

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Special Session*

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

1966

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, January 19, 1966

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

Prayer by Father Frederick Dougherty of Augusta.

The journal of yesterday was read and approved.

The SPEAKER: The Chair recognizes in the rear of the House a lady who has been with us since 1929 and who has done an outstanding job for the House of Representatives working in the Clerk's office. It is with a great deal of pleasure that I recognize in the rear of the House Mrs. Regis Strout. Will Mrs. Strout kindly stand? (Applause)

**Papers from the Senate  
Reports of Committees  
Ought to Pass**

Report of the Committee on Agriculture reporting "Ought to pass" on Bill "An Act relating to Branding of Potatoes" (S. P. 627) (L. D. 1636)

Report of the Committee on Education reporting same on Bill "An Act Permitting Pleasant Ridge Plantation to Provide Educational Scholarships" (S. P. 614) (L. D. 1634)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 45" (S. P. 637) (L. D. 1594)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 41" (S. P. 638) (L. D. 1593)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 9" (S. P. 640) (L. D. 1643)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 27" (S. P. 641) (L. D. 1604)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administra-

tive District No. 40" (S. P. 643) (L. D. 1598)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 49" (S. P. 646) (L. D. 1595)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 48" (S. P. 647) (L. D. 1627)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 47" (S. P. 648) (L. D. 1597)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 42" (S. P. 649) (L. D. 1596)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 44" (S. P. 661) (L. D. 1694)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 36" (S. P. 662) (L. D. 1695)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 34" (S. P. 663) (L. D. 1696)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 43" (S. P. 668) (L. D. 1701)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 39" (S. P. 669) (L. D. 1702)

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

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

**Ought to Pass with  
Committee Amendment**

Report of the Committee on Agriculture on Bill "An Act relating to Interstate Conferences and Compacts with the Maine Milk Commission" (S. P. 672) (L. D.

1710) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

**COMMITTEE AMENDMENT**  
"A" to S. P. 672, L. D. 1710, Bill, "An Act Relating to Interstate Conferences and Compacts with the Maine Milk Commission."

Amend said Bill by striking out all of the underlined section "Sec. 2953-A" and inserting in place thereof the following:

**"Sec. 2953-A. Interstate conferences and compacts**

The commissions shall have power to enter into compacts, subject to congressional approval, with legally constituted milk commissions or similar authorities of other states or of the United States of America to effect a uniformity in regulating and insuring an adequate supply of pure and wholesome milk to the inhabitants of this State, to provide uniform control of milk produced in this State and handled in interstate commerce and to exercise all the powers hereunder for such purpose as well as the following powers:

1. Hearings. To conduct joint investigations and hearings and to issue joint or concurrent orders.

2. Enforcement. To employ or designate a joint agent or agencies to enforce such orders or compacts.

3. Classification. To provide for classifications of milk in accordance with the form in which it is used or moved with uniform minimum prices or methods of fixing such prices for each class.

4. Payments. To provide for payment to all producers and associations of producers delivering milk to dealers of uniform prices, subject to adjustments with the joint agent for location and butterfat content.

**5. Regulations. To make such joint regulations as may be incidental to the foregoing and not inconsistent thereto and as may be necessary to effectuate the above mentioned powers.'**"

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

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

### Messages and Documents

The following Communication:

STATE OF MAINE  
Office of the Governor  
Augusta

(SEAL)

January 17, 1966

To the Honorable  
House of Representatives  
of the 102nd Legislature

There is returned herewith, without my approval, House Paper 1130, Legislative Document 1545, entitled, "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies."

I have reviewed and studied at length the contents of this document. I cannot find a specific need for the implementation of this measure, and further, I have been unable to ascertain any significant benefits that will accrue to the people of the State of Maine should this legislation be enacted.

Under the provisions of the Maine Revised Statutes, Title 32, Chapter 55, Section 3801, the Governor, with the advice of the Council, is authorized to license Private Detectives. The proposed document would appear to transfer this authority to the Secretary of State. Yet under the provisions of Section 3803, of the Bill, the Secretary of State's authority is abrogated by the language, "and his or her application must be approved by the Chief of the State Police." There appears to be some indecision, on the part of

the authors, as to whether or not the Secretary of State should enjoy ultimate licensing authority or the Chief of the State Police.

Under Section 3804 it is made mandatory that "Each holder of a resident detective license shall give to the Secretary of State proof of liability insurance for all misconduct in the performance of his duties in the minimum amount of \$50,000 and bond in the sum of \$5,000." With similar requirements applicable to non-resident detectives; resident Watch, Guard or Patrol agencies.

After conferring with competent insurance advisors and one of the largest liability insurance underwriters in the State of Maine, I am informed that the phrase, "misconduct in the performance of his duties," is difficult to define. The question arises as to whether or not a licensee could purchase such coverage.

It is my belief that a reasonable increase in the number of detectives allowed under the present statute would be desirable. I would also favor an increase in the fees paid to the State for such licenses. It is my opinion that such action would contribute toward maintaining a reasonable standard of professionalism commensurate with public expectation.

These changes can be made without drastically altering a law that has served our people well for many years.

For the reasons set forth, I am returning Legislative Document 1545, "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies," without my signature.

Respectfully submitted,

(Signed)

JOHN H. REED  
John H. Reed  
Governor

The Communication was read and ordered placed on file and, on motion of Mr. Levesque of Madawaska, the matter tabled pending further consideration and specially assigned for tomorrow.

The following Communication:

STATE OF MAINE  
Office of the Governor  
Augusta

(SEAL)

January 17, 1966

To the Honorable  
House of Representatives  
of the 102nd Legislature

There is returned herewith, without my approval, House Paper 1136, Legislative Document 1555, entitled, "An Act Conferring Upon Others the Powers Now Vested in the Executive Council."

I have carefully reviewed this document. It is my opinion that the basic changes contained in this proposed legislation would not be in the best interests of the State of Maine.

The revisions outlined in this document would render the Executive Council virtually powerless. The Council would merely function as an advisory board under the provisions of this proposal.

This legislation would, if enacted, transfer the power of confirmation from a body of seven to a body of 34 individuals. In practice, this would bring to bear upon appointments requiring confirmation, all of the diverse influences and pressures of a larger political body. It is my opinion that such a change would result in a weakening rather than in a strengthening of the essential confirmation function. Further implicit in the document is the concept of a Senate almost continually in session to handle the many necessary and important executive appointments requiring confirmation.

I have found at least 15 citations in which this would be the case.

A provision is admittedly made to grant the Governor the power to make interim appointments when the Senate is not in session. This provision, however, would place a serious burden on the executive branch of government. Interim tenure would be a definite detriment to the recruitment of qualified candidates for appointment to high office.

I take particular exception to Section 22, Page 5 of the Document. This proposal appears to espouse a radical departure from sound practice in the important confirmation function involving a high Constitutional officer, The Secretary of State. The proposed legislation would grant the President of the Senate the power to confirm the nomination of a Secretary of State under certain conditions. In so doing, the Document removes the power of confirmation from a deliberative body, the Council, and invests it in a single individual.

The Executive Council has served the State of Maine for 145 years. During my tenure as Chief Executive, I have found the Council to be an effective instrument.

I have always maintained an open mind, however, to any proposed changes in the Council's powers that would be in the best interests of more efficient government. I do not feel that this Document would improve efficiency, but rather, because of its flaws, would prove cumbersome if signed into law.

The principles involved here are highly valued. They are too far-reaching to be disposed of in a single, all-encompassing measure. I would recommend that such a document should be submitted to the deliberative study of a constitutional commission or convention.

For the aforementioned reasons, I am returning this document without my signature.

Respectfully submitted,

(Signed)

JOHN H. REED  
John H. Reed  
Governor

The Communication was read and ordered placed on file and, on motion of Mr. Levesque of Madawaska, the matter tabled pending further consideration and specially assigned for tomorrow.

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The following Communication:

STATE OF MAINE  
Office of the Governor  
Augusta

(SEAL)

January 17, 1966

To the Honorable  
House of Representatives  
of the 102nd Legislature

I am returning without my signature House Paper 1142, Legislative Document 1562, "An Act Relating to Insurance on Public Buildings."

In January 1964, I appointed a bipartisan Committee to Study Insurance on State-owned Property. The Committee was comprised of highly qualified members of the insurance industry and an attorney whose duties include the supervision of the purchase of insurance for one of the largest business concerns in the state. The Committee assumed the responsibility of this study gratuitously, and deserve commendation for their excellent work.

Prior to the convening of the 102nd Legislature the Committee presented a publication entitled "Report of the Governor's Committee to Study Insurance on State-owned Property." Copies of this report were distributed to each member of the Legislature.

The Committee, consisting of fourteen (14) members, rendered a majority report favored by ten (10) members, indicating they were of the opinion that the present method of administration and distribution of the State Insurance Schedule, "while effective and equitable in the past, does not lend itself to the currently available 'package' concept of purchasing insurance." The minority report of the Committee, supported by four (4) members, embraced the present system of purchasing insurance, delineating the responsibilities of the "key agents."

In conjunction with the majority report, Legislative Document 1176, "An Act Establishing the Maine Insurance Advisory Board and Reserve Fund for Uninsured Losses," was prepared and presented to the Legislature. This bill did not meet with your approval. The bill that finally arrived for my consideration was Legislative

Document 1562, "An Act Relating to Insurance on Public Buildings."

Legislative Document 1562, is inconsistent with both reports of the Study Committee. This legislation, in my opinion, is ambiguous and if interpreted literally could result in utter confusion. Section 1701 of the bill refers to "All fire and liability insurance," "Fire insurance" alone, and "insurance," the latter appearing to be an all encompassing reference. Whether or not limitations as to types of coverage are contained in the measure would create an immediate challenge in interpretation.

Section 1701 allocates the responsibility of recommending hazards to be insured against. It is unrealistic to assume that the "heads of Departments" are adequately informed to make judgments in such technical areas and if they were compelled to do so it would find it necessary to seek the advice of competent insurance specialists. The ultimate result would very likely create a chaotic situation due to the great diversity of opinion relative to the insurance needs of the State.

The bill further provides that the governor alone shall authorize the placement of insurance on state property by submitting specifications. This would put him in the position of negotiating with insurance companies and their agents. He would also have to seek the services of insurance specialists to advise him in his deliberations, and this would be extremely time consuming.

This Legislature enjoys the prerogative of initiating legislation. I strongly urge you to again refer to the report of the Study Committee and then prepare, introduce and enact legislation that will embrace the majority report of the aforementioned Study Committee.

For the reasons set forth, I submit that Legislative Document 1562, "An Act Relating to Insurance on Public Buildings," is not in the best interests of the State

and the act is returned, herewith, without my signature.

Respectfully submitted,

(Signed)

JOHN H. REED  
John H. Reed  
Governor

The Communication was read and ordered placed on file and, on motion of Mr. Levesque of Madawaska, the matter tabled pending further consideration and specially assigned for tomorrow.

The following Communication:

STATE OF MAINE  
Office of the Governor  
Augusta

(SEAL)

January 17, 1966

To the Honorable  
House of Representatives  
of the 102nd Legislature

I am returning without my signature House Paper 1144, Legislative Document 1568, "An Act Authorizing Qualified Licenses After Conviction for Drunken Driving if Essential to Livelihood."

I have decided to veto this measure because I am convinced, after careful reflection, that its enactment would not solve the problem the legislature evidently sought to eliminate.

The Bill provides that six months after the date of revocation of license following a first conviction for driving under the influence of intoxicating liquor, the Secretary of State may, in cases of extraordinary hardship, issue a restricted license permitting the operation of certain vehicles, within certain geographical limits, during certain hours, on certain specified days of the week.

The problem of determining eligibility and the enforcement of the restrictions once imposed would be colossal, but even if these difficulties could be surmounted, I feel this legislation would be ineffectual.

To a person who depends on his driver's license for his livelihood, a six-month's suspension is for all practical purposes as injurious as a suspension for one year. In either case, his employ-

ment would have long since been terminated.

I have been told by people with many years experience in this field that employers will sometimes keep a suspended driver on the payroll for a period up to thirty days. If, however, the suspension is for a longer time, he is either discharged or transferred to some other phase of the operation that does not require a driver's license. It is, therefore, obvious that on this ground alone the bill does not accomplish its apparent purpose.

This is definitely not my only objection to the Bill. I am opposed to the principle of hardship licenses in drunken driving cases.

Shortly after automobiles ceased to be horseless carriages in the early nineteen hundreds, all states found it necessary to enact laws prohibiting driving while under the influence of intoxicating liquor.

Maine's first statute on the subject was enacted in 1911. This early statute obliquely referred to operating under the influence of intoxicating liquor along with reckless driving, racing, leaving the scene of an accident, and so forth. License revocation was required for all these offenses but the period was discretionary with the Secretary of State.

In 1921 the legislature enacted a separate section dealing with operating under the influence of liquor substantially in its present form. This law provided for revocation of license for three years with discretionary restoration after one year. Later this was changed to two years and in the mid-forties changed back again to one year. Since 1921 the minimum period of revocation has never been less than one year.

All states and provinces of Canada have laws prohibiting driving while under the influence or driving while impaired. All have found it necessary to add to the criminal penalty mandatory loss of license for varying periods of time.

It is apparent that payment of a fine, however large, or even serving a brief term in jail, is not enough of a deterrent without loss of license. We all know that it is the mandatory loss of license that makes people think twice before driving after drinking.

We must always remember that drinking intoxicating liquor is a voluntary act which begins while the driver is in full possession of his faculties.

While traffic on our streets and highways has increased by leaps and bounds, the problem of the drinking driver has kept pace. According to figures compiled by the National Safety Council, in one-third of the personal injury accidents and one-half of the fatal accidents in this country, liquor is involved.

Fifteen of the fifty states have experimented with varying forms of hardship or restricted licenses. Several of these specifically exclude a hardship license if the loss is because of a conviction for operating under the influence. I am told that the people who administer the motor vehicle laws in the states with hardship licenses are almost unanimously opposed to them and to their extension.

The American Association of Motor Vehicle Administrators and National Association of Chiefs of Police have both passed resolutions at their National Conventions opposing vigorously the idea of hardship licenses in drunken driving cases. The weight of opinion around the country among those officials responsible for highway safety is very heavily opposed to such a license.

Based on all the evidence available, I am satisfied our statute is working well and should not be amended. Legislative Document 1568 in its present form will not accomplish its purpose. It would however, be an entering wedge which could ultimately destroy the effectiveness of a law that has worked well for forty-four years.



For the foregoing reasons the act is returned herewith.

Respectfully submitted,

(Signed)

JOHN H. REED

John H. Reed

Governor

The Communication was read and ordered placed on file and, on motion of Mr. Levesque of Madawaska, the matter tabled pending further consideration and specially assigned for tomorrow.

The SPEAKER: The Chair recognizes in the balcony of the House at this time seventy members of the Lewiston Senior Citizens from the Lewiston-Auburn area and they are accompanied by their director, Mrs. Eloise Moreau, and they are the guests of the Lewiston delegation. On behalf of the House, the Chair wishes you a cordial welcome and we hope that your stay will be an enjoyable and educational one. (Applause)

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

Mr. Dostie from the Committee on State Government on Resolve Authorizing Transfer of Certain Land from State of Maine to City of Presque Isle (H. P. 1244) (L. D. 1739) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

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

Mr. McKinnon from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act relating to Loan Limitations of Industrial Banks" (H. P. 1217) (L. D. 1685)

Mr. Hoy from the Committee on Education reported same on Bill "An Act Amending the Mount Desert Island Regional School District" (H. P. 1227) (L. D. 1708)

Mr. Baldie from the Committee on Health and Institutional Services reported same on Bill "An Act relative to Issuance and Revocation of Nursing Home Licenses" (H. P. 1231) (L. D. 1726)

Mr. Richardson from the Committee on Judiciary reported same on Bill "An Act Clarifying the Rights of Nonprofit Hospital or Medical Services Organizations" (H. P. 1213) (L. D. 1681)

Mr. Levesque from the Committee on Labor reported same on Bill "An Act to Correct Certain Errors in the Employment Security Law" (H. P. 1211) (L. D. 1679)

Mr. Cote from the Committee on Legal Affairs reported same on Bill "An Act Changing Name of State Association of Retarded Children to Maine Association for Retarded Children" (H. P. 1269) (L. D. 1764)

Mr. Hunter from same Committee reported same on Bill "An Act relating to Residence Requirements for Candidates for City Council of City of Portland" (H. P. 1188) (L. D. 1656)

Mr. Edwards from the Committee on State Government reported same on Bill "An Act Establishing Legislative Finance Office as Secretariat for Committee on Appropriations and Financial Affairs" (H. P. 1257) (L. D. 1752)

Mr. Blouin from the Committee on Veterans and Military Affairs reported same on Bill "An Act to Extend the Maine Civil War Centennial Commission" (H. P. 1239) (L. D. 1734)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

#### **Ought to Pass with Committee Amendment**

Mr. Birt from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Money to Match Federal Funds Provided under Title III of the National Defense Education Act and under the Vocational Education Act of 1963" (H. P. 1210) (L. D. 1678) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1210, L. D. 1678, Bill "An Act Appropriating Money to Match Federal Funds Provided Under Title III of the National Defense Education Act and Under the Vocational Education Act of 1963."

Amend said Bill, in section 1, by striking out in the 6th, 7th and 8th lines (5th, 6th and 7th lines in L. D. 1678) the words "of any moneys in the General Fund not otherwise appropriated the following sum for the fiscal year beginning July 1, 1966, and ending June 30, 1967:" and inserting in place thereof the following: 'of the General Fund the sum of \$25,000. The breakdown of expenditure shall be as follows:'

Further amend said Bill, in section 2, by striking out in the 6th, 7th and 8th lines (6th and 7th lines in L. D. 1678) the words "following sums for the fiscal years beginning July 1, 1965, and ending June 30, 1966 and beginning July 1, 1966, and ending June 30, 1967:" and inserting in place thereof the following: 'sum of \$17,625. The breakdown of expenditure shall be as follows:'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds for the Maine State Guard" (H. P. 1221) (L. D. 1689) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1221, L. D. 1689, Bill, "An Act to Provide Funds for the Maine State Guard."

Amend said Bill by striking out in the 3rd and 4th lines (2nd, 3rd and 4th lines in L. D. 1689) of the first paragraph after the enacting clause the words and figures "\$13,567 for the fiscal year ending June 30, 1966 and the sum of \$7,550 for the fiscal year ending

June 30, 1967" and inserting in place thereof the figure '\$21,117'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Dunn from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Money for the Education of Indian Children" (H. P. 1189) (L. D. 1657) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1189, L. D. 1657, Bill, "An Act Appropriating Money for the Education of Indian Children."

Amend said Bill by striking out in the 3rd and 4th lines (same in L. D. 1657) the punctuation and words "for the fiscal year 1966-67,"

Further amend said Bill, in the 5th line, (4th line of L. D. 1657) by inserting after the word "following" the word 'expenditure'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Healy from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Education of the Deaf" (H. P. 1187) (L. D. 1655) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1187, L. D. 1655, Bill, "An Act Appropriating Funds for Education of the Deaf."

Amend said Bill by striking out in the 3rd line (3rd line of L. D. 1655) the words and figures "for the fiscal year 1966-67"

Further amend said Bill by striking out in the 5th line (5th line of L. D. 1655) the words and punctuation "Deaf as follows:" and inserting in place thereof the

following: 'Deaf. The breakdown of expenditures to be as follows:'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Hoy from the Committee on Education on Bill "An Act relating to Secondary School Attendance of Children Committed to Stevens Training Center" (H. P. 1223) (L. D. 1691) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

**COMMITTEE AMENDMENT**  
"A" to H. P. 1223, L. D. 1691, Bill, "An Act Relating to Secondary School Attendance of Children Committed to Stevens Training Center."

Amend said Bill by striking out in the 9th, 10th, 11th and 12th lines from the end (the 9th, 10th and 11th lines from the end of L. D. 1691) the following: "eligible shall be granted entrance into the secondary school maintained within School Administrative District No. 16 or into a secondary school maintained by the Augusta superintending school committee under the same conditions as" and inserting in place thereof the following: 'eligible shall be granted entrance into the any secondary school maintained within School Administrative District No. 16 in the State of Maine under the same conditions as'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

### Passed to Be Engrossed

Bill "An Act to Increase the Indebtedness of the Town of Poland School District" (H. P. 1179) (L. D. 1647)

Bill "An Act relating to the Laws Governing Elections and Voting Machines" (H. P. 1180) (L. D. 1648)

Bill "An Act relating to Legislative Expenses When Legislature not in Session" (H. P. 1191) (L. D. 1659)

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

### Third Reader

#### Tabled and Assigned

Bill "An Act relating to the Salary of the Commissioner of Education" (H. P. 1199) (L. D. 1667)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Graham of Freeport, tabled pending third reading and specially assigned for tomorrow.)

Bill "An Act to Amend the Charter of Gould Academy" (H. P. 1215) (L. D. 1683)

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

### Orders of the Day

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

Bill, "An Act relating to Location of Legislative Conference Prior to the Convening of the 103rd Legislature." (H. P. 1214) (L. D. 1682)

Tabled — January 18, by Mr. Levesque of Madawaska.

Pending — Motion of Mr. Binnette of Old Town to reconsider assignment for Third Reading.

Thereupon, Mr. Binnette of Old Town was granted unanimous consent to withdraw his motion to reconsider.

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

Mr. DUDLEY: Mr. Speaker, I would like to make a motion that we reconsider our action for the purpose of making a motion.

The SPEAKER: The question before the House now is that we reconsider our action whereby this bill was assigned for third reading.

Mr. Jalbert of Lewiston requested a division.

The SPEAKER: A division has been requested on the motion of the gentleman from Enfield, Mr. Dudley, that we reconsider our

action whereby this bill was assigned for third reading.

(Off Record)

The Chair recognizes the gentleman from Thomaston, Mr. Kittredge.

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

The SPEAKER: The gentleman may make his inquiry.

Mr. KITTREDGE: Mr. Speaker, I understand that there is a motion for reconsideration prior to assignment for its third reading, is that correct?

The SPEAKER: The bill had already been assigned for its third reading before the motion was made. The Chair will rule that the motion is out of order.

Thereupon, assigned for third reading tomorrow.

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

HOUSE ORDER Relative to Justices of Supreme Court Giving Their Opinion on the Constitutionality of Legislative Document 1630 and Legislative Document 1632.

Tabled — January 18, by Mr. Erwin of York, in accordance with House Rule 46.

Pending — Passage. (Ordered Reproduced)

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

Mr. ERWIN: Mr. Speaker and Members of the House: This Order is offered in good faith because of serious questions which have arisen. Now all of us know that the minority and majority parties have a differing view in the matter of reapportionment of the Senate of the State of Maine, and this is a legitimate difference. I have no quarrel or criticism with those who disagree with me or my party's position in this matter, but I submit to you today that we are coming to a very serious point in the political future of the State of Maine, and this is not something lightly to be pushed around by you and me simply for the sake of political position or influence.

The Supreme Court of the United States, whether we like it or not, and frankly I don't like it, has said that under certain circumstances the Senates as well as the Houses of Representation in the states must be apportioned on the principle of one man, one vote. We feel that we have delayed long enough in the State of Maine. I certainly know of no one in the State of Maine who advocates that we do nothing, and have either the Federal Courts redistrict for us or place us under a mandatory injunction ordering us to reapportion within a sixty to ninety day time limit as has occurred in other states.

Now each of us in our parties have presented a bill for the reapportionment of the Senate, as each of us did in the regular session of this Legislature. It got nowhere last time lamentably, but each time we delay we come closer and closer to the day when we do go under the gun of a Federal Court order. There are serious doubts in my mind and in the minds of others, including there are some I know in the majority party, as to the constitutionality of the majority party's proposed bill to amend the Constitution to reapportion the Senate. In all fairness there may well be some doubts as to the constitutionality of the minority party's bill to amend the Constitution for the same purpose.

It seemed in this case that there is no better referee, no more non-partisan, disinterested referee for this purpose than the Supreme Court of the State of Maine, and our Constitution permits this Legislative body to direct questions of constitutionality on pending legislation to the Supreme Court of the State of Maine. This order intends to do that only, to ask the court to tell us whether or not one or both of these bills are constitutional. This seems like a thoughtful and reasonable start in a very, very important issue. I hope that you will vote to pass this order and to send these two measures along to the Supreme Court of the State of Maine.

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

Mr. LEVESQUE: Mr. Speaker, in view of the fact that these two documents are now before the Joint Standing Committee, and in view of the fact that the Committee has taken no action regarding these two measures that are being discussed before us this morning, it is the feeling of the Committee or members of the Committee and the leadership that certainly these two matters are not presently before us in the House, and we have a reasonable doubt in our mind as to whether one bill will be reported or whether a combination of both bills will be reported. Therefore, the opinion of the Supreme Court would not necessarily be valid if it gives the answer on each and every individual bill, so again, it is our feeling that to send this to the Supreme Court at this time would serve no justifiable answer to our problem, so we feel that to send this any further for delay until such time as a bill is reported from the Committee is not necessary, so therefore I ask that this order be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Madawaska, Mr. Levesque, that this order be indefinitely postponed.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: I support the motion of the gentleman from Madawaska, Mr. Levesque, that this be indefinitely postponed at this time solely on the ground that it is premature. I think in deference to our Committee system we should wait and see what the Committee recommends and to conserve the time of the court and our own time, wait until we know what the vehicle is, or the vehicles, and then ask for the court's opinion.

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

Mr. KATZ: Mr. Speaker, it was the feeling of the State Govern-

ment Committee yesterday that we wanted the guidance of the Supreme Court, and consequently we tabled both matters. I think I express the desire of the State Government Committee that we look forward to this decision.

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

Mr. JALBERT: Mr. Speaker, I would like to ask the House Chairman of the State Government Committee if that is the feeling of the Committee.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question to the House Chairman of the Committee on State Government as to whether this is the feelings of the Committee. The House Chairman is not present.

The Chair recognizes the gentleman from Portland, Mr. Edwards, if he desires to answer the question.

Mr. EDWARDS: Mr. Speaker, if the State Government Committee felt it was necessary that these bills be presented to the Supreme Court at this time, I wasn't aware of it. In my opinion, until the final bill is drawn, it is a rather moot point, and the final bill perhaps should be submitted if it is necessary.

The SPEAKER: Is the House ready for the question?

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: This does seem to be a serious decision that we are about to make here today, and on the motion to indefinitely postpone, I hope and ask that it be decided by a roll call vote.

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

Mr. BERRY: Mr. Speaker and Members of the House: The assistance of an opinion of the Maine Supreme Judicial Court in the deliberations of the State Government Committee of this Legislature would greatly expedite and assist the Committee in the formation of this decision on this very, very important matter. The Committee realizes that it is faced

with attempting to solve a problem which has plagued the State of Maine for a long time. There is honest difference of opinion in both political parties as to certain aspects of each of these bills. If we are sincere, and we should be, in our attempt to find a solution to this problem, the first and most logical step is to ask our Supreme Court for their advisory opinion. I would urge you to vote against the unfortunate motion of the gentleman from Madawaska, Mr. Levesque.

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: The order simply asks the Supreme Court if either one of these documents are constitutional. I would assume that the Supreme Court could answer this with a yes or no. It does not instruct the Supreme Court to tell us how we should apportion our Senate. I submit to you that neither one of these documents in all probability will come out of the committee intact, but rather that the final document to come before this House will be an entirely different document. For that reason, I can see nothing to be gained by submitting this one to the Supreme Court. In fact I question whether we can or not, since this is not before the House at this time.

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

Mr. ERWIN: Mr. Speaker, it is obvious how it's developing and it is obvious what is going to happen, but let the record show a couple of things.

Each of these bills was important enough to the party leadership in both cases to have been submitted. Now if the bills were submitted frivolously, this was not the way to do it. Obviously, we can't ask the Supreme Court of the State of Maine to tell us how to apportion the Senate of the State of Maine, because in the first place it is not within their cognizance at this time, and sec-

ondly, they wouldn't tell you how under these circumstances.

Now if these bills have been put in in good faith, they represent the thinking of two points of view. I share in the hope that there would be enough statesmanship to resolve this question, but I point out to you that the exact question was unresolved in a regular session of the Legislature when we were far less pressured than we are now. I don't think that we are doing anything other than buying time to maneuver, and it would seem to me that we could decide it as well right here and now as to whether or not we are going to maintain our good faith and see whether or not these propositions stand the test of legality and go from there. I hope that you will vote against the motion to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This is a special session. We have heard from both leaders; we have heard from the sponsor of the order, we have heard from several members of the State Government Committee about a bill that we don't even know anything about, it hasn't gone anywhere, it is still in committee. Because I wish to save time and because this is a special session, if we are going to keep debating these items as we go along, we will be here all winter. I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the previous question. For the Chair to entertain the previous question it must have the expressed desire of one-third of the members present. All those in favor of the previous question 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-third having arisen, the request for the previous question is in order. The question before the House now is shall the main question be put now? This is de-

batable for no more than five minutes. The question before the House is, shall the main question be put now? This is debatable for no more than five minutes. The question before the House is, shall the main question be put now? All those in favor of the main question being put now will say aye; those opposed, no.

Thereupon, the main question was ordered on a viva voce vote.

The SPEAKER: The question before the House now is on the motion of the gentleman from Madawaska, Mr. Levesque, that this House Order be indefinitely postponed, and the gentleman from Milbridge, Mr. Kennedy has requested that the vote be taken by the yeas and nays. 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 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 question before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that this House Order be indefinitely postponed. If you are in favor of the motion to indefinitely postpone, you will answer yes when your name is called. If you are opposed to the motion to indefinitely postpone you will answer no when your name is called. The Clerk will call the roll.

### ROLL CALL

YES — Baldic, Beane, Bedard, Benson, Mechanic Falls; Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Burnham, Bussiere, Carroll, Carswell, Champagne, Childs, Conley, Cote, Cottrell, Crommett, Curran, D'Alfonso, Danton, Dostie, Doyle, Drouin, Dudley, Dumont, Edwards, Eustis, Faucher, Fecteau, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauthier, Gauvin,

Gillan, Graham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Healy, Hoy, Hunter, Durham; Jalbert, Jordan, Keyte, Kilroy, Laberge, Lebel, Lent, Levesque, Lowery, Martin, McKinnon, Mitchell, Nadeau, O'Gara, Palmer, Poulin, Roy, Ruby, Searles, Stoutamyer, Sullivan, Truman, Wheeler, Wuori.

NO — Anderson, Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berman, Berry, Birt, Bragdon, Brewer, Buck, Burwell, Carter, Cookson, Cornell, Cressey, Crosby, Cushing, Davis, Dickinson, Dunn, Erwin, Evans, Farrington, Gifford, Hammond, Hanson, Gardiner; Hanon, Lebanon; Harriman, Hawes, Hawkes, Haynes, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, Meisner, Millay, Mosher, Norton, Payson, Peaslee, Pendergast, Pike, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Bath; Ross, Brownville; Sahagian, Scott, Susi, Waltz, Ward, Watts, White, Guilford; Whittier, Wight, Presque Isle; Wood, Young.

ABSENT — Drigotas, Fortier, Gilbert, Glazier, Haugen, Lane, Mills, Roberts, Sawyer, Starbird, Storm.

Yes, 70; No, 70; Absent, 11.

The SPEAKER: Seventy having voted in the affirmative, seventy having voted in the negative with eleven being absent, the motion to indefinitely postpone does not prevail.

The question before the House now is the motion of the gentleman from York, Mr. Erwin, that this order receive passage.

Thereupon, on motion of Mr. Levesque of Madawaska, the order was tabled pending passage and tomorrow assigned.

On motion of Mr. Levesque of Madawaska,

Adjourned until nine-thirty o'clock tomorrow morning.