

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 17 - JUNE 4, 1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 27, 1965

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

Prayer by the Rev. Mr. Clifford Patnode of Gardiner.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Regulating Liquor Salesmen" (H. P. 755) (L. D. 992) reporting that they are unable to agree.

(Signed)

ROY of Winslow
COTE of Lewiston
LUND of Augusta

— Committee on part of House.

JACQUES

of Androscoggin
O'LEARY of Oxford
WILLEY of Hancock

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

**Papers from the Senate
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Uniforms for Deputy Sheriffs" (H. P. 260) (L. D. 330) reporting that the Senate reconsider its action whereby it passed the Bill to be engrossed; that the Senate reconsider its action whereby it adopted Committee Amendment "A" (H-151); that the Senate indefinitely postpone Committee Amendment "A"; that the Senate adopt Committee of Conference Amendment "A" (S-277) and that the Senate pass the Bill to be engrossed as amended by Committee of Conference Amendment "A"; that the House recede from its action whereby it indefinitely postponed this Bill, and concur with the Senate in passing the Bill to be engrossed as amend-

ed by Conference Committee Amendment "A".

(Signed)

CASEY of Washington
SMITH of Cumberland
GIRARD of Androscoggin

— Committee on part of Senate.

BERNARD of Sanford
DRIGOTAS of Auburn
HARRIMAN of Hollis

— Committee on part of House.

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

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

The House receded from its action whereby the Bill was indefinitely postponed and from its action whereby Committee Amendment "A" was adopted. Committee Amendment "A" was indefinitely postponed. Conference Committee Amendment "A" was read and adopted.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

**Senate Reports of Committees
Ought Not to Pass
Tabled Until Later in
Today's Session**

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Eliminating Use of Stamps under Cigarette Law" (S. P. 437) (L. D. 1369)

Came from the Senate read and accepted.

In the House, the Report was read.

(On motion of Mr. Dumont of Augusta, tabled pending acceptance of the Committee Report and assigned for later in today's session.)

**Non-Concurrent Matter
Tabled and Assigned for 3:00 P.M.**

An Act to Eliminate Straight Ballot Voting in Elections and Order of Offices on Ballots (S. P. 191) (L. D. 571) which was passed to be enacted in the House on May 6 and passed to be engrossed as amended by House Amendment "A" on April 30.

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

In the House:

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This Senate Amendment is a very innocuous amendment. It just states that when you write the name of the candidate in you don't have to write his address in. It was adopted by the Senate so that the bill would come back to this House with the hope that the House would kill the bill at this time.

The SPEAKER: The gentleman will kindly refrain from what the intent of the Senate was.

Mr. ROSS: The last time that I debated this in the House I was accused by two members of the House as saying that in my opinion I didn't feel that our good old State of Mainers were very intelligent. I did not belabor this issue but that was just a false statement. I have always contended that in my opinion our people were too astute and had too much common sense to be led blindly down the ballot by certain pressure groups, and when I hear incorrect statements such as that made I often wonder if perhaps the reverse is not true. Might it not be so that in certain places the opponents are fearful that their constituents don't know how to vote anything except the large cross at the top of the ticket? As I have mentioned several times I feel that this is much fairer to all of our people, to the individual candidates, and it certainly tends to make more responsible government, and I now move we recede and concur with the Senate.

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves that we recede from our former action and concur with the Senate in the adoption of Senate Amendment A.

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

Mr. BERRY: Mr. Speaker, I move this act and all of its accompanying papers be indefinitely postponed.

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

Mr. LEVESQUE: Mr. Speaker, I move that this matter lie upon the table and be assigned for 3:00 p.m. this afternoon.

Thereupon, tabled pending the motion of Mr. Berry of Cape Elizabeth to indefinitely postpone and assigned as a special order of the day for 3:00 P. M. this afternoon.

Non-Concurrent Matter

Bill "An Act Requiring all Municipalities to Join School Administrative Districts by 1970" (S. P. 349) (L. D. 1115) which was indefinitely postponed in non-concurrence in the House on May 24.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I now move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that we recede from our former action and concur with the Senate in the adoption of Senate Amendments "A" and "B".

Mr. Sherman of Storm requested a division.

The SPEAKER: The gentleman from Sherman, Mr. Storm, requests a division.

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

Mr. BIRT: Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

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

motion of the gentleman from East Millinocket, Mr. Birt, that this bill and its accompanying papers be indefinitely postponed.

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

Mr. MILLAY: Mr. Speaker, I supported this bill the other day but I did have reservations because of these dictatorial powers, but I think anyone that looks up the amendment today will see that the dictatorial powers have been removed and replaced with powers of persuasion, so I can support this bill wholeheartedly today. It represents a logical step towards better educational system in the state.

Now the Sinclair Act of 1957 is, in my opinion, a tool that has already proved its worth. Some towns have seen the light and formed some 38 districts, and one has only to visit some of these districts to see they provide a far better education than was provided by the small educational units that they replaced. However, some 323 towns are not operating under district supervision and unless a master plan is developed in the very near future, there are going to be some poor towns that admittedly have little to offer a district, that will find themselves literally shut out until at some future date another legislature mandates that a district already formed must now take on their poor relative. I think it is better to plan now than to have this take place later and disrupt an operating district.

Now why are there not more towns that have taken advantage of the Sinclair Act? Let's look at a few of the reasons that I am sure you're all familiar with.

A larger municipality receiving tuition pupils from its suburbs has little to gain in joining a district, for they would be giving up their rights of total administration, a right they obviously cherish, as illustrated by their unwillingness to take on these small towns next to them.

Towns with small but good high schools hate to give up their independence and perhaps even dilute their good basketball team

that gives them a sense of pride for their town.

There is a lack of ability to get along between certain adjoining towns and it is usually due to a long time rivalry, probably in the field of sports.

Now there is a fear of course where a new high school might be built. If it can't be in my town, I don't want to join the district.

Now probably one of the biggest reasons that towns haven't joined districts is their Yankee independence, it is an inheritance we are justly proud of, but I think it's one that often rules over reason and blocks moves that in our hearts we know are in the best interests of the state.

There will be more districts formed each year, of that we're sure, but I say it is the responsibility of this legislature to encourage greater participation by the passage of this bill. After all, every district is now receiving a ten percent bonus on subsidy besides a fifty or sixty percent subsidy on most new buildings in the districts. It is not difficult to see that the towns not in a district, but paying their share of state taxes, are in effect supporting those towns in districts, and this bonus will not be equalized until all towns are in districts. You might say that these towns not in districts are now paying for better educations, but they're not receiving that better education.

I believe it is our responsibility as legislators to look beyond the boundaries of the towns we represent and when it comes to education legislate for the whole state. The education of children is the responsibility of all people of the state whether we would like to believe it or not. I think we do believe it as is indicated by our passage of the uniform tax effort, which belies that same principle. Our children, in this new age must compete with children of the other forty-nine states, yes, even with the children of the world, and I ask you ladies and gentlemen, is it not our duty to see they are prepared for this competition?

The SPEAKER: The Chair recognizes the gentleman from Sherman, Mr. Storm.

Mr. STORM: Mr. Speaker, I hate to have this thing dragged out any more. We took action on this bill the other day, let's stick to it. Passage of this bill will slow down the progress of the districts that are in the process of formation. We have many of them that are just getting their plans into shape so that they can go ahead. We have approved a great many of them this session and they have not had time to get started yet.

Passage of this bill will tend to delay action in them until they see what the master plan is going to be. Let's forget about the master plan and indefinitely postpone this bill.

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

Mr. BRAGDON: Mr. Speaker, I am somewhat reluctant, at this time, to see this legislature force the issue with the formation of districts. It seems to me we are about or have already done one thing that will probably put this formation of districts further ahead than any one thing that we've done in past sessions. This is the passage of the uniform effort bill, if this goes through, and I assume it will. I would certainly like to see us wait another two years, give the towns a chance to see the position that they're in, it's going to cost them more money. Let's see if they won't make up their own minds without forcing them into this deal at this time. I certainly go along with the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Gifford.

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: I spoke at considerable length the other day in opposition to the bill as it originally appeared before you. However, it has been considerably amended, the compulsion features have been removed, and about all that is left is a provision for a development of the master plan which should have been done back in 1957. I rise this morning simply to state that it is my intention to vote against the motion to indefinitely postpone and for such motion as may come be-

fore us to recede and concur with the Senate.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I think you have before you this document this morning in amended form which greatly reduces the mandatory part of it that was in the original bill. I feel this morning that as the gentleman from Manchester, Mr. Gifford, has just stated, that we have got something before us today that should have been started way back in 1957 and I think that these individuals that are using the argument that this might delay the forming of new districts, if we put this into law now, are just looking for an excuse to try to kill something that is actually isn't there. If they're not going to form districts now because of the master plan, they never had any intentions of joining a district. So, therefore, I think that the House should go down this morning as supporting of this bill as amended and get some kind of progress by 1970.

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

Mr. POULIN: Mr. Speaker and Ladies and Gentlemen of the House: We do celebrate Brotherhood Week, I believe. This is a matter of the big brother taking care of the little brother. He is not being forced to do it, but it would be up to his own conscience to do it.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen: I opposed this bill on the floor when it came up previously. Under the new draft, I think much of the power has been taken away from it. There is one clause in there, however, and I would like through the Chair to ask somebody to give me an answer to it. And that is the clause "within a reasonable time." Who is to decide the length of reasonable time?

The SPEAKER: The gentleman from Bristol, Mr. Lewis, poses a question through the Chair to any

member of the House and any member of the House may answer if he so desires.

The question before the House is on the motion of the gentleman from East Millinocket, Mr. Birt, this Bill "An Act Requiring all Municipalities to Join School Administrative Districts by 1970," Senate Paper 349, L. D. 1115, and all its accompanying papers be indefinitely postponed.

All those in favor of this bill and its accompanying papers being indefinitely postponed will say aye; all those opposed will say no.

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

Thereupon, the House receded from its former action and concurred with the Senate in the adoption of Senate Amendments "A" and "B".

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate (S. P. 539) (L. D. 1529) on which the House accepted the Majority "Ought not to pass" Report of the Committee on State Government in non-concurrence on May 25.

Came from the Senate with that body voting to insist on its former action whereby the Minority "Ought to pass" in new draft Report was accepted and the Resolve passed to be engrossed.

In the House:

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

Mr. STARBIRD: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, now moves that we recede from our former action and concur with the Senate.

Mr. Berry of Cape Elizabeth requested a division.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, requests a division. All those in favor of receding from our former action and now concurring with the Senate will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-five having voted in the affirmative and fifty-six having voted in the negative, the motion prevailed.

Thereupon, the Resolve was read once and assigned for second reading tomorrow.

On motion of the gentlewoman from Windham, Mrs. Harvey, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Non-Concurrent Matter

Majority Report of the Committee on State Government on Bill "An Act Creating the Investment of State Funds-Law" (S. P. 502) (L. D. 1468) reporting same in new draft "A" (S. P. 555) (L. D. 1564) and Minority Report reporting "Ought to pass" in new draft "B" (S. P. 556) (L. D. 1565) which Reports and Bill were indefinitely postponed in non-concurrence in the House on May 26.

Came from the Senate with that body voting to insist on its former action whereby the Majority Report was accepted and the Bill passed to be engrossed as amended by Senate Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker, I move we insist on our former action and ask for a Committee of Conference.

The SPEAKER: The gentleman from Hollis, Mr. Harriman, now moves that we insist on our former action and join in Committee of Conference.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that we recede and concur with the Senate.

Mr. Berry of Cape Elizabeth requested a division.

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

Mr. GRAHAM: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday I had the blood frozen in my veins by the attack that was made on this bill. It seems to me that the discussion indicated that this bill would encourage speculation of state funds. On the contrary, I believe this bill would bring the policy of investing state funds up to date. For instance it was mentioned yesterday that the limit on investment in stocks would be raised from ten percent to twenty percent by this bill and that raise was characterized as an example of the speculative influence. On the contrary, I consider it sound investment policy to have a limit of twenty percent on investment in stocks in state funds. Indeed, over the evening I was studying the policies of some of the leading investment trusts which are some of our most conservative investment agencies and I found that conservative investment trusts like Leeman Brothers has ninety-five percent of its funds in stocks, the reason being that stocks not only produce income through dividends but they also appreciate greatly in value and some of these investment funds have increased one hundred and two hundred and three hundred percent in a small number of years.

Take this portfolio of the state funds which I have before me. We find that the bonds decreased in value some three million dollars whereas the stocks in the portfolio increased some three million dollars. There were other misconceptions raised yesterday in the discussion of this bill, it seems to me, and I would like to read a memorandum that was given to me by the State Treasurer. He said:

"The Finance Committee of the present Retirement Board makes the investments for the Retirement System and can pay for them by a check drawn by their own committee.

"While the former Treasurer made investments for the Retirement Board as chairman of the Finance Committee of that board, the present Treasurer is not a

member of the Finance Committee and the investments which have been made do not come to his attention until the monthly meeting following the date upon which such purchases were made.

"The present Treasurer feels that too high a percentage of Retirement Fund investments are in stocks and bonds, that is 77.3% of the fund of the Retirement Fund is currently invested in this category as of April 1st.

"The record will show that the present Treasurer recommended to the board that more money be invested in government insured mortgages which will pay a guaranteed return of 5%, guaranteed that is by the credit of the United States Government.

"Of the amount left in stocks and bonds a 20% ceiling should be used on stocks so that the ratio on stocks as to bonds could be more nearly in line with banks and utility companies in their pension plans" and investment trusts.

"Someone pointed out, quite correctly I thought, that in a depression a bond can drop as well as a stock. The present 77.3% is, I believe, too high a percentage to maintain on Wall Street. 4¼% is not a good rate of return if it is our intention to be conservative when government insured mortgages will pay 5% with no risks whatsoever.

"It is because I am so much interested in the welfare of thousands of State employees who must depend on this fund as their only source of retirement income that I hate to see what I consider a dangerous situation to continue.

"The bill which you are considering and which the majority of the Committee of State Government reported 'ought to pass' is modeled from a recommendation of the Committee on Inter-governmental Relations in Washington, D. C. and approved by the Attorney General's office as to its application to our Maine governmental structure."

I therefore think this is a good bill because it brings the state investment policies up to date.

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

Mr. BERRY: Mr. Speaker, Members of the House: Is it unfortunate indeed that we have to go again through all the detail that was pointed out yesterday. I had advised the members of the House that this was in my opinion and in the opinion of many people, an unworkable piece of legislation, hastily prepared for perhaps a presentation as a solution to problems which don't exist, that our present retirement funds are being well administered. However, in view of the comments of the gentleman from Freeport, Mr. Graham, I want to point out to you a few of the inherent dangers in this proposed legislation.

This is L. D. 1564. It is a redraft of a previous L. D. which was put in at the very close of committee action. The membership of the council is proposed to be made of six members, three public appointed by the Governor and three representatives of the state fund which owns the largest total investment assets. Well, now ladies and gentlemen, consider a group of six people, the qualifications of three depending upon the investment that they represent. First, who represents the other investments? These people are tied in their interest, three people, fifty percent of the membership of the board are tied to the funds that they represent only.

Now what if during the tenure of office of these three people the amount of the funds which they represent either decreases in size or the amount of funds held by other groups represented by this investment increases in size so that all of a sudden we have fifty percent of the board disqualified automatically by this legislation from serving on the board? It is an absolutely impossible situation from an administrative standpoint.

During the hearing on the bill, the matter of the salary of the state investment officer was brought up. The bill proposed, and this bill reflects the thinking, ten

thousand dollars for this man who is going to administer trust funds totaling something like a hundred and forty million dollars. When this was brought out to the expert who was brought in to testify for the legislation, he said that this was not his opinion of the salary the man should receive he should receive something in the vicinity of fifteen thousand dollars. This in the opinion of many people is still grossly inadequate to obtain a man with proper qualifications to administer trust funds totaling a hundred and forty million dollars. Such an individual must have experience. He must have judgment gained from dealing in securities. He must be unapproachable from any standpoint which could reflect upon the integrity of his business. The salary of such a man should be eighteen to twenty thousand dollars. This man would have the greatest responsibility for financial matters in the State of Maine organization. This bill provides a salary of ten thousand dollars for him and five thousand dollars for clerical help.

Another interesting provision which is completely unworkable and probably illegal is this under Sub-section 168: "Securities or investments purchased or held under this subchapter may be sold or exchanged for other securities or investments, provided, that no sale or exchange shall be at a price less than the market price of the securities or investments to be sold or exchanged."

It is very possible that the investment funds might hold a certain paper, mortgage note, which due to circumstances has got to be sold promptly, there is no market for it, and it would have to be sold at a figure below either its cost or supposed market price, and the fund would be prohibited from making such an exchange. The relationship between the investment council, the state investment officer, and the Commissioner of Finance and Administration, as attempted to be outlined under Sub-section 170, creates a confusing situation. The question as to who is going to administer the fund, who will set up policies amongst

these three parties is very definitely unclear. It can only lead to confusion, passing the buck and the resulting poor effect on these investment funds.

Sub-section 171 says in part that "The Investment Council shall meet at least once each month . . . with the State Investment Officer . . . and when required, with the Commissioner of Finance and Administration." In no place in this legislation is the relationship, the responsibility or the position of the Commissioner of Finance and Administration set forth in any sort of language that can be understood with relation to the other two parties.

I pointed out yesterday that this law would propose to authorize the Treasurer of State to declare funds available for investment by this group when they are available as a result of lying idle three or more months. He already has this power and as I say very properly and efficiently is doing it and investing it at four percent money, which is almost as high as the rate of return we are getting from the Pension Funds as being presently administered.

There are other details here, ladies and gentlemen, but I do wish to call to your attention that this is hastily prepared legislation dealing with sacred trust funds which are held by the state for administration under proper law now on the books. This is unnecessary. I hope that you vote against the motion for receding and concurring.

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

Mr. HEALY: Mr. Speaker, Ladies and Gentlemen of the House: As I sat here and listened to this debate, this fund is very much similar to life insurance companies' money and I think that in most of the states in the Union the life insurance companies are by law restricted to investing not more than ten percent in common stocks and a good many here in this House will probably remember the glorious days of the twenties and come 1929, when stocks tumbled and people tumbled out of

windows, will reflect and not go along with any loose restrictions on the investment of this very sacred fund.

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

Mr. SULLIVAN: Mr. Speaker, Members of the House: Yesterday, not knowing and having a full knowledge of that bill, I voted against it. I spent many hours yesterday and after midnight last night looking into it. And today I have changed my mind and I go along with Representative Graham. That bill should go through.

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

Mr. BERRY: Mr. Speaker, I have a feeling that there may be political overtones to this legislation. I feel that there is momentum being applied for the passage of this legislation. I believe that there is a possibility there is an attempt here to create a political position. I feel that the public welfare is not being safeguarded. With this in mind I would request that when the vote is taken it is taken by a roll call.

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

Mr. SULLIVAN: Mr. Speaker, Mr. Speaker and Members of the House: I would like to ask a straightforward question of Mr. Berry. I wonder just what he means by those implications that appear to be in that last statement. I would like to ask him through the Chair just what he means by that.

The SPEAKER: The gentleman from Portland, Mr. Sullivan, poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Berry, who may answer if he so desires.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry, who requests permission to answer the question. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. BERRY: Mr. Speaker, I would like to defer my answer until after the vote.

The SPEAKER: The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, that we recede from our former action and now concur with the Senate. The gentleman from Cape Elizabeth, Mr. Berry, has requested that when the vote be taken that it be taken by the yeas and nays. For the Chair to order the yeas and nays it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays 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 having arisen, the yeas and nays are in order.

House at Ease

The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, that we recede from our former action on Bill "An Act Creating the Investment of State Funds Law." Senate Paper 555 L. D. 1564, and concur with the Senate. For the purpose of clarification, if we recede from our former action and concur with the Senate, would mean that you are in favor of this legislation. If you are not in favor of this legislation when the vote is taken you should vote "no"; if you are in favor of this legislation when the vote is taken you should vote yes.

The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, that we recede from our former action and concur with the Senate. If you are in favor of receding from our former action and concurring with the Senate, when your name is called you will either answer yea or yes; if you are opposed to receding from our former action and concurring with the Senate, when your name is called you will either answer either nay or no. The Clerk will call the roll.

ROLL CALL

YEA—Anderson, Orono; Baldic, Beane, Bedard, Benson, Mechanic

Falls; Bernard, Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Bussiere, Carroll, Champagne, Conley, Cote, Cottrell, Crommett, Curran, Danton, Dostie, Doyle, Drigotas, Drouin, Dumont, Eustis, Faucher, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gillan, Glazier, Graham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hunter, Durham; Jalbert, Jordan, Keyte, Kilroy, Knight, Laberge, Lebel, Lent, Levesque, Lowery, Martin, McKinnon, Mills, Mitchell, Palmer, Pitts, Poulin, Roy, Ruby, Sawyer, Searles, Starbird, Stoutmyer, Sullivan, Wheeler, Whittier, Wuori.

NAY — Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Hbr.; Berman, Berry, Birt, Bragdon, Brewer, Burwell, Carter, Crosby, Davis, Dickinson, Dunn, Erwin, Evans, Gifford, Hammond, Hanson, Gardiner; Hanson, Lebanon; Hariman, Hawes, Hawkes, Haynes, Healy, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, Meisner, Millay, Mosher, Nadeau, Norton, Payson, Peaslee, Pendergast, Pike, Prince, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sahagian, Scott, Storm, Truman, Waltz, Ward, Watts, White, Guilford; Wood, Young.

ABSENT — Buck, Carswell, Cookson, Cressey, Cushing, D'Alfonso, Dudley, Edwards, Farrington, Fecteau, Gilbert, Hoy, Lane, Rackliff, Susi, Wight, Presque Isle.

Yes, 69; No, 65; Absent, 16.

The SPEAKER: The Chair will announce the vote. Sixty-nine having voted in the affirmative and sixty-five having voted in the negative, and sixteen being absent, the motion to recede and concur prevails.

Thereupon, the New Draft was read twice and assigned for third reading tomorrow.

Non-Concurrent Matter

Bill "An Act relating to Relocation Assistance in State Highway

Projects" (H. P. 1139) (L. D. 1559) which was passed to be engrossed as amended by House Amendment "A" in the House on May 24.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill 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.

From the Senate: The following Communication: (S. P. 575)

**LEGISLATIVE MUSEUM
STUDY COMMITTEE**

May 26, 1965

To the Honorable Senate and
House of Representatives
One Hundred and Second
Legislature

Pursuant to a Joint Order, I am pleased to submit herewith a study report by the Legislative Museum Study Committee created by the 102nd Legislature.

Respectfully,

(Signed) **ROGER V. SNOW JR.**
Roger V. Snow, Jr.
Chairman

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

Orders

On motion of Mr. Libhart of Brewer, it was

ORDERED, the Warren M. Baldwin of Brewer be appointed to serve as Honorary Page for today.

The **SPEAKER**: Warren is a junior at Brewer High School and is a member of the National Honor Society. He will be an exchange student this summer in the Philippine Islands under the American Field Service Program. On behalf of the House, Warren, the Chair welcomes you and we hope that you will enjoy your duties as honorary page for the day. (Applause)

On motion of Mr. Roy of Winslow, it was

ORDERED, that Mary and Ralph Chapman of Old Town be appointed to serve as honorary pages for today.

The **SPEAKER**: Mary is a sophomore at Old Town High School and Ralph is a freshman at the Joseph Leonard School at Old Town and they are the grandchildren of our distinguished gentleman from Old Town, Mr. Binnette. On behalf of the House the Chair welcomes you and we hope that you enjoy your duties. (Applause)

On motion of Mr. Levesque of Madawaska, it was

ORDERED, that Ronald T. Zimmerman and Dale R. Clark, both of Hampden, and Ralph E. Townsend, of Brewer, be appointed to serve as Honorary Pages for today.

The **SPEAKER**: These boys are here today observing Legislature and acting as honorary pages in connection with earning their Citizenship in the Nation's Badge. Ralph is in Troop No. 1 in Brewer and Ronald and Dale are in Troup No. 41 in Hampden. On behalf of the House the Chair welcomes these boys and hope that they will enjoy their duties as honorary pages for the day. (Applause)

On motion of Mrs. Kilroy of Portland, it was

ORDERED, that Raleigh Jo Cerel and Adam Wheeler Cerel, both of Natick, Massachusetts, be appointed to serve as Honorary Pages for today.

The **SPEAKER**: Raleigh and Adam are the children of Mr. and Mrs. Ronald Cerel of Natick, Massachusetts, and they are the grandchildren of the gentlewoman from Portland, Mrs. Wheeler. Raleigh is six years old and is in the first grade and Adam is five and he is in nursery class. They both attend school at the Major Murphy School in Natick. Raleigh and Adam, on behalf of the House the Chair welcomes you and we hope that you will enjoy your duties as honorary pages for the day. (Applause)

Mrs. Hanson of Lebanon was granted unanimous consent to briefly address the House.

Mrs. **HANSON**: Mr. Speaker and Ladies and Gentlemen: I

would like to express my heartfelt thanks for the flowers, the cards, the gifts, and the assistance that you have rendered to my husband and I in his present illness, and I would like to report that he is responding beautifully to treatment.

The SPEAKER: The Chair thanks the lady. (Applause)

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

Mr. POULIN: Mr. Speaker, I would ask if the House has in its possession L. D. 1514.

The SPEAKER: The gentleman from Skowhegan, Mr. Poulin, inquires whether the House has in its possession L. D. 1514, which is House Paper 1108, Bill "An Act Providing for Adequate Fishways in Dams," and the Chair will answer in the affirmative.

Mr. POULIN: Mr. Speaker, I would ask for a reconsideration on this bill.

The SPEAKER: The gentleman from Skowhegan, Mr. Poulin, now moves that we reconsider our action whereby this bill was indefinitely postponed on May 26.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: If the reconsideration motion passes I will then offer an amendment which will take care of the major objections of the Commissioner to the bill. I would also ask for a division when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill was well debated in the House yesterday and the indefinite postponement prevailed. If we reconsider this today, it will simply open up another lengthy debate. I wonder if we all realize how much it is costing our constituents, to keep reconsidering these matters. The other day my friend from Lewiston, Mr. Jalbert, stated that it cost between seven and eight thousand dollars every day we are in this House. I have always relied on his judgment but

I think he is a little bit off on this, as everything considered it's nearer ten thousand.

The present law is doing exactly what this one would do. I think that the Fish and Game Department has done a remarkable job in putting in fishways and in removing dams stopping the obstruction of fish. We already have so many confusing and overlapping laws on our books that it would take a Philadelphia lawyer to interpret which is which and what is what. I certainly think that it behooves every member of this House to vote against this reconsideration move and when the vote is taken on this I move that it be taken by division.

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

Mr. ROY: Mr. Speaker and Members of the House: In reference to this bill, I had a long talk with the Commissioner yesterday; he told me that he was in favor of this type of legislation and he is also in favor of fishways. This is only giving back the right to people of the State of Maine which they originally had. I certainly hope that the House will think of their people back home.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Ladies and Gentlemen of the House: That is not the attitude of the Commissioner; at least, that isn't what he told me. He is perfectly satisfied the way things are going now with the present setup.

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

Mr. PALMER: Mr. Speaker and Members of the House: I wish that the gentleman, Mr. Anderson, was a Philadelphia lawyer. Maybe he might understand a little mite better the present law that is on the books, the amendment, and what we are trying to do. Maybe he might also understand the Fish and Game Commissioner just a little bit better also.

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

Mr. KITTREDGE: Mr. Speaker, I rise for a parliamentary inquiry.

The SPEAKER: The gentleman may make his inquiry.

Mr. KITTREDGE: If my recollection serves me correctly, I was under the impression that the House would not entertain a motion for reconsideration, and that under Rule 58 this would have to require a two-thirds vote at this time.

The SPEAKER: The Chair would inform the gentleman that he is talking in reference to the unanimous consent of the gentleman from Madawaska, Mr. Levesque. If it is asked to be held up within one-half hour after we recess the matter would be in order for reconsideration. This matter was indefinitely postponed on May 26 and a two-thirds vote is not necessary as long as the motion is made on the next legislative day.

The Chair recognizes the gentleman from Winslow, Mr. Roy.

Mr. ROY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Ellsworth, Mr. Anderson.

The SPEAKER: The gentleman from Winslow may pose his question.

Mr. ROY: I would like to ask Mr. Anderson if he questioned my veracity.

The SPEAKER: The gentleman from Winslow, Mr. Roy, poses a question to the gentleman from Ellsworth, Mr. Anderson, who may answer if he so desires.

Mr. ANDERSON: Mr. Speaker and Ladies and Gentlemen of the House: No, I don't question his veracity, but I think he must be mistaken.

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

Mr. POULIN: Mr. Speaker and Ladies and Gentlemen of the House: This little law which — this bill has been causing quite a bit of controversy due to the fact that we want to get into the law the rights of the people to be

heard. Now on the Kennebec River, which is one of the major rivers of this state, there are nine dams without a fishway on it. The fishway deal was left up to the Commissioner. The present Commissioner is doing a good job. I will admit it, but on the major rivers nothing is being done too much. He is working on the Penobscot — they don't have too many there. Four years ago they had to repair the dam in Skowhegan. They had to bill a coffer dam, and when they built the coffer dam they could have put a fishway in there without too much added expense. But without having this bill in with the law we had no chance to petition the Commissioner and ask for a fishway in that dam. This does not disturb the Commissioner because he is the sole decider, but at least would give the public the right to ask to be heard.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House, a group of boys from Rockland High School and they are guests of the gentleman from Rockland, Mr. Huber, and the gentleman from Camden, Mr. Haynes. On behalf of the House the Chair welcomes these boys and we hope that you will enjoy your visit here and we hope that the visit will be both educational and profitable. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Roy.

Mr. ROY: Mr. Speaker, I would like to have permission to address the House.

The SPEAKER: The gentleman from Winslow, Mr. Roy, requests permission to once more address the House. Is there objection? The Chair hears none, the gentleman may proceed.

Mr. ROY: I think there is only one thing we must take into consideration here, either we want fishways or we don't. And without prolonging the debate on this any longer, I think this has been bounced around long enough, I

would like to ask the Speaker if he could tell us what the Committee Report was on that.

The SPEAKER: The gentleman inquires what the Committee Report is.

ASSISTANT CLERK: It is a nine to one "ought to pass."

The SPEAKER: The Committee Report was a nine to one "ought to pass."

Is the House ready for the question? The question before the House is on the motion of the gentleman from Skowhegan, Mr. Poulin, that we reconsider our action whereby this bill was indefinitely postponed. The gentleman from Eagle Lake, Mr. Martin, has requested a division. All those in favor of reconsidering our action whereby this bill was indefinitely postponed on May 26 will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-nine having voted in the affirmative and fifty-six having voted in the negative, the motion to reconsider did prevail.

Mr. Martin of Eagle Lake then offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to H. P. 1108, L. D. 1514, Bill, "An Act Providing for Adequate Fishways in Dams."

Amend said Bill in section 2 by striking out all of the amending clause and inserting in place thereof the following:

'Sec. 2. R. S., T. 12, §2201, amended. The 3rd paragraph of section 2201 of Title 12 of the Revised Statutes is amended to read as follows:'

Further amend said Bill in section 2 by striking out all of the last paragraph.

House Amendment "C" was adopted and the Bill passed to be engrossed as amended by Senate Amendment "A" and House Amendment "C" in non-concurrence and sent up for concurrence.

On the disagreeing action of the two branches of the Legislature

on An Act Clarifying the Inland Fisheries and Game Law, Senate Paper 428, L. D. 1375, the Speaker appointed the following Conferees on the part of the House:

Messrs. COOKSON of Glenburn
ROSS of Bath
GAUDREAU of Lewiston

Passed to Be Engrossed

Bill "An Act relating to Application to Municipalities for Support of Indigent Dischargees from the Pineland Hospital and Training Center" (H. P. 1126) (L. D. 1536)

Was 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 Regulating Collection Agencies" (H. P. 1150) (L. D. 1582)

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

Mr. Danton of Old Orchard Beach offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1150, L. D. 1582, Bill, "An Act Regulating Collection Agencies."

Amend said Bill by inserting after the underlined word and comma "banks," in the 4th line from the end of section 572 the underlined words and punctuation 'savings banks.'

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

Third Reader Amended

Bill "An Act Approving the Course of Study in Private Schools" (H. P. 1155) (L. D. 1586)

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

Mr. Berry of Cape Elizabeth offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1155, L. D. 1586, Bill, "An Act Approving the Course of Study in Private Schools."

Amend said Bill by striking out all of the last underlined paragraph and inserting in place thereof the following:

"Schools in good standing in the Independent Secondary School Division of the New England Association of Colleges and Secondary Schools shall be exempted from the provisions of the preceding paragraph."

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

Bill "An Act Providing State Scholarships for Higher Education" (H. P. 1156) (L. D. 1587)

Resolve to Reimburse Raymond A. Cote of Augusta for Legal Expenses for Securing Right of Appeal to Superior Court (S. P. 572) (L. D. 1585)

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 and sent to the Senate.

Amended Bills

Bill "An Act relating to Uniform Local Effort for Payment of School Subsidies" (S. P. 307) (L. D. 1041)

Was 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 Until Later in Today's Session

An Act relating to Definition of Hotel under Liquor Laws (S. P. 560) (L. D. 1567)

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

(On motion of Mr. Cote of Lewiston, tabled pending passage to be engrossed and assigned for later in today's session.)

Passed to Be Enacted Emergency Measure

An Act to Appropriate Moneys for Capital Improvements, Con-

struction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Years Ending June 30, 1966 and June 30, 1967 (S. P. 563) (L. D. 1575)

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

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Roy.

Mr. ROY: Mr. Speaker, Ladies and Gentlemen of the House: I move to suspend the rules for the purpose of reconsideration. And I wish to speak to the motion.

The SPEAKER: The gentleman from Winslow, Mr. Roy now moves that the rules be suspended for the purpose of making a reconsideration motion. Is it the pleasure of the House that the rules be suspended?

The motion prevailed.

The SPEAKER: The gentleman may proceed.

Mr. ROY: Mr. Speaker, in reference to this measure of enactment under L. D. 1575, in regards to the Aeronautics Commission which calls for \$791,000, I would like to refresh the memories of the House. The expansion of the Augusta Airport to provide a 5500 runway with taxi-way to meet the requirements of air carriers' use would cost approximately three million dollars using 1961 cost estimates of the Aeronautics Commission. Expansion of runway at Augusta beyond 5500 would require tremendous fill and the expansion has been estimated at four million dollars per one thousand dollar feet. With the expansion of the runway to 5500 and at a cost of over three million, the available unused real estate at the Augusta Airport would permit no more than one additional large hangar or building. Thus the additional revenue potential at the Augusta Airport for the future is extremely limited.

As a matter of fact, the estimates of the Aeronautics Commission, developed in connection with the previous hearing, included a figure of approximately one million to cover the possible relocation of the Adjutant General's installation in order to provide additional area for airport development. Augusta is now served with TVOR and with

an addition to a radio marker which makes a ceiling of about four hundred and visibility of about one mile. The scope of the project for the extension of the Augusta Airport would undoubtedly require the closing of the airport for at least one year to all the light aircraft.

The expansion of Augusta Airport does not conform to the national airport plan and is thereby not eligible for financial assistance under the federal airport program. I ask the members of this House to take a look for themselves at the present condition at the state airport with the tax money of the people throughout the State of Maine, that is being spent. On the approach, for an example, of a runway, you have a grammar school which consists of about three hundred students, a state armory building, a shopping center, a new housing development. On the other end of the runway, you have the Interstate 95, so expansion is impossible there.

To conclude my remarks you all know that Dow Airfield and the Brunswick Naval Air Station will soon be deactivated. So I say to you members of this House, look at your capital improvement budget on page 2A for example. Repairs and minor improvements, \$20,300. Homing beacon and runway and identifying lights installation, \$9,000. Runway 1735 extension and reconditioning, \$1,300,000. New Administration building and associated needs, \$262,000. So your total on page 2a of your Capital Improvement Budget, that's your red booklet, comes to \$1,591,300. Now how can you compare this with the \$791,000 that they are asking in L. D. 1575 under Capital Improvement? I say by eliminating the \$791,000 we could have saved the people of the State of Maine a tax increase on their telephone bill. The reason I ask for reconsideration is to offer an amendment to eliminate this \$791,000 to save the people of the State of Maine tax money. I think they are being taxed enough. It is time we start thinking of them.

I offer House Amendment "A" to L. D. 1575, Filing No. H-382, and move its passage.

The SPEAKER: The question before the House now is that we reconsider our action whereby this bill was passed to be engrossed on May 25.

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

Mr. KENNEDY: Mr. Speaker, Members of the House: I rise in opposition to the motion to reconsider. I feel that we have this capital construction and improvement document all wrapped up and financed. I spoke a few days ago about honoring our commitments by both parties. And I repeat again that we should respect the decisions of the joint leadership and if we open the door once more on this package, who knows where we'll be going, because there will be amendments galore attacking the now finalized apportionment of the construction and the supplemental program. And I rise in opposition to the reconsideration motion.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: May I approach the rostrum please?

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Roy.

Mr. ROY: Mr. Speaker, due respect to the honorable gentleman from Milbridge, Mr. Kennedy, I would like to pose a question through the Chair. I would like to know if Mr. Kennedy would like to encounter such an investment which in turn doesn't prove out economically?

The SPEAKER: The gentleman from Winslow, Mr. Roy, has posed a question to the gentleman from Milbridge, Mr. Kennedy, who may answer if he so desires.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: I want to defend the position of the Appropriations Committee in including this item in the Capital

Improvements Budget. We had considerable hearing on it, we heard the proponents of the Sidney Airport, we heard the people from Augusta, we heard our own Aeronautics Commission. We heard representatives from the federal FAA and, after much deliberation we determined to leave this item in and to go along with the Governor's recommendation. My own personal feeling on it was this, that developments in aircraft are taking place so rapidly now that within two years there will be probably aircraft capable of using this field if it is extended to five thousand feet, which will be more than adequate to serve the needs of Augusta and Central Maine; and we have assurance from Northeast that such aircraft will be made available when they are added to the Northeast fleet.

But aside from all that, and this is from my own personal experience in somewhat limited use of aircraft, the field of aviation is really growing by leaps and bounds in the use of private and executive type aircraft. This airport in Augusta is now the second most heavily used in the state and a great deal of the use here is by this type of aircraft. Now, an extra eight hundred feet bringing the length of the 3517 runway to five thousand feet will make it very serviceable for this type of aircraft and to me this a great service to the Capitol and to the central part of the state. Even if the study that we have recommended should ultimately dictate the construction of another airport at Sidney or some other location, this won't be wasted. This will be a beautiful general purpose airport and it's located right in town, it's convenient to the capitol, it's convenient to everything, and it will never be wasted, and it will be a great addition to the facilities of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoïn.

Mr. BOURGOIN: Mr. Speaker, Members of the House: I respect the leadership of both parties who want this included in the package

deal. I certainly will go against the motion for reconsideration.

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

Mr. DUMONT: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Majority Party representing Augusta, I can sympathize with Mr. Roy and his intent is probably well intended, but I appeared as a supporter of his bill for the area airport. At that time there were many proponents, but many more opponents. Now it would seem to me that the art of politics is doing the possible. We failed in our effort to convince the Appropriations Committee as to the merits of an area airport, so it could only lead to the conclusion of the members of this House that it is not feasible at this time financially and otherwise. The leadership of both parties, with the recommendations of the Governor, came up with this alternate plan and I would like to go on record and would like the members of the House to know that I am in complete agreement with the expansion of the Augusta Airport. And I hope that you will not support the motion to reconsider. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Roy, who requests permission again to address the House. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. ROY: Mr. Speaker, with high regard and a great deal of respect to both the minority and the majority leadership, I only have one thing to say in closing. Are we going to sacrifice the taxpayer of the State of Maine before we form a package?

The SPEAKER: The question before the House is on the motion of the gentleman from Winslow, Mr. Roy, that we reconsider our action whereby this bill was passed to be engrossed.

All those in favor of reconsidering our action whereby this bill was passed to be engrossed will say aye; all those opposed will say no.

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

Thereupon, An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Years Ending June 30, 1966 and June 30, 1967 (S. P. 563) (L. D. 1575) being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 120 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Mr. Fortier of Waterville then requested a roll call.

The SPEAKER: The gentleman from Waterville, Mr. Fortier, now requests that the vote be taken by the yeas and nays on the previous matter. 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 this bill now being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number did not arise.

The SPEAKER: Obviously less than one fifth having arisen, the yeas and nays are not in order.

Emergency Measure

An Act Appropriating Funds to the Division of Vocational Rehabilitation, Department of Education (H. P. 786) (L. D. 1039)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 124 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Order Out Of Order

On motion of Mr. Eustis of Dixfield, it was

ORDERED, that Rodney Errington, Joseph Lemay, Gary Vaughn and Ronald Emery of West Peru

be appointed to serve as Honorary Pages for today.

The SPEAKER: On behalf of the House the Chair welcomes these boys from West Peru and hope that they will enjoy their duties as honorary pages for the day. (Applause)

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House sixteen pupils of the Finishing Class at the Holy Rosary School of Sabattus, accompanied by Father LeBlanc. They are the guests of the gentleman from Webster, Mr. Wood. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

At the same time the Chair would like to recognize in the balcony of the House twenty-nine pupils of the Eighth Grade at West Peru Grammar School, accompanied by their teachers, Mr. Dexter Berry and Mr. Thomas Lucy, and chaperones Mrs. Dexter Berry, Mrs. Hazel Durrell, and Mr. Peter Dragoon, their bus driver; and they are also the guests of the gentleman from Dixfield, Mr. Eustis. On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

Emergency Measure

An Act to Clarify the Motor Vehicle Laws (H. P. 1093) (L. D. 1489)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Affecting Certain Statutes Pertaining to Court Process and Procedure in Crim-

inal Cases and to Kindred Matters (S. P. 356) (L. D. 1140)

An Act Exempting State-Owned Motor Vehicles and Trailers from Registration (S. P. 462) (L. D. 1393)

An Act Creating a State Transportation Commission (S. P. 542) (L. D. 1540)

An Act Providing Funds for Accelerated Program for the University of Maine (S. P. 564) (L. D. 1576)

An Act Providing Funds for Municipal Building at Old Orchard Beach (H. P. 31) (L. D. 43)

An Act relating to Retirement Benefits for Fish and Game Wardens and Coastal Wardens under State Retirement System (H. P. 369) (L. D. 471)

An Act relating to Trial Terms of Superior Court in Washington County (H. P. 416) (L. D. 528)

An Act relating to Relatives' Financial Responsibility to Recipients of Aid to the Aged, Blind or Disabled (H. P. 626) (L. D. 833)

An Act Revising Certain Laws Relating to Prevention of Forest Fires (H. P. 778) (L. D. 1174)

An Act relating to Construction and Operation of Intrastate Natural Gas Pipelines (H. P. 845) (L. D. 1146)

An Act to Clarify Certain Portions of Election Laws Relating to Ballots and Relating to Boards of Registration in Certain Towns (H. P. 907) (L. D. 1235)

An Act Permitting Entrances from Class A Restaurants to owners' Living Quarters (H. P. 978) (L. D. 1316)

An Act to Liberalize Credit for Out-of-State Service for Teachers under State Retirement Law (H. P. 1047) (L. D. 1418)

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 Until Later in Today's Session

An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies (H. P. 1130) (L. D. 1545)

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

(On motion of Mrs. Lincoln of Bethel, tabled pending enactment and assigned for later in today's session.)

An Act relating to Retail Liquor Store Premises with Entrances to Other Premises (H. P. 1141) (L. D. 1561)

An Act relating to Definition of Premises under Liquor Law (H. P. 1149) (L. D. 1574)

Finally Passed

Resolve Authorizing Change of Shoreline of Certain Lots at Long Lake in Sinclair (H. P. 1138) (L. D. 1558)

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

On motion of Mr. Levesque of Madawaska, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence, and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

Orders of the Day

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

HOUSE JOINT ORDER Relative to a Committee Appointed to Study Legislation Providing for New Classifications of Motor Carriers.

Tabled — May 24, by Mr. Levesque of Madawaska.

Pending — Passage. (Specially assigned for Tuesday, May 25th)

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

Mr. ERWIN: First, Mr. Speaker, in order to be sure I am talking to the right order, may I ask if this is the order I presented dated May 21?

The SPEAKER: This is the order presented by the gentleman from York, Mr. Erwin.

Mr. ERWIN: Mr. Speaker, there are at least one or two other orders of the same nature, and because I am satisfied that one which will come along later in the session, either today or tomorrow, is designed to do the job better than this order of mine does, I request consent to withdraw this order.

The SPEAKER: The gentleman from York, Mr. Erwin, withdraws his order.

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

SENATE JOINT ORDER Relative to Attorney General Directed to Give Opinion on Constitutionality of Bill, "An Act relating to Qualifications for Practice of Hairdressing and Beauty Culture." (S. P. 491) (L. D. 1456) (S. P. 571)

Tabled — May 25, by Mr. Dudley of Enfield.

Pending — Passage in concurrence. (Assigned for later in Tuesday's session.)

On motion of Mr. Kennedy of Milbridge, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill, "An Act relating to Definition of Club Under Liquor Laws." (S. P. 434) (L. D. 1368) (S. "A" S-257)

Tabled — May 25, by Mr. Cote of Lewiston.

Pending — Further consideration. (In Senate, Engrossed as Amended by Senate Amendment "A") (Assigned for later in Tuesday's session)

On motion of Mr. Cote of Lewiston, the House voted to recede and concur with the Senate.

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

Bill, "An Act Revising the Electricians Licensing Laws." (S. P. 540) (L. D. 1538) (S. "A" S-236)

Tabled — May 24, by Mr. Bussiere of Lewiston.

Pending — Passage to be Engrossed. (Specially assigned for Wednesday, May 26th)

On motion of Mr. Cote of Lewiston, passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

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

Bill, "An Act Defining Nursing Home Under Health and Welfare Laws." (H. P. 688) (L. D. 925)

Tabled—May 24, by Mr. Peaslee of Farmingdale.

Pending—Passage to be Engrossed. (Specially assigned for Wednesday, May 26th)

Mr. Haugen of South Portland offered House Amendment "A" and moved it adoption.

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

HOUSE AMENDMENT "A" to H. P. 688, L. D. 925, Bill, "An Act Defining Nursing Home Under Health and Welfare Laws."

Amend said Bill in the 9th line by striking out the underlined word and punctuation "nursing,"; and by striking out in the 11th line the underlined word "actually" and inserting in place thereof the underlined word 'acutely'

The SPEAKER: The question before the House is on the adoption of House Amendment "A." The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, I would pose a question through the Chair to any member of the House who may answer it if they are able to. I have been given to understand that if this bill should pass, it might jeopardize some of our federal funds because of the

stringent manner in which the bill is written, and I hope that someone can answer me satisfactorily.

The SPEAKER: The gentleman from Milbridge, Mr. Kennedy, has posed a question to any member of the House and any member of the House may answer if he so desires.

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

Mr. BINNETTE: Mr. Speaker, being a member of that committee, we took that matter up with the Attorney General and he said there would be no jeopardizing of any funds whatsoever from the federal government.

The SPEAKER: The question before the House is on the adoption of House Amendment "A." Is it the pleasure of the House that House Amendment "A" be adopted?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Farmingdale, Mr. Peaslee.

Mr. PEASLEE: Mr. Speaker, I now move that this bill and all its accompanying papers be indefinitely postponed and I would speak to that motion.

This is a very poor bill. Just the fact that the nursing homes could lose federal support is enough to make it a bad bill. But in addition to that, this bill, if passed, would hurt very much the 190 odd nursing homes in this state, because the word 'skilled' in that bill means that they would have to have registered nurses around the clock, and I don't think there are enough registered nurses in the state to do that in these nursing homes. There are about ten of these nursing homes that are not as good as they might be, and those are rapidly being closed down, so I sincerely hope you will support the motion to indefinitely postpone this bill.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I am rather surprised to hear the remarks from the gentle-

man from Farmingdale, because he has been sitting on that committee with us and he himself signed a unanimous ought to pass report in regard to that bill. Now I doubt very much if many nursing homes close due to the effects of that bill. The only thing is, if they are not running their homes properly they would be subject to be closed, because there are a lot, and many of them as you heard me read the other day, facts relative to the mismanagement and the failure of operating properly for the benefit of our elderly people who are convalescing in some of these homes.

I can truthfully say that I went to a home in Brewer, the Penobscot County Valley Home and it is run wonderfully. Everybody in there is very contented and they are getting the best of treatment, and they are getting the best of care. I wish that every home was operated in that manner, and I sincerely hope that you people, you legislators here will not vote for the indefinite postponement of this measure.

The SPEAKER: The question before the House is on the motion of the gentleman from Farmingdale, Mr. Peaslee, that this bill be indefinitely postponed.

Mr. Peaslee of Farmingdale requested a division.

The SPEAKER: A division has been requested. The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker and Members of the House: I am a little bit concerned about this bill. As I understand it, yesterday, one of the Good Sisters of Charity in one of the homes in Lewiston was trying to get in touch with me to explain to me that there may be loss of federal monies. I heard Mr. Binnette's explanation on it, and I am almost willing to accept Mr. Binnette's explanation because I know he must have looked into this thing, but in order to look further into it, I would respectfully request someone to table until later on in today's session so we can really assert ourselves and find out if

we are really going to lose the federal monies. If we are going to lose federal monies, I think the bill probably should be indefinitely postponed. If not, I must go along with the bill.

Thereupon, on motion of Mr. Jalbert of Lewiston, tabled pending the motion of Mr. Peaslee of Farmingdale to indefinitely postpone and assigned for later in today's session.

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

HOUSE ORDER Relative to Interim Committee to Evaluate Plans for Renovations to House of Representatives. (H. "A" H-359)

Tabled — May 24, by Mr. Kennedy of Milbridge.

Pending — Adoption of House Amendment "A." (Specially assigned for Wednesday, May 26th)

Mr. Levesque of Madawaska was granted permission to approach the rostrum.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I move that House Amendment "A" be indefinitely postponed.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves the indefinite postponement of House Amendment "A."

Mr. Dunn of Denmark requested a division.

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

A division of the House was had.

Sixty-eight having voted in the affirmative and thirty-five having voted in the negative, the motion did prevail.

Thereupon, the Order received passage.

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

Resolve, Proposing an Amendment to the Constitution to Require a Roll Call Vote Upon all

Bills on Final Passage. (H. P. 377) (L. D. 479)

Tabled — May 24, by Mr. Jalbert of Lewiston.

Pending — Final Passage. (Specially assigned for Wednesday, May 26th)

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

Mr. JALBERT: Mr. Speaker, along with several other members of the House I have my doubts about this bill. I mean I'm trying to figure out what happens if we are going to start voting on a fishway somewhere, to keep a pond open and one thing and another, and I think for that reason and several other reasons — I won't take up the time of the House, I move that this item be indefinitely postponed.

The SPEAKER: The Chair will remind the gentleman that if he is opposed to the item, this is final passage where it needs a two-thirds vote. Does the gentleman still want his motion to indefinitely postpone?

Mr. JALBERT: Mr. Speaker, my pride is hurt. I'll back out.

The SPEAKER: Do I understand that the gentleman withdraws his motion?

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: Just a very, very brief pitch for what I consider to be good, sound progressive legislation. After I proposed this, I was a little embarrassed to find that it is a plank in the Democratic platform, so some of you — all of us are on the horns of a dilemma, but I think it is a good bill. It is a bill that is found in twenty-five of the other states. If you vote for it you will subsequently be embarrassed if you come back, but I hope that you have enough courage, Republicans and Democrats alike, to vote for good, sound, progressive, responsible government.

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

Mr. PIKE: Mr. Speaker, Members of the House: I wish I was as sure as my friend from Au-

gusta is that this is a good bill. I got a little worried about having to vote on every single bill individually. I like the idea of the non-controversial bills going under the gavel. It does seem to me that a roll call with this new automatic set of gadgets we are going to have is a very good thing where we would now order a division. But it does seem to me that it is probably going to mean a waste of time both in members making up their minds how they are going to vote, and probably is going to mean questions and debates on things that now carry through without any debate.

And I must confess, I think that I'm the only one here who doesn't know all about all the bills that we pass, but I do confess that very, very frequently I am glad to let a matter go under the gavel that doesn't seem to be of interest to me or my constituents. I don't think it does a great deal, too, against the interests of the state, but I can't pretend to know about it. Now we have to go on the record. I think that puts a responsibility on us which may be fairly weighty.

I yield to the greater intelligence and so forth of the rest of this body, but I swear a lot of times I don't want to be on the record for these things that I don't know anything about.

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

Mr. KATZ: Mr. Speaker, Members of the House: Very briefly, it should only happen to me that I should some day accrue the knowledge of this fine country boy from Lubec, that he has on these bills. But might I explain, and perhaps it might get an extra vote, that I would presume that if you pass this, next session when you come to enactors the Speaker will say items 2 through 10 inclusive, and would do it exactly the same way we do it now and with a single vote. If any items are in deep controversy perhaps they will be laid aside, but it will still be a single vote and as such will not be time consuming at all.

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

Mr. KITTREDGE. Mr. Speaker, Members of the House: In thinking this one over, for the people of the House that do not like to have pressure put on them especially by minority groups, I think this one will result in much pressure, because the minority groups are going to be the ones that are going to pay attention to the sheet which lists every vote, a roll call vote. Now I could still go along with this if it also insisted that everybody would be in their seat for each roll call vote, but when the advocates of better government say that this is a step in the direction I note that there is nothing here that will insist that each person will be required to vote, it will just make each vote a roll call vote for the people that are here and the people that are here will be subject to undue pressures from minorities like the Sunday Liquor Sales.

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

Mr. BINNETTE: Mr. Speaker, after hearing the gentleman from South Thomaston speak, he has a very good logic. If everybody were in their seats, that would be practical. I think the only way you could keep them in their seats, now that we've passed the safety belts for the cars, we ought to put them in the seats.

Mr. Katz of Augusta requested a roll call.

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that this is a little redundant to be debating this issue at this point. We have already passed the order which will supply this equipment and it will be in here, and I should hope that if it's here we're going to use it. With or without this amendment, this simply takes care of a legal technicality. I should think you would support it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I'm sure that I for one am for the machine that would record our vote, when our vote is needed on matters that are of some importance. We've got nearly two thousand bills here and I will tell you one thing right now, it's going to take us quite a little while to record ourselves on all of these measures. Now in answer to the gentleman from Portland, Mr. Edwards, certainly when the machine is here we'll use it. We'll use it on important matters, we'll use it on matters now that we have a regular roll call on these sheets here.

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

Mr. BIRT: Mr. Speaker, I'm rather interested in the good gentleman from Lubec, Mr. Pike, and his thoughts, and it seems to me, if I recall back several years ago, this was given very serious consideration by the Federal Congress and at that time they decided against this type of an installation and I think I would go along on that same line of thinking.

The SPEAKER: Is the House ready for the question? The question before the House is the final passage of this Constitutional Amendment. The gentleman from Augusta, Mr. Katz, has requested that when the vote be taken on this final measure that it be taken by the yeas and nays. For the Chair to order the yeas and nays it must have the expressed desire of one-fifth of the members present. All those in favor of a roll call vote being taken on this will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number did not arise.

The SPEAKER: Obviously less than one-fifth having arisen, a roll call is not in order.

This Resolve Proposing an Amendment to the Constitution to

Require a Roll Call Vote Upon all Bills on Final Passage, House Paper 377, L. D. 479, being a Constitutional Amendment and a two-thirds vote of all the members elected to the House being necessary, a division was had.

The SPEAKER: Seventy-three having voted in the affirmative and fifty-seven having voted in the negative, seventy-three not being two-thirds of one hundred and thirty, this Resolve fails to receive passage.

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Denmark, Mr. Dunn, and inquires for what purpose does he rise?

Mr. DUNN: Mr. Speaker, I would like to move to reconsider item six, the order that we just passed.

The SPEAKER: The gentleman from Denmark, Mr. Dunn, now moves that we reconsider the House Order Relative to Interim Committee to Evaluate Plans for Renovations to House of Representatives, which was item six of Unfinished Business.

The gentleman may proceed.

Mr. DUNN: I think where we have just voted on this roll call vote, that the order itself is not necessary at this time. If we reconsider I will move to table it—I am not too set on wanting it one way or the other, I am not in agreement with it but I would like to at least have a chance to have it thought about a little bit under the consideration of this votes failing of passage here this measure.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I don't see where the order has anything at all to do with the action that we took, we just refused to vote on the whole matter. It doesn't stop us from renovating the House and having a roll call machine.

Mr. Levesque of Madawaska requested a division.

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

Mr. KITTREDGE: Mr. Speaker, I would like to pose a question through the Chair to anyone that would like to answer. In regard to the three hundred and forty-five thousand, I believe it was for renovation of the House, this would go on the appropriations table with this order that was passed, or would it not?

The SPEAKER: The gentleman from South Thomaston, Mr. Kittredge, poses a question to any member of the House and any member of the House may answer if he so desires.

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

Mr. JALBERT: In answer to that I presume it might but it doesn't necessarily have to, it could come out of the legislative appropriation. But if it would please the gentleman from South Thomaston, Mr. Kittredge, I will see what kind of a lobby job I can do for him.

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

Mr. BIRT: Mr. Speaker, I am not sure whether this answers the question or not, but it does say on the order that there is appropriated to the committee from the legislative appropriation the sum of \$347 thousand which would indicate that it would come out of the legislative appropriation and consequently might not go on the appropriation table.

The SPEAKER: The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: I would say that if this was reconsidered I would then suggest that the amendment that was offered be accepted and let the preparation and the study and the thought go into this study by BPI and so forth and then have this taken up at the next session of the legislature.

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

Mr. JALBERT: The BPI had made a study.

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

Mr. KITTREDGE: Mr. Speaker and Members of the House: I am sorry for my lack of knowledge in these things this morning, but another question through the Chair to anybody that would care to answer. In regard to the legislative appropriations that this 345 thousand will come out of, what is the total of that appropriation?

The SPEAKER: The gentleman from South Thomaston, Mr. Kittredge, poses a question to any member of the House and any member of the House may answer if he so desires.

Does the gentleman from South Thomaston object if the Chair answers it? It is one million two hundred thousand.

The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, I don't really wish to be mean but in our consuming anxiety to be on record on all bills, I notice that less than one-fifth got up to ask to be on record on the constitutional amendment itself.

The SPEAKER: The Chair recognizes the gentleman from South Thomaston, Mr. Kittredge, who requests permission once more to address the House. Is there objection? The Chair hears none, the gentleman may proceed.

Mr. KITTREDGE: Mr. Speaker, in view of the fact that this represents, perhaps, what twenty-five percent of the budget which is laid out for the House next time or for the entire legislature, I wonder if someone would care to table this until we could find out what effect this will have on the overall plans for the Legislature for the next biennium so that we can look into this. Or perhaps other people here are more informed than I am, but it would seem to me that we are being very hasty about this particular step.

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House:

I move that this be tabled for the next legislative day.

The SPEAKER: The gentleman from Clinton, Mr. Hunter, moves that this matter lie upon the table assigned for the next legislative day.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests a division on the tabling motion.

All those in favor of this matter lying upon the table assigned for the next legislative day will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-five having voted in the affirmative and one hundred having voted in the negative, the motion to table did not prevail.

The SPEAKER: The question before the House now is on the motion of the gentleman from Denmark, Mr. Dunn, that we reconsider our action whereby this order received passage.

The gentleman from Madawaska, Mr. Levesque, has requested a division. All those in favor of reconsidering our action whereby this Order received passage, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-four having voted in the affirmative and one hundred two having voted in the negative, the motion did not prevail.

The SPEAKER: At this time, the Chair would like to recognize in the balcony of the House sixty pupils from the fourth, fifth, sixth and seventh grades of the Arundel Elementary School, accompanied by their teachers Mrs. Dorothy Garrett, Mrs. Edwards, and Mr. Wilson, the bus driver.

The Chair would like to mention that these pupils have a club and they bring five cents a week for dues and have sold magazines to pay for their trip here today. They had to pay \$40.00 for the school bus, so this trip means a lot to these children.

They are the guests of the gentleman from Kennebunkport, Mr.

Pendergast. On behalf of the House, the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause, the members rising)

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

DIVIDED REPORT — Majority (9) — "Ought to pass" as Amended by Committee Amendment "A" — Minority (1) — "Ought not to pass" — Committee on Labor on Bill, "An Act relating to Payments Under Employment Security Law for Dependent Children." (H. P. 828) (L. D. 1056) (C. "A" H-150)

Tabled — May 24, by Mr. Levesque of Madawaska.

Pending — Acceptance of Either Report (Specially assigned for Wednesday, May 26th)

On motion of Mr. Levesque of Madawaska, the Reports and Bill were indefinitely postponed and sent up for concurrence.

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

HOUSE REPORT — Committee on Labor on Bill, "An Act relating to Time of Payments of Benefits Under Employment Security Law." (H. P. 824) (L. D. 1054) reporting same in New Draft (H. P. 1092) (L. D. 1488) under same title, and that it "Ought to pass."

Tabled — May 24, by Mr. Gifford of Manchester.

Pending—Acceptance. (Specially assigned for Wednesday, May 26th)

On motion of Mr. Gifford of Manchester, the "Ought to pass" Report was accepted, the New Draft read twice and tomorrow assigned.

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

DIVIDED REPORT — Majority (9) — Committee on Labor on Bill, "An Act to Revise the Workmen's Compensation Law" (H. P. 894) (L. D. 1253) reporting same in New Draft (H. P. 1146) (L. D. 1570) under same title, and that it "Ought to pass" — Minority (1) — "Ought not to pass."

Tabled — May 24, by Mr. Levesque of Madawaska.

Pending — Acceptance of Either Report. (Specially assigned for Wednesday, May 26th)

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

The SPEAKER: The question before the House is the motion of the gentleman from Madawaska, Mr. Levesque, to accept the Majority "Ought to pass" Report of the Committee.

On motion of Mr. Bishop of Presque Isle, tabled pending the motion of Mr. Levesque and specially assigned for tomorrow.

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

SENATE JOINT ORDER Relative to Interim Committee Studying Proposed Contract Carrier Legislation. (S. P. 570)

Tabled — May 25, by Mr. Levesque of Madawaska.

Pending — Passage in concurrence: (Specially assigned for Wednesday, May 26th)

On motion of Mr. Levesque of Madawaska, the Senate Joint Order was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill, "An Act relating to Sweepstake Races and Allocating Proceeds for Educational Purposes." (H. P. 102) (L. D. 110) (S. "A" S-252)

Tabled — May 25, by Mr. Levesque of Madawaska.

Pending — Further consideration. (In Senate, Engrossed as Amended by Senate Amendment "A") (Specially assigned for Wednesday, May 26th)

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

Mr. DUMONT: Mr. Speaker, I move we recede and concur with the Senate.

The SPEAKER: The question now before the House is the motion of the gentleman from Augusta, Mr. Dumont, that we recede and concur with the Senate.

Mr. Ross of Brownville requested a roll call vote.

The SPEAKER: The gentleman from Brownville, Mr. Ross, has requested a roll call.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I think I first ought to remind you that this bill and two similar sweepstake bills came out of the Taxation Committee ten to nothing "Ought not to pass." I think this bill should be debated at least.

I think it could affect the image of the state, the education of the state and the economy of the state. I have here a recently published book, published in 1960. It was financed by the Ford Foundation and it was copyrighted by the President of Harvard and the Harvard Fellows. It is the only thorough research study on lotteries that's ever been published in the United States.

I've had an occasion to read and study this book this winter and I am not going to give you an outline of the book or its arguments. The author starts out by saying that from time immemorial man has tried to figure out some way of getting something for nothing, and his fertile brain has developed the idea of the lottery.

We read in the Bible that many things were settled by the drawing of lots. We know that the Romans at their saturnalias and festivals had drawing of lots. No one paid anything for a chance. It was a pleasure and they lotteried off slaves and they lotteried off houses for entertainment. Later on the medieval merchants of Italy sold merchandise through the lottery method. Italy picked it up, their lotteria, it's an Italian word, lottery. Later on Francis I of France, seeing how easy it was to raise money by the lottery method, in 1539 started a government lottery for revenue. And that

moved across the channel and in 1569 Queen Elizabeth had a lottery drawing to raise money for the repairing of harbors.

England used that lottery method for raising revenue in those days for many things. But finally the practice of the issuing of lottery tickets became honey-combed with fraud and in 1834 England legalized lotteries and has never again taken them up, or legalized. So it was very natural for the lotteries to move over to the continent when we settled over here.

In fact the London Company, which established our first colony in Virginia at Jamestown, was helped a great deal in its financing by lotteries. And then we move on in the Colonial period and we find that Benjamin Franklin, George Washington, Thomas Jefferson, sponsored lotteries, although Jefferson made the remark, we are using the devil's water to turn the Lord's mill. The colonists and our early states used lotteries extensively. They—you may remember too, money was not too plentiful, they used to pay the ministers off in tobacco. But as we get along to the establishment of our Government under the Constitution, lotteries were in progress. They used it as a means to finance the building of roads, bridges, public buildings and other things. I think between 1790 and the Civil War, 47 colleges, 300 lower schools, 200 church groups and others were beneficiaries of lotteries. Princeton, Harvard, Dartmouth, Yale, Columbia, Pennsylvania, all had some buildings built by lotteries.

But over here again the system broke down because of fraudulent practices developing. An insurance racket developed whereby you could bet with the insurer whether or not your number would be drawn this day or another day.

It became an interstate business. Finally one state after the other, Maine in 1834 along with New Hampshire and some other New England states legalized lotteries. Understand, lotteries were all state authorized. I had hoped that this debate was going to come up after lunch. I do not think I will

change many of your minds. I think probably on this matter most of you have already a conviction.

By the Civil War in 1860, there were only three states that permitted lotteries, and then we had the famous Louisiana debacle. After the Civil War some promoters from New York, went down to Louisiana, and with a front of carpetbaggers and the carpetbagger legislators — legislatures after the war, they were able to manipulate the legislature, the courts, and they got a twenty-five year contract signed with Louisiana to furnish \$40,000 a year annually for an education fund. Well this developed into a national disgrace and finally in 1895 President Cleveland took a stand against it, and Congress passed laws using the interstate commerce power, so that lottery tickets could not be transported or sold across state lines and so that publicity in newspapers about lotteries could not be transported across state lines.

Someone said we need lotteries to engage our gambling instinct. The anthropologists have never settled and determined that man has this gambling instinct. They point out that man in his history has been a pretty sound gambler, he doesn't risk his life unless he is going for a great cause and he doesn't risk unless he thinks he can win.

I am not going to continue for very much longer, I'm simply going to list six reasons or seven why I cannot vote for a lottery in the State of Maine at this time. There is no doubt that a great deal of good has been accomplished by lotteries in history, in our own history, but, when you study the total impact on society of our 2,000 legal and quasi-legal lotteries that we've experienced, one concludes that lotteries have cost us more than we have gained.

When we started out in 1789 under the Constitution there were only three banks in the country. Our tax structure was very limited. There was no corporate form of business organization to raise capital. There was no great wealth in the country, there were no charitable bequests, there was none of these great foundations

which have been set up since, which are doing their great charitable works. And then as a teacher, first of all, I would just point out that today we have broad tax structures, we can raise money, we have banks, we have all kinds of financial institutions. As a teacher I would like and I think you would like for me in perhaps teaching your grandchildren or your children to teach them to face fiscal facts and not present a sugar-coated painless way of raising money for their education. I might say that the educators are not proud to have the word education, the purpose of education, attached to a lottery bill. It seems to be incongruous and it seems to be a paradox.

I think you would want me to teach these children or students the great principles of our capitalistic democracy. The fact that they have opportunities to put their three dollars in a savings bank; the fact that they could buy stocks on time; the fact that they can buy government bonds; the fact they can invest their money and that money must be invested in productive enterprises to produce jobs and to keep our economy growing.

Mr. Johnson, President Johnson recently said he is quite worried about the great numbers of young people coming from the labor force who probably will not have jobs at this time, on graduation time.

I think there is plenty of opportunity to exercise our gambling instinct. We find that the people of Maine spend three million dollars a year at the current rate in the game of bingo. Nine states at this point have legalized the playing of bingo for the purposes of charitable institutions. We have five hundred organizations which have their bingo licenses and those charitable organizations have a net, of the three million, they have a net of \$720,000. I think that offers an opportunity for exercising our gambling instincts.

Lotteries, the conclusion is that lotteries have been a system which have always eventually attracted fraudulent practices and it's a

known fact that their end result is an exploitation of those people who can least afford to invest in lotteries. On the Irish Sweepstakes lottery one has one one-hundredth-thousandths chance of winning. In voting for a lottery in Maine, I would be saying in effect, lotteries are good for New Hampshire, lotteries are good for Maine, lotteries are good for Massachusetts, lotteries are good for Connecticut where the House is going to pass a lottery bill, but where it will be defeated in the Senate. In effect I would be saying that we should proliferate lotteries through our fifty states. And then we would see the competition begin between states. Come over here, give us your three dollars, we'll give you more. That's happened in the past.

Dr. George Santayana a great philosopher, teacher, author, poet of Harvard has said, "those who do not remember the past are condemned to repeat it."

And this is my final remark, Democracy has never permanently succeeded in our history, it has no built-in safety devices. The only safety device that we have to preserve democracy is the youth of our country who are soundly trained on sound economic ideas. And so I must, at this point, vote for the indefinite postponement of this bill and all its papers, and I request a division.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen: In reference to a lottery bill I was rather interested the other day to read an editorial in the Christian Science Monitor. The editorial was entitled "332,812 Losers" and I would like to quote from part of that article. "New Hampshire has just announced 332,812 losers. These are the persons who paid three dollars for a lottery ticket on the next September 4th sweep-stake race and came up with a big, round, fat goose egg for their wasted money. Of course, New Hampshire is not publishing this long list of in-state and out-of-state losers. Instead it is concen-

trating on the five hundred and twenty-two persons, the one out of every six hundred and thirty-nine who drew their tickets which will eventually pay their holders as yet undetermined sums. Naturally it sounds much more inviting to say that five hundred and twenty-two persons were winners, but it is part of the turned around world of gambling that one considers a thimble full of winners more important than a stadium full of losers."

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

Mr. POULIN: Mr. Speaker, Ladies and Gentlemen of the House: About two weeks after New Hampshire passed their lottery bill there were two men picked up from between Portland and Boston. One was a Portland man and one was a Boston man with twenty-five thousand dollars and numbers tickets. Now, people are going to gamble whether you like it or not. Now, you can give it to the gamblers, the underworld because that's the way they operate or put it on top of the table and let the honest people get a chance at it.

The SPEAKER: The Chair recognizes the gentleman from Farmingdale, Mr. Peaslee.

Mr. PEASLEE: Mr. Speaker and Ladies and Gentlemen of the House: I have never considered myself a gambler. I have never purchased a ticket in any way, shape or manner for a sweepstakes or anything else, but believe me if this bill goes through I'll sure buy a ticket on it every year and I hope you all vote against the indefinite postponement of this bill.

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

Mr. SULLIVAN: Mr. Speaker, Members of the House: That very learned gentleman from Portland, that great educator, Representative Cottrell, is that the correct way to pronounce that? He mentioned about the Irish Sweepstakes. He forgot to mention the other side of it. That those hospitals wouldn't have been built and maintained

if it wasn't for the Irish Sweepstakes. He also forgot to mention that one of the leading banks in Portland, the name of the bank starts with the letter "C", that was partially financed by a lottery. He also forgot to mention that great seat of learning, Harvard College. Many of its buildings were financed the same way.

And of course the name gambling with certain people has connotations that many of us do not like. Everything in life is a chance and I noticed going out to Scarborough Downs, going out to Gorham and Lewiston and Cumberland and many other fairs that have harness racing, I have noticed a considerable number of teachers there. And it is my considered opinion that ninety percent of this state and probably ninety percent of this Legislature in one form or another they take a chance. Maybe they have a little penny ante game. Some of them have various card games. Now, of course, I can't afford to take part in a poker game with a hundred dollar limit and I am not quite sure, but I presume if I knew everything that the representative has done, I would come to the conclusion that he in one form or another has taken a chance.

And when that newspaper which in my opinion, is one of the finest newspapers, possibly one of the best of three in this country, Christian Science Monitor, but they also forgot to state that as I remember the figures, there was over two million dollars that went for educational purposes in New Hampshire. He also forgot to state that many countries in the world, real civilized countries in Western Europe, they also have either sweepstakes, lotteries or anything else they choose to call them and many nations of this world they run those things. Now, if those lotteries, sweepstakes or whatever you want to call them are run on the level, they are perfectly all right and proper. And I personally see no reason why at the present time that Maine should turn down at least two million dollars for educational pur-

poses. So it seems to me that the choice is shall we use that two million dollars for educational purposes or not. That's all the question is. All this other stuff is more or less, in my opinion, camouflage and I am one hundred percent for this bill and the bill as I understand it is a duplicate of the bill over in New Hampshire.

Now, he is worried about what these other states may do, and some of them probably will, but why should we attempt to cross a bridge before we come to it? And I again reiterate this is just the choice between shall you take a minimum of two million dollars, possibly three million dollars and use it for educational purposes that my good friend seems to be so interested in. So that's the choice gentlemen.

And if, after you put this into operation, if there is anything wrong about it, you can change it. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Blouin.

Mr. BLOUIN: Mr. Speaker, Members of the House: I rise in support of this bill. And I feel right now that I am pretty sure that everybody knows how they are going to vote. I think it's been well discussed and I now move for the previous question.

The SPEAKER: The gentleman from Sanford, Mr. Blouin, now moves the previous question. For the Chair to entertain the previous question, it must have the expressed consent of one-third of the members present. All those in favor of entertaining the previous question at this time will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number did not arise.

The SPEAKER: Obviously less than one-third having arisen, the previous question is not in order.

The Chair recognizes the gentleman from Scarborough, Mr. Lent.

Mr. LENT: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the offer to say a few words. I promised our group back

in Scarborough that I would do this. I am a member of the local industrial development board. Like many communities in the state, vying for a new industry we find it a competitive rough situation and frankly we haven't been too successful. When the opportunity to consider and support a sweepstake presented itself we held a meeting. All thirteen members in attendance were unanimously in favor of this thing. In our group we have a gentleman like a president of an outstanding fish company in Portland, president of an advertising agency in Portland, people of good judgment, conservative people basically, but they regard this as big business.

Now, if we could assume that our success would be comparable with that of New Hampshire and realize a profit of two million eight hundred thousand dollars, that indeed is big business and good business. To achieve that type of an earning statement in private industry you can employ three thousand people. You could merchandise fifty million dollars worth of merchandise, and be happy with a yield of two million eight hundred thousand. And this can be done here with a minimum of investment by the State of Maine. The statistics from New Hampshire's lottery have shown that eighty percent of the revenue has come from people out of state. That means approximately one million tickets were purchased by local people, five million by tourists and visitors. Our picture is pretty much the same. I am in the tourist business. I live with them all summer. I can attest to the fact there are five thousand at Scarborough Downs every night. I question where you would find a greater gathering in the State of Maine each evening.

They are here to enjoy themselves. The purchase of a sweepstakes ticket as New Hampshire has proved would be sort of a little memento to return home with to show their neighbors as evidence of their trip to Maine.

So, I hope that we will support this venture and particularly when I have looked at the distribution

of profit to the various cities and towns and the fact that my communities will receive eighteen thousand dollars annually devoted towards education, I say we cannot overlook this thing and pass judgment refuting this thing. So, please support it. Thank you.

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

Mr. PIKE: Mr. Speaker, Members of the House: My old conscience is pretty well scarred. The moral issues don't seem to sink very deep, but there are two or three things that do bother me. First is the comparison to New Hampshire. New Hampshire is habitually the parasitical state living on the troubles and ills and higher prices of its neighbors. Now, I don't like imitating New Hampshire on principle. In the second place I don't think it can be very profitable. New Hampshire has as a neighbor the rich and let's say politically not quite pure State of Massachusetts which has to go over into New Hampshire to get that particular form of gambling done.

As was just mentioned, nearly well over two-thirds of the receipts from the New Hampshire sweepstakes are taken from out of state. We are very unfortunate in only having that one state as our neighbor, the only state in the Union by the way that only has one neighboring state, and we will have to haul to get people to come in from much farther, not just across the line from Lowell and Lawrence and even Boston.

The other thing that bothers me is that while the statements show a considerable lot of money for education, and of course I still don't believe we will get over half of what New Hampshire does, as an old gambler at bridge, poker, various casinos in Cuba, Mexico and so forth, I used to watch, and at Las Vegas, I used to watch the odds fairly carefully. Now, when you play roulette the odds in this country are less than six percent against you. When you play in Europe they are less than three percent against you. See what happens here. Five mil-

lion seven hundred thousand dollars went in. The players, the gamblers, or the investors if you like, took out one million, seven hundred and ninety-nine thousand nine hundred ninety-five dollars and seventy-four cents. Rather less than a third of the money you gambled ever had a chance to come back to you.

Now, as an old time gambler, frankly that doesn't appeal to me and I am afraid this is a sucker trap. I don't like the thing.

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

Mr. ROSS: Mr. Speaker, Members of the House: As a member of the Taxation Committee, I would like to explain my reasoning for not going along with this. It was not because it had anything to do with any moral implications, but I felt that the comparatively small amount of money that we would get from this against our total needs, including highways this year of almost a quarter of a billion dollars, just wasn't worth the implications that would arise.

Now, also because of this reason, I voted "ought to pass" on an item that you'll find as item 21 on page 9 of today's calendar, voluntary contributions commission. We were told on this bill, which is a form of a lottery bill, that within a certain number of years, this method alone would raise all of the money and more than we need to run the entire State of Maine. To me that was a fascinating thought and if it were so I thought that the House might be interested in hearing a discourse on this from the gentleman from Portland, Mr. Edwards, who was the sponsor and so to keep it alive, I was willing to sign for that particular item, but plain lotteries as such, I oppose, although I do realize a great many citizens throughout our state favor them, because they feel that this is a simple way for us to raise money and get us out of the dilemma that we are in.

But, what they fail to realize is that it will not raise the finances necessary to make any

real impact on our financial needs. And I have found out when this fact is pointed out to them they lose most of their enthusiasm. I am not in favor of this lottery bill.

The SPEAKER: The Chair recognizes the gentlewoman from Windham, Mrs. Harvey.

Mrs. HARVEY: Mr. Speaker and Ladies and Gentlemen of the House: I think I should read to you a communication I received from some of my constituents.

"Dear Mrs. Harvey: It may interest you to know that 84 per cent of Windham seniors will go to college next year. As you know, we have just completed a new million dollar school and our people are very proud of their pupils and our whole educational department. It is being built on sound reasoning and rapidly improving. Our teachers' salaries compare with all schools in the greater Portland area. The superintending school committee wishes to say that we in education want no part of the financial support derived from a gambling bill such as L. D. 110. Education will be much better off without it. I sincerely hope that you will vote against it." Thank you.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Lent.

Mr. LENT: Mr. Speaker, Ladies and Gentlemen: Having taken a lot of time to talk to a lot of people in the streets and feeling as I do that they would want this piece of legislation, I would ask this be taken on the yeas and nays.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Cottrell, that this bill and its accompanying papers be indefinitely postponed. The gentleman from Scarborough, Mr. Lent, has requested that when the vote be taken that it be taken by the yeas and nays. For the Chair to order the vote to be taken by the yeas and nays, it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays 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 having arisen, the yeas and nays are in order.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct any false impression, if it has been made, that the Christian Science Monitor favors lotteries. The Christian Science Monitor reports news, but the Christian Science Monitor is not in favor of lotteries. Number two, reference was made to national lotteries, and just for the record, I would like to state that France, Italy, Norway Japan and some other nations have national lotteries today. Russia even had a three billion national lottery, three billion dollar national lottery. The tickets were government bonds, non-interest bearing government bonds that they sold. I would also point to the Irish Sweepstakes and say that the promoters of the Irish Sweepstakes make the same amount of money as do the hospitals.

It has been pointed out to my little mind in regard to national lotteries, that running a national lottery in the United States of America, where we already have a fifty billion dollar network of gambling which is infiltrating into our banks would be a very bad thing. Paul Fino, the Republican representative from New York City, for the last ten years has introduced a national lottery bill in Congress. If the Congress of the United States passed a national lottery bill, my opinion about lotteries might change.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Portland, Mr. Cottrell, that this Bill "An Act relating to Sweepstake Races and Allocating Proceeds for Educational Purposes," House Paper 102, L. D. 110, and its accompanying papers be indefinitely postponed.

If you are in favor of this bill and its accompanying papers being

indefinitely postponed, when your name is called you will answer either yea or yes; if you are opposed to this bill and its accompanying papers being indefinitely postponed when your name is called you will either answer nay or no. The Clerk will call the roll.

Roll Call

YEA — Anderson, Ellsworth; Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berman, Berry, Birt, Braddon, Brewer, Burwell, Carroll, Carter, Cottrell, Cressey, Crosby, Curran, Dickinson, Dunn, Erwin, Eustis, Gifford, Gilbert, Gillan, Graham, Hanson, Gardiner; Hanson, Lebanon; Harriman, Harvey, Windham; Haynes, Huber, Hunter, Clinton; Hunter, Durham; Jewell, Katz, Kennedy, Levesque, Lewis, Lincoln, Littlefield, Lowery, Lund, Lycette, Mosher, Norton, Payson, Pendergast, Pike, Pitts, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Bath; Ross, Brownville; Ruby, Sawyer, Scott, Starbird, Storm, Stoutamyer, Waltz, Watts, Wheeler, White, Guilford; Whittier, Wight, Presque Isle; Wood, Young.

NAY — Anderson, Orono; Avery, Baldic, Beane, Bedard, Benson, Mechanic Falls; Bernard, Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Buck, Bussiere, Champagne, Childs, Conley, Cote, Danton, Davis, Dostie, Doyle, Drigotas, Drouin, Dumont, Edwards, Farrington, Faucher, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauthier, Glazier, Hammond, Harvey, Bangor; Harvey, Woolwich; Haugen, Hawes, Hawkes, Healy, Jalbert, Jordan, Keyte, Kilroy, Knight, Laberge, Lebel, Lent, Libhart, Martin, McKinnon, Millay, Mills, Mitchell, Nadeau, Palmer, Peaslee, Poulin, Prince, Searles, Sullivan, Susi, Truman, Wuori.

ABSENT — Carswell, Cookson, Crommett, Cushing, D'Alfonso, Dudley, Evans, Fecteau, Hoy, Kirtledge, Lane, Lang, Meisner, Roberts, Roy, Sahagian, Ward.

Yes 67; No, 67; Absent, 17.

The SPEAKER: The vote is now sixty-seven to sixty-seven. The

motion to indefinitely postpone does not prevail.

On motion of Mr. Levesque of Madawaska, tabled pending further consideration and assigned for later in today's session.

At this point, a communication was received from the Executive Department.

The Communication was read by the Clerk as follows:

State of Maine
Office of the Governor
Augusta

May 27, 1965

To the Honorable Senate and House of Representatives of the 102nd Legislature

There is returned herewith, without my approval House Paper 1131 — Legislative Document 1546, entitled "An Act Relating to Positions of Deputy Secretary of the Senate and Deputy Clerk of the House."

This act proposes to create the positions of Deputy Secretary of the Senate and Deputy Clerk of the House of Representatives and to provide permanent tenure for such legislative officers. Authority to appoint the Deputy Secretary of the Senate would be vested in the President of the Senate and the Speaker of the House would have similar authority, relative to the appointment of the Deputy Clerk of the House.

The measure states that both officers, "shall be subject to the Personnel Law" and "the salary of such officer, based upon ability, formal training, years of service, experience and other qualifications, shall be set or determined by the Legislative Research Committee."

The bill, in its present form is in my opinion incompatible with the Maine Revised Statutes, Title 5, Chapter 59, Section 711, which states, "The unclassified service comprises positions held by officers and employees who are:" Sub-Section 2 "Officers Chosen by Legislature. Officers who, under the Constitution or statutes, are chosen by the Legislature." Further reference is made to Sub-Section 5, which reads as follows; "Legislative Officers and Employ-

ees. Officers and employees of the Senate and House of Representatives of the Legislature."

The incongruity of the bill in relation to present statutes is further developed by the proposal to make these officers "Subject to the Personnel Law;" however, the same paragraph revokes the authority of the State Personnel Board in determining the salary of such officers and vesting the authority in the Legislative Research Committee.

It is also my opinion that the act is unconstitutional because the language contained in Section 3, R.S., T. 3, Section 22, amended and R.S., T. 3, Section 42, amended, statutorily defines both positions as officers of the respective branches of the Legislature. In further corroboration of the unconstitutionality of the act I would direct your attention to the Constitution of the State of Maine, Article IV, Part Second, Section 7, which states "The Senate shall choose their President, Secretary and other officers" (underlining supplied); and Article IV, Part First, Section 7, which states "The House of Representatives shall choose their speaker, clerk and other officers" (underlining supplied).

For the reasons set forth this act does not meet with my approval and I am returning the document without my signature.

Respectfully submitted,

JOHN H. REED
John H. Reed
Governor

Thereupon, the Communication was ordered reproduced and placed on file.

On motion of Mr. Jalbert of Lewiston, "An Act Relating to Positions of Deputy Secretary of the Senate and Deputy Clerk of the House," H. P. 1131, L. D. 1546 was tabled pending further consideration and assigned for later in today's session.

On motion of Mr. Levesque of Madawaska,

Recessed until two-thirty o'clock in the afternoon.

After Recess

2:30 P.M.

The House was called to order by the Speaker.

Mr. Jalbert of Lewiston was granted unanimous consent to briefly address the House.

Mr. JALBERT: Mr. Speaker, Members of House: The remarks that I am going to make come from me, not prompted by anybody, not discussed with anybody at all.

This morning before we adjourned for recess, the vote on the sweepstakes developed to be 67 to 66. The Speaker asked the Clerk to call his name. The Clerk immediately called the Speaker's name. The Speaker answered in the negative, creating some conjecture among the members and other interested parties. I would like to state that in my many years here, it is very often that I have seen a measure that was about to be defeated by one vote or tie, that the Speaker cast his vote merely as a courtesy to keep the measure alive. And I presume that the same situation existed today in the Speaker's mind when he answered the roll call by asking his name to be called and stating "no." It is a procedure that I have seen used very often by previous Speakers or in the other branch by previous Presidents. It was no precedent that was set. It was merely a courtesy that the Speaker extended without showing his volition as being for or against the measure, and I want to commend him for it.

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

Bill, "An Act Protecting the Right of Public Employees to Join Labor Organizations." (H. P. 741) (L. D. 978) (S. "B" S-243)

Tabled — May 25, by Mr. Levesque of Madawaska.

Pending — Further consideration. (In Senate, Engrossed as amended by Senate Amendment "B") (Specially assigned for Wednesday, May 26th)

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I am now speaking as the House Chairman of the Committee on Labor and on behalf of this bill was a signer of the minority report. It was my feeling and it still is that the state employees, just like the federal employees, do have a right to join any organization of their desire. This vehicle would only give them that extra right to join a labor organization of their own choice. It has certainly been my feeling that if they have that privilege now, if they so desire that by passing this particular type of legislation, might take the feeling on behalf of some of the employees of having this extra security of being able to join a labor organization. So my feeling was to accept the minority report on this bill and give them that extra right. I thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As I stated on two previous occasions when I moved to indefinitely postpone this measure, this would bring a group of labor organizers from another state into our area, even since the time that the House overwhelmingly indefinitely postponed this measure. I have again spoken to several state employees and they still are of the same thinking that they are happy as they are. This is the third time that I will make this motion. I now move that this bill and all its accompanying papers be indefinitely postponed.

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

The Chair recognizes the gentleman from Bath, Mr. Brewer.

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: I heartily agree with the

gentleman from Lewiston, Mr. Jalbert. I just wish to restate what I said the other day that some of these bills are patented in line with organizing municipal and state employees on the federal level. I see no necessity at all for this type of legislation. I think the past Legislatures and I think this one here has done very well with our state employees and I would like to keep the relations on that same level. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: When I first came here after being sworn into this Legislature, some state employees came to talk to me in this hall and they heard a television camera running and they immediately departed as fast as they could. And when I finally followed them down and asked, for what reason do you run? We must not be seen talking to you, you are a legislator. That kind of started a little wheel working in my head and I started looking around me to try to find out what was the reason the state employee must shy away from coming up and talking to a legislator. So, I look over your book which has a list of the people employed by the state, I find the head of a department who has his wife employed by the head of another department and I also find vice versa.

I think there is a little trading going on. I think there is a genuine need for the individual employees of this state, if they so desire to join a union, they may do so. I think if this personnel setup as we now have was on as high up a plateau as they make it out to be, they would have nothing to worry about, no need to be afraid. No union can come in here if what you do, gentlemen, is aboveboard, right and honest one hundred percent. The state employees would never leave their organization, if any organization came to them unless there were grievances. I ask you, why do you deny an individual the opportunity

that industry offers him? Why? For what reason?

Recently we had a case come here where a man asked for grievances for being denied the right of appeal. I went to this hearing and spoke on this bill. For what reason did I? I believe in the rights of the human being. I believe in the right of the individual. And I believe that this individual had his right to ask. His right was denied, and if they had nothing to hide why did they deny it? And I assure you ladies and gentlemen I don't think there is anything to hide, let the unions come in, let the employees make their own decision.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mrs. Harvey.

Mrs. HARVEY: Mr. Speaker and Ladies and Gentlemen of the House: The point has been made here in this House that this bill is not only not needed or necessary, but that the Attorney General's office has so stated in writing. So I hope that no one attempts to belabor this point today. There was one aspect of this bill, however, that has not been made too clear. It is this, all law enforcement personnel specifically are exempted. That means that upwards of five hundred workers not allowed to be a member of an organization of their own choosing would not be allowed to continue to be members of this group. I am referring to the State Police, the Fish and Game Wardens, the Coastal Wardens, the guards at the Men's Reformatory, the Boys' Training Center, the Women's Reformatory and the State Prison. This bad feature alone is enough reason to defeat this bill. I heartily support the motion to indefinitely postpone this bill. Thank you. I request a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Bill be indefinitely postponed. The gentleman from Windham, Mrs. Harvey, has requested that when the vote is taken that it be taken by division. All those in favor of this bill and its accompanying

papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-eight having voted in the affirmative and twenty-seven having voted in the negative, the motion to indefinitely postpone prevailed.

Thereupon, the House adhered to its former action.

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

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

Tabled—May 25, by Mr. Cottrell of Portland.

Pending—Further consideration. (In Senate, Indefinitely Postponed.) (Specially assigned for Wednesday, May 26th)

Thereupon, the House receded from its former action and concurred with the Senate.

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

Bill, "An Act relating to Use of Purse Seines in Taking Herring from Certain Waters." (H. P. 540) (L. D. 714) (C. "A" H-350)

Tabled—May 25, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Lent of Scarborough to reconsider Passage to be Engrossed.

Mr. Lent of Scarborough withdrew his motion to reconsider passage to be engrossed. The Bill was then sent to the Senate.

The Chair laid before the House the sixteenth item of Unfinished Business: (Specially assigned for Wednesday, May 26th)

Bill, "An Act Revising the Motor Vehicle Dealer Registration Law." (S. P. 535) (L. D. 1526) (H. "A" H-363)

Tabled—May 25, by Mr. Levesque of Madawaska.

Pending — Passage to be Engrossed. (Specially assigned for Wednesday, May 26th)

On motion of Mr. Levesque of Madawaska, tabled pending passage to be engrossed and assigned for later in the day's session.

The SPEAKER: The Chair will request the Page to escort the gentleman from Presque Isle, Mr. Bishop, to the rostrum for the purpose of acting as Speaker pro tem.

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

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

HOUSE JOINT RESOLUTION Relative to Extending Congratulations to U.S. Senator Margaret Chase Smith. (H. P. 1154) (S. "A" S-265)

Tabled—May 25, by Mr. Berry of Cape Elizabeth.

Pending—Motion of Mr. Childs of Portland to Indefinitely Postpone Joint Resolution. (Specially assigned for Wednesday, May 26th)

The SPEAKER pro tem: Is it the pleasure of the House that this resolution be indefinitely postponed?

Mr. Erwin of York requested a division.

The SPEAKER pro tem: The gentleman from York, Mr. Erwin, has requested a division. The question before the House is on the motion of the gentleman from Portland, Mr. Childs, that this Resolution be indefinitely postponed. All those in favor of indefinitely postponing this Resolution and its accompanying papers will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-four having voted in the affirmative and sixty-five having voted in the negative, the motion did not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I request that the vote be taken by the yeas and nays and I also at this time move that we have a five minute recess.

The SPEAKER pro tem: The Chair hears no objection. There will be a five minute recess.

After Recess

The House was called to order by the Speaker pro tem.

The SPEAKER pro tem: The gentleman from Portland, Mr. Childs, has requested that when the vote is taken that it be taken by the yeas and nays. For the Chair to order the yeas and nays it must have the expressed desire of one-fifth of the members present. All those desiring a roll call vote will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER pro tem: Obviously a sufficient number having arisen, the yeas and nays are in order.

The question before the House is on the motion of the gentleman from Portland, Mr. Childs, to indefinitely postpone the Joint Resolution, House Paper 1154. If you are in favor of the indefinite postponement of this Resolution when your name is called you will either answer yea or yes; if you are opposed to the indefinite postponement of this Resolution when your name is called you will either answer nay or no.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentleman of the House: I think it might do us a little bit of good to read something that appeared in the Kennebec Journal today, very brief, and I would like to read it to you. I quote from the editorial in today's Kennebec Journal.

It says: "It is unbelievable that a Maine Legislature could sink to such depths as the present Legislature plumbd on Tuesday with its joint resolution congratulating U. S. Sen. Margaret Chase Smith for her quarter-century of service in Congress.

"We refer, of course, to the order as amended in the Senate, calling Mrs. Smith 'this grand old lady' and citing her record of never having missed a roll call

vote and her habit of wearing a fresh rosebud daily.

"Senator Smith is known to the nation and to the world for many more impressive qualities, many more important services to her State and her country, than those which the amended order in the Maine Senate emphasized."

The SPEAKER pro tem: The Chair will rule the gentleman out of order. The amendment has been indefinitely postponed. Kindly confine your remarks to the resolution.

Mr. LIBHART: I am confining my remarks to the Resolution. "Was the order amended with the intention to hurt Mrs. Smith? Republicans in the House called it 'insulting, snide and in poor taste,' and it certainly was. On the other hand, the ugly incident will rally new supporters to Mrs. Smith's side."

The SPEAKER pro tem: The Clerk will call the roll.

Roll Call

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

NAY — Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berman, Berry, Birt, Bragdon, Brewer, Buck, Burwell, Carter, Cookson, Cressey, Crosby, Davis, Dickinson, Dunn, Erwin, Evans, Farrington, Gifford, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Hawes, Hawkes,

Haynes, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kittredge, Lane, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, Millay, Mosher, Norton, Payson, Peaslee, Pendergast, Pike, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Bath; Ross, Brownville; Scott, Storm, Susi, Waltz, Ward, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

ABSENT — Carswell, Cushing, D'Alfonso, Dostie, Dudley, Gauvin, Hoy, Lang, Meisner, Roberts, Roy, Sahagian.

Yes, 73; No, 66; Absent, 12.

The SPEAKER pro tem: The Chair will announce the vote. Seventy-three having voted in the affirmative, sixty-six having voted in the negative and twelve being absent, the motion prevails.

At this point, Speaker Childs returned to the rostrum.

SPEAKER CHILDS: The Chair thanks the gentleman from Presque Isle, Mr. Bishop, for acting as Speaker pro tem and for the fine job he did.

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

The SPEAKER: The Chair at this time would like to recognize in the rear of the House the presence of the Grand Worthy President of the Eagles, Mr. Harry Burns of St. Cloud, Minnesota. Mr. Burns, long active in fraternal affairs, is past President of the North Central District and past President of the Minnesota Order of the Eagles.

He is a trial lawyer in St. Cloud, practicing with his two sons, John and Michael. He has served as district attorney for Benton County, Minnesota for eight years and later as prosecuting attorney in Stearns County.

To Eagles, he is known as "The Singing Barrister from St. Cloud," and his baritone voice is familiar to Eagles all over the United States.

As Grand Worthy President of the Eagles, he and his wife, Matilda, will travel throughout the fifty states visiting different Eagle organizations.

The Chair would request the Sergeant-at-Arms to escort Mr. Burns to the rostrum and also Senator Norris for the purpose of being recognized and to address the House if he so desires. (Applause, the members rising)

At this point, Mr. Harry Burns and Senator Norris were escorted to the rostrum by the Sergeant-at-Arms.

The SPEAKER: Is there objection if Mr. Burns addresses the House at this time? The Chair hears none. The gentleman may proceed.

Mr. BURNS: Mr. Speaker and Members of the House: It is a great pleasure for me to be in one of the greatest states of the Union and I am a repeat customer here with you folks, but I sent home two carloads of potatoes this noon via the postcard route, one card for one potato and I also sent out to Idaho a carload of that same potato because they think they have got the potato in Idaho. Now, I go with you, I am partial. I love Maine. (Applause)

When my wife and I were given this castle by the sea up here last night in Rumford and this Madison Motel and we saw that little stream of water flowing by so peacefully it reminded us of home and when we saw your beautiful trees and your growths and your forests, and you have more growing wild here in Maine than other states can cultivate. You don't realize it, but a stranger like myself coming in from the outside, I deeply appreciate everything I see in Maine and I'll tell you one little story and I'll quit.

I was a politician for sixteen years and I know what it is to be big frog in a small puddle. I was that. And I put on eight campaigns and in the last campaign I'll never forget it. A lady came to me, Speaker Childs, and she said to me, she said "Burns I wouldn't vote for you if you were Saint Peter." And that took me back a pace or two and I asserted myself thus. I said "Lady I got

news for you. If I were Saint Peter, you wouldn't even be in my district." (Applause)

You know our world is made much smaller now and when you fly over the City of St. Cloud, Minnesota, right in the heart of the state and you see something there that reminds you of Maine, think of a warm friend that you Maine people have in Harry Burns because when I get through with this circuit I'm going back home and stay home. Goodbye now. (Applause, Members rising)

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque, and inquires for what purpose does he rise.

Mr. LEVESQUE: Mr. Speaker, I now move that we reconsider our action whereby we indefinitely postponed Senate Order relative to Interim Committee Study of Proposed Contract Carrier Legislation, Senate Paper 570. Is this in possession of the House?

The SPEAKER: The Chair will state that the Order is in possession of the House, but would the gentleman defer his reconsideration motion in order that we may take up the matter which was a special order of the day.

The SPEAKER: The Chair now lays before the House which was a special order of the day, Senate Paper 191, L. D. 571, which was "An Act to Eliminate Straight Ballot Voting in Elections and Order of Offices on Ballots" which was passed to be enacted in the House on May 6, and passed to be engrossed as amended by House Amendment "A" on April 30th. It now comes from the Senate passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence. The Chair awaits the action of the House.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I now move that this document be indefinitely postponed.

The SPEAKER: The motion before the House at the present time is the motion of the gentleman

from Cape Elizabeth, Mr. Berry, that this bill and its accompanying papers be indefinitely postponed.

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

Mr. BERMAN: Mr. Speaker, Members of the House: Those of that loyal coalition who believe that the elimination of the big box was an important step in promoting intelligent deliberation have by previous roll call vote approved this measure. Now, just a short while ago, the fine and gracious gentlewoman from Bethel, Mrs. Lincoln, gave me an editorial from a Lewiston newspaper which said in part: "We agree with the contention of Representatives Malcolm Berman of Houlton that requiring the voter to mark the square opposite each candidate of his choice will promote deliberation. At the very least, it would encourage voters to read through the list of candidates, rather than voting on the basis of the top of the ticket candidates, or simply by party label.

"At the same time, the measure would encourage the political parties to choose their nominees with the utmost care, realizing that each one will be screened by the voters. Working hand in hand with more thoughtful voting by the electorate, this can be a real step toward better state government.

"Maine voters can be depended upon to mark their ballots intelligently. They do not need a straight ticket box as an easy way out."

Members of the House, because this matter is of very high importance, I request the yeas and nays when the vote is taken.

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

Mr. JALBERT: Mr. Speaker, Members of the House: In reference to the editorial, I would remark that the gentleman who wrote the editorial is a very, very dear friend of mine, L. A. Lemieux, who used to be a reporter for the Lewiston Sun and spent a great deal of time in the Legislature. A man that I respect a great deal. He is acting properly in writing the editorial in my opinion, as a solid,

God rest his soul, rock rib Republican. I don't blame him for writing the editorial, but I might also suggest to the gentleman from Houlton, Mr. Berman, that picking up the lesson I got way back in 1931 from a fellow by the name of His Excellency, Governor Louis J. Brann, he talked to me about editorials in this manner. He said, son, if an editorial is in your favor and you agree with it, you go out and buy a hundred copies of the newspaper and spread it around. If you don't agree with the editorial or it's against you, just say it is the opinion of one man.

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: All session long I have rankled at certain editorials that have singled me out as a Republican along with all the other Republicans for being negative in voting against constitutional and other governmental reforms and I have rankled because this has not been the case and it isn't the case today. This is a bona fide reform in the method of our ballot and I call to your attention that the sponsor is a Republican. This obviously is not a party issue, but I will call to your attention too, that I have voted for item veto, I have voted for mandatory roll call and so have many Republicans. I have voted for electronic voting and so have many Republicans, and I have voted for a change in the constitutional requirements for putting bond issues on the ballot and so have many Republicans.

I think this change in straight voting is a reform in the very finest sense of the word. It's a step for good government and it will indeed promote better and more deliberative voting. If you have ever worked at a poll you might have heard people outside of the polls instruct their thoughtful followers who go in not to vote a straight ticket, not to vote a straight Republican ballot, but to make a big X over the left hand column so they don't even have to read the word Republican or Democrat. I would urge you to vote for this one.

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

Mr. BERRY: Mr. Speaker, Members of the House: I think when we say that the people of the State of Maine when they vote do not have the intelligence to differentiate between the voters that we are doing them an extreme disservice. We should realize that the box at the head of the ballot is an alternative method of voting and if one prefers to vote a straight ticket one may. And to say that the people of the State of Maine don't have the intelligence to go below the big square is certainly belittling their ability to discern.

There is the additional feature that when the ballots are being counted, many, probably most of our ballots are straight ballots and it facilitates the counting if a mark is made in one square instead of spread up and down the ballot. I urge you to support the motion for indefinite postponement.

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

Mr. BERMAN: Mr. Speaker, I am amazed by the remarks of my friend the gentleman from Cape Elizabeth, Mr. Berry. This is not an attempt to belittle anyone. This is an attempt to uplift and upgrade our political process, and I say to the ladies and gentlemen of the House that we should vote the way we believe on this, not as politicians.

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

Mr. BINNETTE: Mr. Speaker, Members of the House: I concur with the gentleman from Cape Elizabeth, Mr. Berry. I don't think that the people at large should be handicapped by that removal of that big square because if they want to facilitate their way of voting, they can do it. And when you come down to say they don't know how they want to vote, when you come into the primaries, they certainly know how to go down and pick out who they want. And with that big square left on there they still can do it. There's no deterrent for them because they have done it on good many occasions.

And I believe we should leave that big square right on the top of the ballot.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker, as a member of the Election Law Committee, the thing I noticed the most to the position of removing the big square in some cities they have long lines at the time of the closing of the polls which take sometimes a couple of hours to clear up and many of those who vote fast by the big square that way will vote instead of going home rather than to wait three or four hours to vote.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this bill and its accompanying papers be indefinitely postponed. The gentleman from Houlton, Mr. Berman, has requested that when the vote be taken that it be taken by the yeas and nays. 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 the vote being taken by the yeas and nays 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 having arisen the yeas and nays are in order.

Is the House ready for the question? The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this Bill, "An Act to Eliminate Straight Ballot Voting in Elections and Order of Offices on Ballots," Senate Paper 101, L. D. 571 and its accompanying papers be indefinitely postponed. If you are in favor of this bill and its accompanying papers being indefinitely postponed, when your name is called you will answer either yea or yes; if you are opposed to this bill and its accompanying papers being indefinitely postponed, when your name is called, you will either answer nay or no.

Mr. Avery of Kittery, who would have voted "no" had he voted, was excused from voting as he paired

his vote with Mr. D'Alfonso of Portland who was absent but would have voted "yes" were he present.

Mrs. Lincoln of Bethel, who would have voted "no" had she voted, was excused from voting as she paired her vote with Mrs. Carswell of Portland who was absent, but would have voted "yes" were she present.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Dickinson.

Mr. DICKINSON: Mr. Speaker, I rise to inquire the L. D. number that we are now acting upon.

The SPEAKER: The L. D. number is 571.

Mr. DICKINSON: I understood the gentleman from Cape Elizabeth, Mr. Berry, to say that it was a Republican sponsored bill. I believe that it was sponsored by a Democratic member of the other body.

The SPEAKER: The bill was sponsored by the Senator from Hancock, Senator Willey and the Senator from Cumberland, Senator Snow.

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

Mr. KATZ: Mr. Speaker, it is I who am the guilty party and to clarify my feeling, there was a duplicate bill introduced by Mr. Sahagian, who is a Republican, which was withdrawn so that we could consolidate our efforts on this one.

The SPEAKER: Does the gentleman from Bangor, Mrs. Ruby, wish to be recognized?

Mrs. RUBY: Mr. Speaker, due to the longness of the day and the warmness of the day, I would request that the gentlemen be allowed to remove their coats if they so desire.

The SPEAKER: The gentleman from Bangor, Mrs. Ruby, moves that the gentlemen be allowed to remove their coats if they so desire. Is this the pleasure of the House?

The motion prevailed. (Applause)

The SPEAKER: The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Orono; Baker, Orrington; Baker, Winthrop; Baldic, Beane, Bedard, Benson, Mechanic Falls; Bernard, Berry, Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Buck, Bussiere, Carroll, Carter, Champagne, Conley, Cote, Cottrell, Crommett, Curran, Danton, Davis, Doyle, Drigotas, Drouin, Dumont, Edwards, Erwin, Eustis, Farrington, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gilbert, Gillan, Glazier, Graham, Hanson, Lebanon; Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hawes, Hunter, Durham; Jalbert, Jewell, Jordan, Keyte, Kilroy, Knight, Laberge, Lebel, Levesque, Libhart, Lowery, Martin, McKinnon, Mills, Mitchell, Nadeau, Palmer, Payson, Peaslee, Pike, Pitts, Poulin, Prince, Richardson, Cumberland; Ruby, Sawyer, Searles, Starbird, Storm, Stoutamyer, Sullivan, Truman, Waltz, Watts, Wheeler, Whittier, Wuori.

NAY — Anderson, Ellsworth; Benson, Southwest Harbor; Bertram, Birt, Bragdon, Brewer, Burwell, Cookson, Cressey, Crosby, Dickinson, Dunn, Evans, Gifford, Hammond, Hanson, Gardiner; Harriman, Hawkes, Haynes, Huber, Hunter, Clinton; Katz, Kennedy, Kittredge, Lane, Lewis, Littlefield, Lund, Lycette, Millay, Mosher, Norton, Pendergast, Rackliff, Richardson, Stonington; Ross, Bath; Ross, Brownville; Scott, Susi, Ward, White, Guilford; Wight, Presque Isle; Wood, Young.

ABSENT — Cushing, Dostie, Dudley, Gauvin, Healy, Hoy, Lang, Lent, Meisner, Roberts, Roy, Sahagian.

Yes, 90; No, 44; Paired, 4; Absent, 12.

The SPEAKER: The Chair will announce the vote. Ninety having voted in the affirmative, and forty-four having voted in the negative, twelve being absent and four being paired, the motion to indefinitely postpone prevails.

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

Mr. JALBERT: Mr. Speaker, I move that we reconsider our action whereby we indefinitely postponed this measure and when you vote, vote against my motion.

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

The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker, I request a roll call.

The SPEAKER: The gentleman from Denmark, Mr. Dunn, requests that when the vote is taken that it be taken by the yeas and nays on the reconsideration motion. 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 the vote being taken by the yeas and nays on the reconsideration motion, will kindly rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER: Obviously less than one-fifth having arisen the yeas and nays are not in order. All those in favor of reconsidering our action whereby this bill was indefinitely postponed will say aye; all those opposed will say no.

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

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Bernard, and inquires for what purpose does he rise?

Mr. BERNARD: Mr. Speaker, I would like to know on a parliamentary ruling if I am in order to move right now that this be sent forthwith to the Senate.

The SPEAKER: The motion is in order if the Senate hasn't adjourned. The gentleman from Sanford, Mr. Bernard, now moves that this matter be sent forthwith to the Senate. Is this the pleasure of the House?

The motion prevailed.

(Off Record Remarks)

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, may I inquire if the House is in possession of Senate Paper 570 which was indefinitely postponed this morning?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, inquires whether the House is in possession of Senate Paper 570 which was a Senate Order in reference to a committee appointed with the authority to employ expert advisors and so forth, to make a study of contract and common carriers.

The answer is in the affirmative.

Mr. LEVESQUE: Mr. Speaker, I now move that we reconsider our action whereby this Senate Paper was indefinitely postponed this morning.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that we reconsider our action whereby this order was indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

Mr. LEVESQUE: Mr. Speaker, I now move that this order receive passage in concurrence.

Thereupon, the Order, Senate Paper 570, received passage in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I would now inquire if the House is in possession of Senate Paper 349, Legislative Document 1115.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, inquires if the House is in possession of L. D. 1115, Bill "An Act Requiring all Municipalities to Join School Administrative Districts by 1970," and the answer is in the affirmative.

The Chair recognizes that gentleman.

Mr. LEVESQUE: Because of a conflict in an amendment I now move that we reconsider our action whereby we receded and concurred with the Senate this morning.

Thereupon, the House voted to reconsider its action whereby it receded and concurred with the Senate in the engrossment of the bill.

Mr. LEVESQUE: I now move that this bill be passed to be engrossed as amended by Senate Amendment "B".

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that we recede from our former action. Is this the pleasure of the House?

The motion prevailed.

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

Mr. KENNEDY: Mr. Speaker, because the House may not be properly informed I would request the gentleman from Madawaska, Mr. Levesque, to explain his procedures relative to this bill.

The SPEAKER: The gentleman from Milbridge, Mr. Kennedy, has posed a question to the gentleman from Madawaska, Mr. Levesque, who may answer if he so desires. The Chair recognizes that gentleman.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Because of the conflicting amendment that was sent to us this morning from the Senate, and we receded and concurred with the Senate this morning, the error was noticed after the bill was passed in this House in concurrence with the Senate. Therefore they asked that this be sent back to the Senate in non-concurrence so that they would make the necessary corrections with the amendment over in the Senate.

On further motion of same gentleman, the House voted to recede and concur in acceptance of Report "A" and under suspension of the rules the Bill was given its three several readings.

On further motion of same gentleman, Senate Amendment "A" was indefinitely postponed in non-concurrence. Senate Amendment "B" was adopted in concurrence. The Bill was passed to be engrossed as amended by Senate Amendment "B" in non-concurrence and sent up for concurrence.

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

HOUSE REPORT—"Ought not to pass"—Committee on Health and

Institutional Services on Bill, "An Act relating to Transfer of Incurrigibles from Training Centers to Reformatories." (H. P. 475) (L. D. 628)

Tabled—May 25, by Mr. Haugen of South Portland.

Pending—Acceptance. (Specially assigned for Wednesday, May 26th)

Thereupon, the Committee "Ought not to pass" Report was accepted and sent up for concurrence.

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

An Act relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit, (H. P. 589) (L. D. 781)

Tabled—May 25, by Mr. Levesque of Madawaska.

Pending — Motion of Mr. Edwards of Portland to reconsider Passage to be Enacted. (Specially assigned for Wednesday, May 26th)

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

Mr. EDWARDS: Mr. Speaker and Ladies and Gentlemen of the House: If you will reconsider this matter and then reconsider the passage to be engrossed, there will be an amendment offered which is agreeable to all parties involved and then the bill can be finally passed.

Thereupon, the House voted to reconsider its action on May 24 whereby the bill was passed to be enacted.

On motion of Mr. Ross of Brownville, the House voted to suspend the rules and to reconsider its action on May 18 whereby it passed the bill to be engrossed.

Mr. Ross of Brownville then offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 589, L. D. 781, Bill, "An Act Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit."

Amend said Bill by striking out all of the amending clause and

inserting in place thereof the following:

'R. S., T. 30, §2402-A, additional. Title 30 of the Revised Statutes is amended by added a new section 2402-A, to read as follows: '

Further amend said Bill by striking out, at the beginning of the 3rd line, the underlined abbreviation and figure "Sec. 704-A." and inserting in place thereof the underlined abbreviation and figure '§2402-A.'

Further amend said Bill by striking out the last 3 underlined words " or a misdemeanor"

The SPEAKER: The question before the House now is on the adoption of House Amendment "B".

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I suppose when a sponsor of a bill offers an amendment, even though that amendment takes the guts out of the bill, that's the time one should sit down and let it go through. However, I feel that I would be remiss in my duties as a legislator if I didn't take a few moments to point out to you what this amendment does before it is adopted.

This amendment which is now being offered, apparently to save the bill from defeat, would change the original bill so that it would apply only to felonies. This sounds very good but I just want to take a minute to explain to you what this amounts to. A felony is the more serious of the two classifications of crime, the two categories being misdemeanors and felonies. Then if this amendment is adopted it would give the police officer the right to arrest only in the case of a felony. If somebody steals an article and it is worth less than a hundred dollars, it is a misdemeanor. If it is worth more than a hundred dollars, it is a felony; and I ask you how is the police officer going to know the value of the object as it is being stolen? To know whether he should make an arrest or not.

If a person steals a motor vehicle with intent to deprive the owner permanently of possession

of it, it is a felony. Under our law if he takes the motor vehicle without the owner's consent, that is to say he takes it for a joy ride, it's a misdemeanor. Now how is the officer going to know whether your car that is speeding out of town is being taken on a joy ride or whether it is an intent to steal and is therefore a felony? Assault and battery can be either a misdemeanor or a felony, depending on what the court finally decides, whether there is an intent to do grievous bodily harm or not; and I want to point this out to you to show you the difficulty that you are posing for the police officer when he is going to try and make a decision whether he should pursue and arrest a vehicle that is leaving his town or whether he should not.

I think this amendment doesn't make sense. I want to call your attention to another amendment which is under Filing No. H-379 which removes certain other objections to the bill, which objections I called to the attention of the committee too at the time we had the hearing, but which the Judiciary Committee did not see fit to embody in the bill when they reported it out.

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

Mr. BENSON: Mr. Speaker, Members of the House: I would like to pose a question to any member of the trial lawyers association—I mean the Judiciary Committee, what is the present penalty for a municipal officer chasing beyond the town line in which he is employed?

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, poses a question to any member of the Judiciary Committee, and any member of the Judiciary Committee may answer if he so desires.

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker, Members of the House: As it stands now, the municipal officer has no authority to leave his jurisdiction for misdemeanors.

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

Mr. LUND: Mr. Speaker, to make the answer complete I think that it should be pointed out that if an officer did exceed his authority and went out and made an arrest and used the force that was necessary to carry out the arrest, the officer himself might be liable not only to civil prosecution for assault and battery, but he might be liable to a criminal charge for assault and battery since he has no authority to do what he would be doing. This is the problem that the officer would face in carrying out his duties if this amendment is carried.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Brownville, Mr. Ross, that we adopt House Amendment "B". All those in favor will say aye; all those opposed will say no.

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

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

Thereupon, the gentleman from Augusta, Mr. Lund, offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 589, L. D. 781, Bill, "An Act Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"R. S. T. 30, §2402-A, additional. Title 30 of the Revised Statutes is amended by adding a new section 2402-A, to read as follows:

§2402-A. Arrest in other municipalities

Every municipal police officer in fresh pursuit of a person who travels beyond the limits of the municipality in which the officer is employed shall have the same power of arrest as the officer has within the said municipality."

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Lund, that we adopt House Amendment "A".

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Through the Chair I would request the gentleman from Augusta, Mr. Lund, to explain the amendment.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Augusta, Mr. Lund, who may answer if he so desires.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: In the original bill, instead of incorporating by reference the general right of arrest, the language says that the officer shall have the right while in fresh pursuit of the person he has reasonable grounds to believe has committed a felony or a misdemeanor. Now in general the person can only be arrested if the misdemeanor is committed in the presence of the officer, and if it is used strictly the original language of the bill would seem to give a different arrest power to the officer outside of the community than he had within the community.

This problem was called to the attention of the Judiciary Committee at the time of the hearing and one of the members of that committee and myself worked out an amendment that took care of this problem. The bill was reported out without the amendment and in view of the opposition that was expressed on the Floor at that time, I did not attempt at that time to offer an amendment to correct this problem.

The redraft as it is written, if this amendment is adopted, I think would pose no problems of constitutionality it would insert this law in the proper place in the books and it would do what we thought we were doing when we debated this bill at least three times before.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: This amendment still bothers me. I have discussed it with Mr. Lund, and he has allayed some of my misgivings, but I am still concerned because it does not limit the power of arrest to the person being pursued. Now I believe this could be interpreted to mean that once a police officer has pursued somebody across a town line, that then he would be empowered to arrest under any circumstances under which he could have arrested in his own jurisdiction, and with that interpretation I certainly don't believe it is what we want. For that reason I have to oppose the amendment.

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

Mr. LIBHART: I move that this matter be tabled until the next legislative day.

The SPEAKER: The gentleman from Brewer, Mr. Libhart, now moves that this matter lie upon the table assigned for the next legislative day pending the motion of the gentleman from Augusta, Mr. Lund, that we adopt House Amendment "A."

Mr. Mills of Eastport requested a division.

The SPEAKER: The gentleman from Eastport, Mr. Mills, has requested a division.

All those in favor of this matter Bill "An Act relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit," House Paper 589, L. D. 781, lying upon the table assigned for tomorrow will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-seven having voted in the affirmative and twenty-six having voted in the negative, the Bill was tabled pending the adoption of House Amendment "A" and specially assigned for tomorrow.

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

An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1966 and June 30, 1967." (S. P. 551) (L. D. 1550) (EMERGENCY)

Tabled — May 25, by Mr. Levesque of Madawaska.

Pending — Passage to be Enacted. (Specially assigned for Wednesday, May 26th)

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 111 voted in favor of same and 0 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

DIVIDED REPORT — Majority (7) — "Ought not to pass" — Minority (3) — "Ought to pass" — Committee on Taxation on Bill, "An Act to Establish a Voluntary Contributions Commission." (H. P. 161) (L. D. 183)

Tabled — May 25, by Mr. Levesque of Madawaska.

Pending — Motion of Mr. Levesque of Madawaska to Accept Majority "Ought not to pass" Report. (Specially assigned for Wednesday, May 26th)

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

Mr. EDWARDS: Mr. Speaker and Ladies and Gentlemen of the House: This is rather an involved lottery bill, as was indicated to you earlier today. I would hope that perhaps this might be tabled until tomorrow in order that we might have full time to debate it, since it is so involved. And perhaps we could get some of these other matters out of the way.

Thereupon, on motion of Mr. Anderson of Ellsworth, tabled pending the motion of Mr. Levesque of Madawaska to accept the Majority "Ought not to

pass" Report and specially assigned for tomorrow.

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

Resolve, Proposing an Amendment to the Constitution to Lower the Voting Age to Twenty Years. (S. P. 153) (L. D. 394) (S. "B" S-139) (S. "A" to S. "B" S-206) (H. "B" H-234)

Tabled — May 25 by Mr. Levesque of Madawaska.

Pending — Further consideration. (In Senate, Finally Passed) (Specially assigned for Wednesday, May 26th)

Thereupon, the Resolve was placed on file.

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

Bill, "An Act relating to Comparative Negligence in Civil Actions." (S. P. 565) (L. D. 1577)

Tabled—May 26, by Mr. Birt of East Millinocket.

Pending — Passage to be Engrossed. (Assigned for later in Wednesday's session)

On motion of Mr. Bishop of Presque Isle, tabled pending passage to be engrossed and specially assigned for tomorrow.

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

Bill, "An Act Revising the Maine Employment Security Law." (H. P. 1137) (L. D. 1557)

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

Pending — Passage to be Engrossed. (Assigned for later in Wednesday's session)

Thereupon, Mr. Levesque of Madawaska offered House Amendment "D" and moved its adoption.

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

HOUSE AMENDMENT "D" to H.P. 1137, L. D. 1557, Bill, "An Act Revising the Maine Employment Security Law."

Amend said Bill by striking out all of paragraph C of section 19 and inserting in place thereof the following:

"C. For the purposes of paragraph A, the experience rating record of the most recent subject employer shall not be charged with benefits paid to a claimant whose work record with such employer totaled 5 consecutive work weeks or less of **total or partial employment** but in such case the most recent subject employer with whom claimant's work record exceeded 5 consecutive work weeks of **total or partial employment** shall be charged if such employer would have otherwise been chargeable had not subsequent employment intervened."

Further amend said Bill, in section 20, by striking out the first underlined line of the chart which reads as follows:

" - 0% 2.7% 2.9% 3% 3.4% 3.7%" and inserting in place thereof the following underlined line:
' -0% 2.7% 2.9% 3.1% 3.4% 3.7%'

Further amend said Bill by inserting at the end the following section:

'Sec. 22. Effective date. Sections 1, 2, 3, 4, 6, 8, 9, 10 and 12 of this Act shall become effective April 1, 1966. Section 20 of this Act shall become effective July 1, 1966.'

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker, I would like to present House Amendment "E" to House Paper 1137, L. D. 1557, Filing No. H-385, and move its adoption. And I would like to speak on the motion.

The SPEAKER: It is necessary for us to act on House Amendment "D" first. Is it the pleasure of the House now that we adopt House Amendment "D"?

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

Mr. BENSON: Mr. Speaker, I notice that under Section 22 of this proposed amendment the effective date is April 1, 1966, which is the end of the benefit year and would cause a redetermination of all the old and new benefit year determinations and would cost approximately a hundred thousand dollars. I think this would be in effect very irresponsible action on our part and I would hope that this would

be given further consideration before its is adopted.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: This is the effective date under this act that the Commission feels is necessary in there in order to make this document enforceable.

The SPEAKER: The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, that we adopt House Amendment "D". Is it the pleasure of the House that we adopt House Amendment "D"?

The motion prevailed.

Mr. Harriman of Hollis then offered House Amendment "E" and moved its adoption.

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

HOUSE AMENDMENT "E" to H. P. 1137, L. D. 1557, Bill, "An Act Revising the Maine Employment Security Law."

Amend said Bill, in section 13, by striking out in the 11th and 12th lines the underlined words "**for 12 weeks immediately following such week or**"; and by striking out in the 13th line the underlined words and punctuation "**,whichever occurs first**"

Further amend said Bill, in section 14, by striking out in the 16th line the underlined words "**for 12 weeks immediately following such week or**"; and by striking out in the 7th line the underlined words and punctuation "**, whichever occurs first**"

The SPEAKER: The question before the House now is the adoption of House Amendment "E".

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I believe that in this amendment you're eliminating the twelve weeks immediately following such weeks in the paragraph and my knowledge of this that by eliminating these twelve weeks that somebody becomes unemployed and if you eliminate the twelve weeks, generally when they are unemployed there is no where else that they can go to

get work. So, therefore, this would be against him for being able to draw unemployment insurance and then having to work twelve weeks, waiting period, it's almost impossible at a time of unemployment. So therefore I move the indefinite postponement of this amendment.

The SPEAKER: The question before the House now is on the motion of the gentleman from Madawaska, Mr. Levesque, that House Amendment "E" be indefinitely postponed.

The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker, I think this twelve week waiting period should be taken out of the bill. As far as I am concerned it it going to create a new way of life for a lot of people. If I interpret this correctly, a woman can be working all winter long at a job, she can quit in the summer when the children are home from school, she can take care of the children for the summer during the vacation, she will have got in her twelve week waiting period and in the fall she can immediately start drawing unemployment. I don't think that is fair. By the same token, she can work in the winter time and have a cottage at the lake for the summer so the husband decides the family should go to the lake. She quits her job, she goes to the lake, she spends a pleasant summer. She gets the twelve week waiting period, she goes back on unemployment, and draws compensation. I have no objections to the eight weeks feature in the bill, but I do not think we should be starting a new way of life for a new class of people.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Gifford.

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the amendment presented by the gentleman from Hollis, Mr. Harriman and in support of the motion of the gentleman from Madawaska, Mr. Levesque, to indefinitely postpone it. As he has pointed out to you, adoption of this amendment could well mean that an employee

who becomes disqualified under these provisions and then is unable to obtain employment could find that his disqualification would continue indefinitely. Sound principles of an employment security practice do call for disqualifications in the event that an employee loses his employment for reasons of his own rather than reasons which are not of his own making. However, these principles also call for these disqualification periods to be finite, to be definite, to be of limited duration. And the adoption of an amendment which would leave this matter open-ended is not in the interest of sound employment security practice.

I would further point out to you that the provisions in the bill now before you are those which were recommended by the Interim Joint Committee created by the 100th Legislature; that these were hammered out as it were by representatives on that committee representing adverse interests. These are compromise proposals. They were also in this very same form in the Thaunum Bill of two years ago, in the original bill introduced this time, L. D. 365, and remain in that form unchanged in 1957. I hope that you will vote to indefinitely postpone House Amendment "E".

The SPEAKER: The question before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that House Amendment "E" be indefinitely postponed. All those in favor of House Amendment "E" being indefinitely postponed will say aye; those opposed, no.

House Amendment "E" was indefinitely postponed on a viva voce vote.

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

Mr. BENSON: Mr. Speaker, the employment security law is not a simple law by any means, I think it's one of the most complicated situations that will face us during this session of the legislature and I would like to just walk through the bill with you and let us look at several sections of the bill and

some of the changes that are proposed in this bill.

Sections 1, 2 and 3 do not involve a change from L. D. 365. However, Section 3, dealing with the earnings of \$5 more than weekly benefit amount, was suggested as part of the partial benefit formula in the original Thaunum bill. It was not recommended by the Interim Study Committee to coincide with the \$10.00 partial proposed in this measure. This, in essence, liberalizes partial benefits beyond anything we ever had in the law. Substantially, it cannot be determined how many more people will qualify for partial benefits because of \$5 earnings above weekly benefit amount. Mr. Trott's figure of a \$268,000 benefit cost does not take this into account either.

Section 5, dealing with the definition of misconduct, should be discussed with the Attorney General's office. I have always felt that this definition would be a civil definition of misconduct rather than one occurring in an employment status.

Section 6, is a change from the so-called high quarter formula to a qualifying \$600 figure.

Sections 13, 14 and 15 deal with disqualifications and are essentially the same as the Thaunum bill. The Commission attorneys, however, raise the question of interpretation of temporary or odd-job work subsequent to disqualification from his regular employment separation in the use of the wording "for the week in which." The attorneys feel that the law prior to 1955 never did give them a definition of what was temporary employment.

Section 16 is an entirely new innovation by the Committee which apparently is designed to pay benefits to people who have been on strike after the strike was settled. The proposed amendment does not accomplish this, however, because, as I read it, it would make anyone unemployed due to strike eligible for benefits from date of separation once the strike had been settled. It does not make any provision for disqualification or for waiting period.

Sections 17, 18 and 19 are recommendations of the Interim Committee that were in the Thaanum bill.

Section 20 is a revision of the contribution schedule imposing a penalty rate for deficit employers of three tenths of one percent in Column D, six tenths of one percent in Column E, and one percent in Column F. Mr. Trott's estimate indicates this would only return \$185,000 based on the 1963 experiences. In addition rates have been changed in Column E for experience-rated employers in 10 categories. These are substantially from one tenth of one percent up to four tenths of one percent. This is an additional burden upon the sound, stable, well-established employers of the State, and is only a stopgap measure to keep the fund from going to the maximum rate for everyone. It would generate a little over a million dollars but appears in a column that would be required to finance the cost of this measure within the next 2 years.

In summarizing the cost analysis of this measure, the minimum cost of benefits would appear to be at least \$12,500,000 and the current income from contributions in 1966 would be about \$9,500,000. This would mean that by the end of 1966 all employer rates would move at least to Column D, and certainly before the next session of the legislature would be in Column E, and it is my estimate that Column E would just about finance the cost of this measure.

In general, it is obvious that this measure is an attempted compromise at making everyone happy who might be entitled to benefits; seasonal people, the marginal workers or partially employed, those who have been on strike, and those who are subject to disqualification because of their separation. There is no attempt in this measure to show any concern for those who must pay this measure, and I would suspect that within 4 years all employers would be at the maximum rate. Thank you.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House some sophomore and senior students at Houlton High School. They are accompanied by their teachers Miss Crowley, and Mr. Donlevy. They are guests of the gentleman from Houlton, Mr. Berman and Mr. Lycette. On behalf of the House the Chair welcomes this group and we hope that your visit will be both enjoyable and educational. (Applause)

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House, before offering an amendment I would like to make a couple of observations and comments. I certainly agree with the gentleman from Southwest Harbor, Mr. Benson, that this is a very serious and important matter before us today. We have on this calendar today four matters of major import to the state. Two bills revising the workmen's compensation law, one bill revising the employment security law and a bill relative to minimum wages.

I served on the Labor Committee for six years as a member of both bodies of this legislature, although this morning I was chastised for mentioning the other body at one time. These bills certainly have statewide implications and in the overall are major departures from our present laws. In the employment security field I believe it would be a little bit difficult to prognosticate the exact effect these would have on the fund and under workmen's compensation revisions as proposed, I wonder exactly what they would do to the insurance rates. I certainly feel that all of these should be very carefully considered and explained to this House. And every person here should consider the far-reaching aspects that all of these would have on business both large and small as compared to the benefits the employees would receive.

In the specific item we are referring to right now, L. D. 1557 to revise the employment security law, you will note on page three,

subsection 23, a definition of misconduct. I agree with Mr. Benson when he said this might apply to some legal situation, but I fail to see the employment application and if I may have your indulgence just let me read that to you if I may. The definition of the word misconduct. 'Misconduct' means conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has a right to expect of his employee, or in carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to his employer." I believe that this is just another example of the hodge podge of legal verbiage probably written by some lawyer for another to interpret. The wording in the present law is very simple and I would say satisfactory and I would like to offer House Amendment "F," filing 386 and this amendment goes back to the present wording and the definition and is something we can understand. And in the absence of the Clerk I would read that amendment.

Thereupon Mr. Ross of Bath read House Amendment "F" as follows:

HOUSE AMENDMENT "F" to H. P. 1137, L. D. 1557, Bill, "An Act Revising the Maine Employment Security Law."

Amend said Bill, in section 14, by striking out all of the last stricken out sentence and inserting in place thereof the following: "The term misconduct shall include but not be limited to repeated absenteeism or tardiness after notice or warning, insubordination without provocation by the employer or his agent and disregard of the employer's interest, rules or regulations;" "

Mr. ROSS: I believe that that is very simple and something that is workable, something that we can understand and I move that House Amendment "F" be adopted.

The SPEAKER: The question before the House now is the adoption of House Amendment "F". The Chair recognizes the gentleman from Manchester, Mr. Gifford.

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps this is a good example of the risks of attempting to amend a complicated document such as the one which we have before us here on the floor of the House. The amendment which has been proposed by the gentleman from Bath, Mr. Ross returns to the bill the language of the present law in the place where that language now appears in the present law. However, the bill which he seeks to amend includes a new section and a new definition of misconduct. And if we here today adopt his amendment and then enact the bill, we will end up with a law which will contain two definitions of the same thing which are not the same. I would submit to you that this might make the administration of the employment security law most difficult. I move at this time the indefinite postponement of House Amendment "F".

The SPEAKER: The question before the House now is on the motion of the gentleman from Manchester, Mr. Gifford, that House Amendment "F" be indefinitely postponed. All those in favor of House Amendment "F" being indefinitely postponed will say aye; all those opposed will say no.

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

Eighty having voted in the affirmative and thirty-four having voted in the negative, the motion prevailed.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "D" and sent to the Senate.

The Chair laid before the House the twenty-fifth matter of Unfinished Business:

Bill, "An Act relating to Fees for Fishing and Hunting Licenses." (S. P. 427) (L. D. 1361) (C. "A" S-153)

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

Pending — Passage to be Engrossed. (Assigned for later in Wednesday's session)

Mr. Crommett of Millinocket offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 427, L. D. 1362, Bill, "An Act Relating to Fees for Fishing and Hunting Licenses."

Amend said Bill by striking out in the 8th line of section 2 the underlined figure "\$4.75" and inserting in place thereof the underlined figure '\$3.75'; and by striking out in the 14th line the underlined figure "\$8.25" and inserting in place thereof the underlined figure '\$6.75'

Further amend said Bill by striking out in the next to the last line of section 3 the underlined figure "\$27.25" and inserting in place thereof the underlined figure '\$30.25'

Further amend said Bill by striking out all of section 5 and inserting in place thereof the following:

"Sec. 5. R. S., T. 12, §2401, sub-§6, amended. The next to the last paragraph of subsection 6 of section 2401 of Title 12 of the Revised Statutes is amended to read as follows: 'Any resident between the ages of 10 and 16 years may hunt with firearms without a license, if accompanied at all times while hunting by a parent or guardian or by an adult approved by parent or guardian.'"

Further amend said Bill by striking out in the 5th line of section 6 the underlined figure "\$6.25" and inserting in place thereof the underlined figure '\$5'

Further amend said Bill by striking out in the 4th line of section 7 the underlined figure "\$4.75" and inserting in place thereof the underlined figure '\$3.75'

Further amend said Bill by striking out all of section 8.

Further amend said Bill by striking out all of the 4th and 7th

sentences of section 9 and inserting in place thereof the following: 'The amount paid on a 15-day license shall be credited on an entire season license upon the additional payment of \$3.25 in the same year in which the 15-day license was issued.' 'Any resident or nonresident of the State may procure a license good for 3 consecutive days as designated in the license upon the payment of \$3.75 \$4.50, 25 cents to be retained by the agent.'

Further amend said Bill by renumbering section 9 to be section 8.

Further amend said Bill by adding at the end a new section 9, to read as follows:

'Sec. 9. Effective date. This act shall become effective January 1, 1966.'

House Amendment "A" was adopted and the Bill passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

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

Bill, "An Act relating to Rules Regarding Retirement of Teachers." (H. P. 758) (L. D. 995) (S. "B" S-262)

Tabled — May 26 by Mr. Levesque of Madawaska.

Pending — Passage to be Engrossed. (Assigned for later in Wednesday's session)

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

Mr. MILLAY: Mr. Speaker, I have got about two hours of brief remarks on this one, but I understand they are not necessary because everybody is in agreement that this one should be indefinitely postponed and I so move.

Thereupon the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill, "An Act Exempting Text-books Used in Schools of Higher Education from Sales Tax." (H. P. 1028) (L. D. 1398) (H. "A" H-369)

Tabled — May 26 by Mr. Levesque of Madawaska.

Pending — Passage to be Enacted. (Assigned for later in Wednesday's session)

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

Mr. PAYSON: Mr. Speaker and Members of the House: I would merely like to comment on a remark made yesterday by my stalwart friend from Portland, Mr. Cottrell, whose college students apparently wear \$150 suits. This is what he said: "To me the greatest benefit of this bill would be to encourage our students in college toward more political action and activities." I suggest that the payment of even a meager tax toward the cost of education will stir their interest in politics a great deal more even if they don't vote for me.

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

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

An Act relating to Powers of Board of Trustees of Maine Maritime Academy. (H. P. 877) (L. D. 1173) (C. "A" H-221) (H. "B" H-239)

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

Pending — Passage to be Enacted. (Assigned for later in Wednesday's session)

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the twenty-ninth item of Unfinished Business:

An Act relating to Expenses of Members of Liquor Commission. (S. P. 519) (L. D. 1496)

Tabled—May 26, by Mr. Katz of Augusta.

Pending—Passage to be Enacted. (Assigned for later in Wednesday's session.)

On motion of Mr. Levesque of Madawaska, indefinitely postponed in non-concurrence and sent up for concurrence.

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

An Act relating to Salaries of County Officers in the Several Counties of the State. (S. P. 531) (L. D. 1519)

Tabled—May 26, by Mr. Fortier of Waterville.

Pending—Passage to be Enacted. (Assigned for later in Wednesday's session.)

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

HOUSE DIVIDED REPORT — Report "A"—Committee on Judiciary on Bill, "An Act Revising Laws relating to Search and Seizure." (H. P. 585) (L. D. 777) reporting same in New Draft (H. P. 1151) (L. D. 1583) under same title, and that it "Ought to pass"—Report "B"—"Ought not to pass"

Tabled—May 26, by Mr. Storm of Sherman.

Pending—Motion of Mr. Danton of Old Orchard Beach to Accept Report "A" "Ought to pass." (Assigned for later in Wednesday's session)

Thereupon, the Report "A" was accepted, the New Draft read twice and tomorrow assigned.

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

SENATE JOINT ORDER Relative to a Committee Appointed to Review and Study Liquor Laws. (S. P. 574)

Tabled—May 26, by Mr. Cote of Lewiston.

Pending — Passage in concurrence.

On motion of Mr. Cote of Lewiston, retabled pending passage in concurrence and assigned for later in today's session.

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

SENATE DIVIDED REPORT—Majority (6)—Committee on Judiciary on Bill, "An Act relating to Liability for Damages for Tortious Conduct of State." (S. P. 205) (L. D. 586) reporting "Ought to pass" as Amended by Committee Amendment "A"—Minority (4)—"Ought to pass" in New Draft (S. P. 561) (L. D. 1573) under title of "An Act Directing Review of Governmental Immunity."

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

Pending—Acceptance of Either Report. (In Senate, Majority "Ought to pass" in New Draft Report Accepted)

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that we accept the Ought to pass in new draft S. P. 561, L. D. 1573 in concurrence.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now moves that we accept the Minority Report A in new draft. The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I had not intended to speak on it, this was accepted in the other body. I simply want to be sure that we're talking about the same thing and that is L. D. 1573 reported out An Act Directing a Review of Governmental Immunity.

The SPEAKER: We are talking about the same thing. We are talking about the minority Ought to pass report in new draft under L. D. 1573.

Mr. Gillan of Portland asked for a division.

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

Mr. EDWARDS: Mr. Speaker, I have a question to ask of somebody here. I don't know who but I am a little confused. According to my calendar the majority "Ought to pass" in new draft was accepted, not the minority. I'd like to know just what did happen in the other body.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, there were two reports. The first was the majority report signed by six members of Judiciary, Ought to pass as amended by committee amendment A respecting action against the state, counties, cities and towns for tort. The second report, which was accepted in the Senate, is ought to pass in new draft which appears under L. D. 1573. If I might I would like to indicate to you why I believe that this report should be accepted.

The SPEAKER: In order to clear the air the Chair will state that the calendar is incorrect.

Mr. RICHARDSON: Mr. Speaker, whether it is correct or incorrect, and I quite agree with you that it is incorrect, the point of the matter is that it is the feeling of four members of the Judiciary Committee that before we expose cities, towns, counties and the state to liability and tort we should draft legislation and this report directs the Committee to prepare and submit legislation spelling out under what circumstances the counties, state and cities are liable so that they can procure insurance to defend themselves against the risk created. And I thought and think that it was a reasonable and intelligent responsible way to handle the problem and that is the reason I suggest that you accept the Ought to pass in new draft as L. D. 1573.

On motion of Mr. Brennan of Portland, tabled pending the motion of Mr. Richardson of Cumberland and tomorrow assigned.

On motion of Mr. Jalbert of Lewiston,

Adjourned until nine o'clock tomorrow morning.