided equally amongst the pari-mutuel fairs, because we feel that regardless of how big the pari-mutuel fair is, it costs them all about the same to put on their races. A lot of these — I would say about all of the pari-mutuel fairs at the present time have greatly improved their racing facilities, the tracks, the buildings, horse stalls and parking areas and one thing or another. A lot of them have gone into debt and they are planning on this money next year to help pay off some of these debts, and we feel that where the pari-mutuel fairs make this money that it should stay with the pari-mutuel fairs.

As I said, I am not opposed to helping the small fairs and the method we have about going about doing that is another bill that is in the Legislature; it hasn't come up for hearing yet, which will add another two cents to help

these small fairs out. It will give them about the same amount of money.

Most of you I imagine received this morning a letter from the proponents of this bill. I feel that there are quite a lot of facts in here that if you really get down to the facts are untrue.

First, they state that this is state funds. They are not state funds. The facilities improvement funds are not state funds, they do not go into the state treasurer. It is doled out by the Agricultural Committee. They pass it out, it is under their jurisdiction. These pari-mutuel fairs have got to show some signs of improving their facilities before they can receive this money, that is why it was put before the Agricultural Committee for permission to pass this money out. It doesn't go into the state treasurer at all.

And on this letter you received this morning on the number of fairs that propose this, so far as I can see, I have been to every meeting of the State Association of Agricultural Fairs and I believe that there were only two or three of these fairs that attended these meetings. The rest of them have never attended the meetings. I don't believe they understand this bill at all, and I further would like to state that we have had three meetings since January 21 I believe, and at every meeting of the State Association they have gone on record in opposing this bill, L. D. 1008. So at this time I hope you go along with me and indefinitely postpone this bill.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Union, Mr. Hawes, that the Report and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: This seems to be a fight between the agriculture fairs and the people that run horse trots. Now our history in Maine of Agriculture Societies goes back to

the War of Independence, and in 1787 in the Town of Hallowell there was an Agricultural Society formed under the State of Massachusetts, before Maine was made a state, the State of Massachusetts was given a little money to the colony of Maine. These Agricultural Societies discuss the testing of new seeds and the breeds, and how much corn it takes to make a pound of pork, and the best turnips to plant, how to make good cider, the best way to collect and use manure and all those kinds of things like that, that was before the fairs came along. The fair is a New England institution and it came from the Agricultural Society always promoting the better ways to farm. We operated that way for over a hundred years.

In 1935 the fairs were having a tough time of it. The buildings were falling down and to please certain groups like church groups and like that, that's the way they got up this idea of pari-mutuel betting, so as to earn a little bit of money that way to promote all agricultural fairs. And until 1957 all fairs shared equally in the benefits of this pari-mutuel betting, based upon the amount of premiums that they paid to their exhibitors, and in 1957 a law was passed setting up this Facility Improvement Stipend from racing benefits which only benefitted the fairs that had horse trots. Now you understand that for every dollar that is bet, seventeen cents of that is taken out right then and there. Ten cents of it goes to the track for their profit, the track has that profit of ten cents on every dollar. Six cents of it goes to the state as the commission on the betting, and one cent goes to the stipend fund, and of the one cent to the stipend fund, one-half of this one cent is for these facility improvement funds.

Now last year this fund came to about \$94,000, and of that \$94,000 the racing at these agricultural fairs came to about \$39,000, but the racing at Scarborough Downs and Gorham came to about \$54,000 that these fairs that have racing didn't contribute at all. The Gorham and Scarborough Downs

contribute but they don't get anything back for their money. In other words, these fairs that have racing only produce about forty per cent of the revenue that we are talking about. Now from the early 1900's until 1957 state support to agricultural fairs was based entirely on the amount of premiums that was paid to the exhibitors. This was the yardstick that had been used and there is no better yardstick today for measuring the value of each fair to the farming of this state.

In 1957 this law setting up the Facility Improvement Stipend broke the established precedent. Now this bill, 1008, is often referred to as the Litchfield Bill, but I come from Durham and I was the one behind it and I was the one that helped draft it, and put it in. I have no connection with Litchfield at all, never been to Litchfield Fair in my life. This will get us right back to the grass-roots. It will provide some money so that these fairs can patch up and put on a can of paint and a little roof coating on the roof to keep the heavens from raining right into their cow sheds and things like that, and I think it is a good bill and I think that we ought to pass it.

The SPEAKER pro tem: Is the House ready for the question? The Chair recognizes the gentleman from Turner, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, as our friend the gentleman from Durham, Mr. Hunter, told us, when this came into committee, it was his bill. Very few of us on the committee understood this stipend fund, and we had to have a dress rehearsal thereafter to get it all cleared up. But as he told you, forty per cent of the stipend fund comes from pari-mutuel betting, sixty per cent of it comes from Scarborough and the Gorham race-tracks, and Scarborough and Gorham racetracks get nothing back.

Now in the first place, the deductions were started to help the pari-mutuel fairs who couldn't make enough on their races to support their own races. Since that time, it has been extended to help non pari-mutuel fairs with their buildings for cattle and vegetables

and what have you. With all the races the whole season, if these races were—sixty per cent had come in from Gorham and Scarborough, if they can't contribute money to help these non-pari-mutuel fairs, then we have three choices: we can either take it out of tax money, which is a proposal that I understand they hope to introduce; we can discontinue the fairs, or they can get along without any buildings or any improvement in their buildings. But my question is this, if we can't give these non pari-mutuel fairs a little of this money, then how can we afford and expect to finance education with another horse race?

The SPEAKER pro tem: The Chair recognizes the gentleman from Bowdoinham, Mr. Millay.

Mr. MILLAY: Mr. Speaker, Ladies and Gentlemen of the House: I rise again to support another Hunter, this time, Mr. Hunter, the gentleman from Durham. The word stipend in the Revised Statutes means aid and encourage the agricultural societies. Now that word in the Revised Statutes makes no difference between pari-mutuel fairs and small fairs, but as the gentleman from Union, Mr. Hawes has stated, later it was revised so that the pari-mutuel fairs did have this facilities fund to help them improve their racing facilities, but in two or three years after this law had been on the books, the Attorney General was asked for a ruling: could this money be used for other facilities other than racing facilities, and his answer was in the affirmative, and I believe that you would find, if you looked into it, that this money has been used to fix up the cattle sheds on the pari-mutuel fairs as well as racing facilities. Now this obviously gives the larger pari-mutuel fairs an advantage over the smaller fair.

In my own case, Topsham Fair is going to lose money if we pass this bill, but I support it wholeheartedly because I believe that it represents a fair way of distributing this stipend. It will be distributed by the amount of premiums paid, pro rated for each fair and the large pari-mutuel fairs are going to continue to receive

the large share of this facilities fund, but the little fairs, who desperately need it, and I mean desperately need it, because they have just as many expenses and just as many cattle sheds as some of the larger fairs, will then receive some of this fund. And I believe that once the Agricultural Committee has this money it is up to them to do as they see fit and I think they should definitely give all fairs an equal chance. Thank you.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Unless I am confused I feel that the last speaker spoke in some ways against the measure, but to bring myself back on the track I would like to ask a question. Is this fund out of the State or taken from the bettor? Can anybody answer that question?

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to any member who may answer if they so desire.

The Chair recognizes the gentleman from Union, Mr. Hawes.

Mr. HAWES: Mr. Speaker, if the gentleman means the facility improvement funds, it is taken from the bettor.

The SPEAKER pro tem: The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker, on that basis then it is up to the bettor who is willing to pad the grounds and the fairs and whatever this fund involves to prove and I should think we would need this bill and I would go along with the gentleman from Union that we postpone.

The SPEAKER pro tem: Is the House ready for the question? The pending motion is the motion of the gentleman from Union, Mr. Hawes that this report and bill be indefinitely postponed. All those in favor will answer yes; those opposed will answer no.

A viva voce vote being doubted by the Chair, a division of the House was had.

The SPEAKER pro tem: The House will be in order. All those in favor of the pending motion of indefinite postponement of report and bill will please rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

Seventy-five having voted in the affirmative and forty-seven having voted in the negative, the motion prevailed.

Sent up for concurrence.

The Chair laid before the House the eighth item of Unfinished Business:

HOUSE REPORT—"Ought not to pass" as Covered by Other Legislation—Committee on Highways on Bill, "An Act Increasing Reimbursement to Towns for Snow Removal." (H. P. 332) (L. D. 435)

Tabled—March 26, by Mr. Levesque of Madawaska.

Pending—Acceptance.

The SPEAKER pro tem: The Chair recognizes the gentleman from Clinton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, I move that we substitute the bill for the report.

The SPEAKER pro tem: The gentleman from Clinton, Mr. Hunter, now moves that the House substitute the bill for the report.

The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Members of the House: This is a—What you are doing members of the House, Mr. Speaker, if you substitute the bill for the report it was the unanimous Report of the Committee on Highways. I hope that we do not substitute the bill for the report. I hope the House will go along and defeat the motion.

The SPEAKER pro tem: Is the House ready for the question? The gentleman from Clinton, Mr. Hunter, moves that we substitute the bill for the report, Committee on Highways on Bill, "An Act Increasing Reimbursement to Towns for Snow Removal."

All those in favor of substituting the bill for the report will answer yes; those opposed will answer no.

A viva voce vote being doubted by the Chair, a division of the House was had.

All those in favor of substituting the bill for the report will please rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

Seventy-five having voted in the affirmative and forty having voted in the negative, the motion prevailed.

Thereupon, the Bill was read twice and assigned for third reading the next legislative day.

At this point, Speaker Childs returned to the rostrum.

SPEAKER CHILDS: The Chair would like to thank the gentleman from Milbridge, Mr. Kennedy, for acting as Speaker pro tem and for the fine job that he did.

Thereupon, the Sergeant-at-Arms escorted the gentleman from Milbridge, Mr. Kennedy, to his seat on the Floor, amid applause of the House, and Speaker Childs resumed the Chair.

The Chair laid before the House the first tabled matter assigned for yesterday, Thursday, April 1:

HOUSE REPORT—Committee on Health and Institutional Services on Bill, "An Act relating to Qualified Assistant Pharmacists" (H. P. 51) (L. D. 63) reporting same in New Draft (H. P. 1046) (L. D. 1417) under Title of "An Act relating to Examinations as Registered Pharmacists by Assistant Pharmacists," and that it "Ought to pass."

Tabled—March 26, by Mr. Binnette of Old Town.

Pending—Acceptance. (Specially assigned for Thursday, April 1st)

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Members of the House: We have heard that L. D. We have heard amendments put onto it. We have had it in a new draft. I would like to have it recommitted to the Committee again.

The SPEAKER: The question before the House now is on the

motion of the gentleman from Old Town, Mr. Binnette, that this bill be recommitted to the Committee on Health and Institutional Services. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

The Chair laid before the House the first tabled and today assigned matter:

HOUSE REPORT — Committee on Liquor Control on Bill, "An Act relating to Definition of Restaurant Under Liquor Law." (H. P. 754) (L. D. 991) reporting same in New Draft (H. P. 1058) (L. D. 1434) under Title of "An Act Defining Class A Taverns under Liquor Law," and that it "Ought to pass."

Tabled—March 31, by Mr. Scott of Wilton.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Eustis.

Mr. EUSTIS: Mr. Speaker, I request that this bill be retabled until April 14.

The SPEAKER: The gentleman from Dixfield, Mr. Eustis, now moves that this matter lie upon the table assigned for April 14 pending acceptance of the committee report. Is this the pleasure of the House?

Mr. Lund of Augusta then requested a division.

A division of the House was had.

Seventy-two having voted in the affirmative and forty-four having voted in the negative, the Report and Bill were retabled pending acceptance of "Ought to pass" in New Draft Report and specially assigned for Wednesday, April 14.

The Chair laid before the House the second tabled and today assigned matter:

DIVIDED REPORT — Majority (9)—"Ought to pass"—Minority (1)—"Ought not to pass"—Committee on State Government on Bill, "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities." (H. P. 546) (L. D. 768)

Tabled—March 31, by Mr. Conley of Portland.

Pending—Motion of Mrs. Wheeler of Portland to accept Majority "Ought to pass" Report.

On motion of Mr. Pitts of Harrison, retabled pending the motion of Mrs. Wheeler of Portland to accept the Majority "Ought to pass" Report and specially assigned for Tuesday, April 6.

The SPEAKER: We will now return to item one under Enactors, which is a Constitutional Amendment, Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions, Senate Paper 44, Legislative Document 215, which was tabled earlier in the day.

The Chair recognizes the gentleman from York, Mr. Erwin.

Mr. ERWIN: Mr. Speaker and Members of the House: I am sure we have had some interesting history lessons and I am sure that most of what needs to be said today has already been said with respect to the opposition to the proposal of a Constitutional Amendment. I think that perhaps the most telling thing that was said by the gentleman from Portland, Mr. Cottrell, a very learned and eloquent gentleman as you will all agree, when he pointed to the Constitution of the State of New Jersey, and in so doing whether or not it was inadvertent, he brought to my mind a point which I don't think that we should leave unnoticed for this particular endeavor. The State of New Jersey had a constitutional convention, duly called by the proper authority and convened in Trenton. I have in my possession the record of that convention and the New Jersey constitutional convention in volumes is thicker than all our legislative record will be at the end of this session. The matter was debated in a non-partisan fashion for a good many weeks, by a good many dedicated and learned people.

And that is the point that I would like to bring to you today. I don't think that there is anything that can be said in this House of Representatives in de-

bate in ten minutes or even ten days, that will bring into proper focus the problems which are presented by the amendment of a Constitution. Now a Constitution is an organic charter and by its nature and by its terms it ought to be something that is thoughtfully and carefully considered every time we propose to change it. Some of you will recall that in 1960 I publicly called for a constitutional convention in the State of Maine. The convention wasn't called but out of it came a constitutional study commission — a bipartisan study commission I might add, called by the Governor, which labored in the interim between the One Hundredth and the One Hundred and First Legislative Sessions. An interesting thing about this constitutional study commission is that it did not propose either of the two constitutional amendments which we have before us.

Now on that constitutional study commission, which I have already said was bipartisan, was a learned gentleman from one of our universities — I think it was the University of Maine but I am not sure enough to say positively. And the study commission had the benefit of all of the learning and the thinking that they would have wanted, to approach this problem. They did not see fit to present it to us; and I wonder if the presentation of something which may seem on its surface to be politically newsworthy and fun to talk about, is perhaps not the wrong way to approach the problem. Incidentally, the history of annual sessions in legislatures in small states like our own has been that they invariably grow. They usually start out in limited form of a certain number of legislative days, and if the limitation of the session is too severe, they wind up chaotically and eventually they lengthen themselves out.

Another facet of the history of annual sessions of the legislatures of other states of the United States has been that the salaries grow and sooner or later there comes into your legislative complex a professional class of

legislator. Now that may be something that you wish and it may not be something that you wish. I simply say to you that perhaps this is something that we ought to think about before we amend the Constitution, to start us down the road of annual sessions of the legislature.

As I said earlier, we have had some very interesting history lessons, some of them perhaps not as accurate as they might have been, and since they have not been accurate I might try to make one or two inaccurate points perhaps about history. I personally do not like to be told that when I oppose something which I conceive to be bad, that I am simply in opposition for the sake of being opposed to change. I think it might be said that the Spaniards would have considered it great progress if the small British fleet had allowed the Armada to land and to conquer the British Isles so that all of us here would probably be speaking Spanish today. The British thought this was a poor kind of progress and they opposed it. You might also say that when Horatius and two other bold Romans stood on the bridge across the River Tiber and opposed the armies of Lars Porsena of Clusium, that he was standing in the way of progress of the armies of Etruscan. I think that you would find that the Romans didn't think it to be in the same fashion.

Let's not throw a lot of emotional feelings and shibboleths around this hall, simply to make or not to make a position. This is very important stuff that we are dealing with. It is not the sort of thing that a legislature by its nature is as competent to account for as a study group or in fact a constitutional convention. I object and I oppose the enactment of this constitutional amendment calling for annual sessions of the legislature because I believe it is too important to do it this way and I think there is a better method by which we can study and amend the Maine Constitution if it needs to be amended. And I ask that the vote be taken with the yeas and nays when it is taken.

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

Mr. ROSS: Mr. Speaker, a question through the Chair to the Clerk, have we accepted an amendment to this bill?

The SPEAKER: The gentleman from Bath, Mr. Ross, requests the Clerk to tell him if any amendment has been accepted to this bill.

The CLERK: Under filing number S-68, Committee Amendment "A" to Senate Paper 44, L. D. 215, Resolve Proposing and so forth, Amend said resolve in that part designated section one by striking out all of the last two underlined paragraphs.

Mr. ROSS: Thank you very much, Mr. Clerk. I was prepared to vote for this original bill, because the original bill said that on odd-numbered years starting in 1967 the sessions would be a regular session and we would conduct business much like we do now, and limit the time to sixty legislative days, and it said that on the even numbered years the questions before us would be financial matters only and we would be limited to thirty days. But this amendment does away with these restrictions and it opens it wide up now, and so to me this raises the objection, because I feel that this has to do with the quality of the legislators themselves.

I believe it is difficult enough to get competent persons to run for the legislature and take off from their personal businesses their own time and spend six months every other year here in Augusta. I think it would be an imposition to expect these same type persons to spend six months every year here in Augusta, especially at the nominal pay that we receive, and I think that this unlimited theory poses another problem, and this is financial. If we should let the departments come before us each year with their requests for additional funds, I would guess that our expenditures which are now tremendous would increase substantially, so I could not support the amended bill, although I would support at any time the original bill.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I was one of those who presented this measure on two occasions. The last time was in 1961, and it had the provisions in it that the good gentleman from Bath, Mr. Ross, mentioned, which I favored then and I favor now.

The bill, every time it came up in the other branch, received its two-thirds. Final enactment here, or for final enactment, it failed by a bare six votes. I think that this is not going down hill as the gentleman from York, Mr. Erwin mentioned in his eloquent remarks.

I think we are going up hill by having the bill in its original form. Because I have spoken on the bill, I would not make a motion to table, but because I want to see the bill put back in its original form which would mean that we would reconsider engrossment, I would like to—and I am convinced and I might mention that when the bill passed in 1961 both branches were overwhelmingly on the opposition party, of the good friendly opposition party, so that certainly there was no party label on it. For that reason and because I would like to see the bill back up, I wholeheartedly support the remarks of the gentleman from Bath, Mr. Ross, and I would hope that this bill would be tabled for one week.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Libhart.

Mr. LIBHART: Mr. Speaker, the committee amendment was produced for the sole reason that this type of limitation in a constitution is contrary to good constitution writing. You don't write a constitution with limitations of this kind, and if you do, what you find, and I am sure all of you have seen the photographs in the school books, where someone is hanging from the balcony holding the hands of the clock for several days while the Legislature goes



on in defiance of the constitution. This is utterly ridiculous and this is what would happen if we put this kind of limitation in, and this is why we suggested this amendment, because it is the proper way to write this kind of provision for a constitution.

Now the other comment, I think probably the most telling argument against this body accepting the constitutional amendments that have been presented this session, is the one that it should not be done piecemeal. I concur with my colleague, Mr. Erwin from York wholeheartedly in his thinking. The problem, however is, how are we going to do it? This constitution of ours has been in existence since 1820; over a hundred amendments, it gets worse and worse and worse and yet we do nothing about it. So if we can't do it all at once after studying it thoroughly, then the next best thing is to do it the way we are trying to do it by the legislative method. Your committee has not been running these things out with no thought. We have been having hearings, we have been having good executive sessions, and the reports are coming out, and I think one of the examples of your committee working properly is the amendment to this particular bill, which makes it be written in good constitutional form.

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

Mr. COTE: Mr. Speaker, I move this bill be tabled for a week from today.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, now moves that Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions be tabled pending enactment and be assigned for Friday, April 9.

Mr. Berry of Cape Elizabeth requested a division.

The SPEAKER: A division has been requested. All those in favor of this matter lying on the table for one week will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy having voted in the affirmative and fifty-eight having voted in the negative, the tabling motion did prevail.

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The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker, I request unanimous consent to address the House very briefly.

The SPEAKER: The gentleman from Waterville, Mr. Lane, requests unanimous consent to briefly address the House. Is there objection?

(Cries of "Yes")

The Chair hears objection. We are proceeding under orders of the day.

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On motion of Mr. Anderson of Orono,

Adjourned until Tuesday, April 6, at ten o'clock in the morning.