

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

Friday, January 21, 1966

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

Prayer by the Rev. Mr. Royal Brown of Gardiner.

The journal of yesterday was read and approved.

The SPEAKER: The Chair at this time will request the Clerk to indicate on the records that the gentleman from Auburn, Mr. Drigotas, is in his seat and the gentleman from Waterville, Mr. Lane, is also in his seat.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that free telegraph service be provided to each member of the Senate and House to the number of five messages of reasonable length, from Augusta to points within the limits of the State of Maine; the cost of this service to be paid to Western Union Telegraph Company at regular tariff rates (S. P. 708)

Came from the Senate read and passed.

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

**Senate Reports of Committees
Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Appropriating Funds to Match Federal Funds Provided under Public Law 89-304 for Conservation and Development of Anadromous Fish" (S. P. 659) (L. D. 1692)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to the Powers of Trust Companies" (S. P. 615) (L. D. 1606)

Report of the Committee on Education reporting same on Bill "An Act relating to the Staff of Vocational Rehabilitation" (S. P. 628) (L. D. 1608)

Report of same Committee reporting same on Bill "An Act relating to the State Valuation Used in the Educational Subsidy Computation for the Town of Dedham" (S. P. 634) (L. D. 1623)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 38" (S. P. 642) (L. D. 1599)

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

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

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys for the Continuing Activities of the Committee on Aging" (S. P. 610) (L. D. 1624) 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. 610, L. D. 1624, Bill, "An Act Appropriating Moneys for the Continuing Activities of the Committee on Aging."

Amend said Bill by striking out all of the first paragraph after the enacting clause and inserting in place thereof the following:

'Appropriation. There is appropriated to the Committee on Aging

from the General Fund the sum of \$2,000, the above amount being in addition to the appropriation provided by chapter 199 of the private and special laws of 1965. The expenditure breakdown shall be as follows:

1965-66 1966-67

COMMITTEE ON
AGING

All Other 1,000 1,000

Committee Amendment "A" was adopted in concurrence.

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize the Commissioner of Mental Health and Corrections to Purchase Real Estate for Assistant Superintendent's Residence at Boys Training Center and Appropriating Funds for the Improvement Thereof" (S. P. 616) (L. D. 1629) 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. 616, L. D. 1629, Bill, "An Act to Authorize the Commissioner of Mental Health and Corrections to Purchase Real Estate for Assistant Superintendent's Residence at Boys Training Center and Appropriating Funds for the Improvement Thereof."

Amend said Bill by striking out in the 2nd line of section 2 (the first and 2nd lines of section 2 of L. D. 1629) the words "Unappropriated Surplus of the" and by striking out in the 2nd line of section 3 2nd line of section 3 of L. D. 1629) the words "Unappropriated Surplus of the"

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

Mr. Binnette of Old Town offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 616, L. D. 1629, Bill, "An Act to Authorize the Commissioner of Mental Health and Corrections to Purchase Real Estate for Assistant Superintendent's Residence at Boys Training Center and Appropriating Funds for the Improvement Thereof."

Amend said Bill by striking out all of the emergency preamble and the emergency clause.

House Amendment "A" was adopted.

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

Mrs. CARSWELL: Mr. Speaker, I would like to have that amendment read if it isn't too lengthy. If this —

The SPEAKER: The Chair will explain to the gentlewoman from Portland, Mrs. Carswell, that the amendment takes off the emergency clause of the bill.

Mrs. CARSWELL: Well, if this takes off the emergency clause, will they be able to buy this property or will somebody else grab it up? I understood that the gentleman that they were trying to buy the property from would not sell. Now all of a sudden he is going to sell, so perhaps they won't have a chance to buy it if he —

The SPEAKER: The Chair will inform the gentlewoman from Portland, Mrs. Carswell, that an emergency bill which either sells or buys land is unconstitutional.

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to appropriate Moneys for the Expenditures of State Government for the Fiscal Year Ending June 30, 1967" (S. P. 618) (L. D. 1613) 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. 618, L. D. 1613, Bill, "An Act to Appropriate Moneys for the Expenditures of State Government for the Fiscal Year Ending June 30, 1967."

Amend said Bill in the Title by striking out the words and figures "for the Fiscal Year Ending June 30, 1967"

Further amend said Bill by striking out in the 2nd line (2nd. and 3rd lines of L. D. 1613) the words and figures "for the fiscal year ending June 30, 1967"; and by inserting after the word and punctuation "appropriated." at the end of the 5th line (5th line in L. D. 1613) the following: "The breakdown of expenditure shall be as follows:"

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for the Establishment of a Speech and Hearing Referral and Training Center at Farmington State College" (S. P. 629) (L. D. 1639) 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. 629, L. D. 1639, Bill, "An Act Appropriating Funds for the Establishment of a Speech and Hearing Referral and Training Center at Farmington State College."

Amend said Bill by striking out all of the 8th, 9th, 10th, 11th and 12th lines from the end (the same in L. D. 1639) and inserting in place thereof the following:

'**Appropriation.** There is appropriated from the General Fund the sum of \$33,800 to Farmington State College for the establishment of a Speech and Hearing Referral and Training Center. The breakdown of expenditures to be as follows:'

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to the Effective Date for the Tenth Justice of the Superior Court" (S. P. 656) (L. D. 1602) 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. 656, L. D. 1602, Bill, "An Act Relating to the Effective Date for the Tenth Justice of the Superior Court."

Amend said Bill by striking out in the 2nd line of that part designated section 3 (first and 2nd line of that part designated section 3 of L. D. 1602) the words "Unappropriated Surplus of the"

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Increased Staff at the Bangor State Hospital" (S. P. 676) (L. D. 1714) 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. 676, L. D. 1714, Bill, "An Act Appropriating Funds for Increased Staff at the Bangor State Hospital."

Amend said Bill by striking out all of the first, 2nd, 3rd, 4th and 5th lines (first, 2nd, 3rd and 4th lines in L. D. 1714) after the enacting clause and inserting in place thereof the following:

'Appropriation. There is appropriated from the General Fund to the Department of Mental Health and Corrections the sum of \$25,000. The breakdown of expenditure shall be as follows:'

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

Report of the Committee on Business Legislation on Bill, "An Act Providing Convenience and Advantage for Loan Companies and Small Loan Agencies" (S. P. 606) (L. D. 1619) 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. 606, L. D. 1619, Bill, "An Act Providing Convenience and Advantage for Loan Companies and Small Loan Agencies."

Amend said Bill by inserting before the enacting clause the following:

'Emergency Preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

WHEREAS, applications for loan companies and small loan com-

panies have increased to such extent that some control is necessary to protect the interests and welfare of the people of Maine; and

WHEREAS, the following legislation is vitally necessary to prevent hardship and possible injustice to the many people who use the services of loan companies and small loan companies; and

WHEREAS, in the judgment of the Legislature these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend said Bill in the 13th line of section 1 (the 11th line of section 1 of L. D. 1619) by inserting before the underlined word "**convenience**" the underlined word '**public**'

Further amend said Bill by adding at the end the following:

'Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

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

Report of the Committee on State Government on Resolve Authorizing Transfer of State Land to City of Augusta for Fire Station (S. P. 679) (L. D. 1717) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 679, L. D. 1717, Resolve, Authorizing Transfer of State Land to City of Augusta for Fire Station.

Amend said Resolve by striking out all of the 4th paragraph (same

in L. D. 1717) and inserting in place thereof the following:

'Governor; authorized to transfer land to City of Augusta.

Resolved: That the Governor is authorized and directed to transfer a rectangular parcel of land owned by the State in Augusta on the westerly side of Hospital Street with a frontage of about 135 feet on Hospital Street and to a depth of about 300 feet south of the now existing State Police Barracks to the City of Augusta to be used for a municipal fire station. In the event the city at any time ceases to use said land for said purposes, said parcel shall revert to the State of Maine.'

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, January 24th, at ten o'clock in the morning. (S. P. 709)

Came from the Senate read and passed.

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

From the Senate: The following Order:

ORDERED, the House concurring, that there be paid to the members of the Senate and House, on a weekly basis, during the Special Session, such compensation established by Statute, according to lists certified to the State Controller by the Secretary of the Senate and Clerk of the House respectively; and that the final payrolls bear the approval of the Joint Standing Committee on Appropriations and Financial Affairs. (S. P. 710)

Came from the Senate read and passed.

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

Messages and Documents

The following Communication:

STATE OF MAINE HOUSE OF REPRESENTATIVES AUGUSTA

January 21, 1966

To the Honorable House
of Representatives
Special Session
102nd Legislature

Pursuant to a Joint Order, H. P. 1157, I am pleased to transmit herewith a report by the joint interim committee created by the regular session of the 102nd Legislature to make recommendations for the creation of a State Museum.

Respectfully,

(Signed)

W. RUSSELL EDWARDS, JR.,
Rep. W. Russell Edwards, Jr.,
Chairman

The Communication was read and with accompanying report ordered placed on file.

Orders

Mr. Berry of Cape Elizabeth presented the following Resolution and moved its adoption:

WHEREAS the House of Representatives has learned with deep sorrow of the death of Samuel L. Pitts, a member of this House, and

WHEREAS each member feels a deep and sincere sense of bereavement, and

WHEREAS it desires to record its appreciation for his many years of devoted and capable service to the State of Maine,

NOW THEREFORE be it resolved that this Resolution be spread upon the record and that a copy thereof be sent by the Clerk to the family of Samuel L. Pitts.

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

Mr. BERRY: Mr. Speaker and Members of the House: It was my privilege during the previous session to serve with Sam Pitts on the State Government Committee, and I am sure I speak for everybody when I say that we recognize Sam for a very courageous, honest and capable public servant. During the 102nd

Legislature Sam walked with the hand of fate upon his shoulder and yet he walked with courage and a deep spirit of the responsibility he had to the people of the State of Maine to discharge his duty as their elected representative. I think that if we were to think of Sam we would think of Sam as a man of great humor, a man who was very much dedicated to the welfare of the State of Maine and to the principles of the party of which he was a most honorable member. I think all of us feel much better for having been in the same Legislature as Sam Pitts.

Thereupon, the Order received passage.

Tabled and Assigned

Mr. Binnette of Old Town presented the following Order and moved its passage:

WHEREAS, it appears to the House of the 102nd Legislature that the following are important questions of law, and that the occasion is a solemn one; and

WHEREAS, there is pending before the House a Bill entitled "An Act Relating to Mining Activity under Goose Falls Pond, Town of Brooksville, Hancock County," H. P. 1224, L. D. No. 1705; and

WHEREAS, the constitutionality of said Bill has been questioned; and

WHEREAS, it is important that the Legislature be informed as to answers to important and serious legal questions raised by said Bill:

NOW THEREFORE BE IT ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House, according to the provisions of the Constitution on its behalf, their opinion on the following questions, to wit:

1. May the State of Maine as in L. D. 1705, H. P. 1224, "An Act Relating to Mining Activity under Goose Falls Pond, Town of Brooksville, Hancock County", in the exercise of its sovereign and proprietary right over minerals under the waters of a navigable tidal estuary validly enact legis-

lation permitting a lessee of the Maine Mining Bureau to construct dams on land owned by the State to exclude tide waters and fresh water from said estuary and to drain the water from said estuary to permit mining by the lessee on State-owned lands where such operations have been determined to be consistent with any prior or proposed other use by the State and where the exercise of such power will be for the period during which the aforesaid tidal estuary is wholly or partially drained and where such estuary is not now used for navigation to any significant degree and where the lessee will be required to pay royalties to the State of Maine for minerals removed from State-owned lands as provided in Title 10, Section 2105, of the Revised Statutes of Maine 1964 when an owner or owners of lands bordering on said tidal estuary object thereto?

2. May the State of Maine as in L. D. 1705, H. P. 1224, "An Act Relating to Mining Activity under Goose Falls Pond, Town of Brooksville, Hancock County" through the agency of the Maine Mining Bureau take and hold the rights of riparian owners in the waters of a tidal estuary for the period during which the said tidal estuary is wholly or partially drained where it is necessary to drain substantially all of the water from said estuary in order for a lessee from said Mining Bureau to conduct feasible mining operations on a mineral deposit located in lands beneath said estuary owned by the State of Maine?

3. Would H. P. 1224, L. D. 1705, "An Act Relating to Mining Activity under Goose Falls Pond, Town of Brooksville, Hancock County" if enacted by the Legislature be constitutional insofar as Section 3 thereof purports to authorize the State, through the Maine Mining Bureau to take by eminent domain and pay just compensation for such riparian rights of private landowners bordering on a tidal estuary as may be required for

the damming and draining of said tidal estuary for the period during which said tidal estuary is wholly or partially drained for the purpose of permitting mining operations by a lessee of said Mining Bureau for the removal of minerals from State-owned lands located beneath the waters of said tidal estuary where feasible mining operations cannot be conducted without such damming and draining and where the lessee will be required to pay royalties to the State of Maine for minerals removed from State-owned lands as provided in Title 10, Section 2105 of the Revised Statutes of Maine 1964.

The SPEAKER: Under the rules of the House this Order will lie upon the table until the next legislative day.

On motion of Mrs. Ruby of Bangor, it was

ORDERED, that the members of the House of Representatives extend their congratulations to Mr. Drigotas of Auburn on his recent marriage. (Applause)

Mr. Dumont of Augusta presented the following Order and moved its passage:

WHEREAS, the City of Augusta had been saddened by the death of one of its most devoted citizens, Dr. Adolphe Gingras, and

WHEREAS, during his entire life in the City of Augusta, he showed much respect and assistance to his fellow men in whatever manner he could do so, and

WHEREAS, his staunch and generous support was known to all the citizens of the City of Augusta, now, therefore, be it

ORDERED, that the House of Representatives extend its sympathy to the widow of the late Dr. Adolphe Gingras, and be it further

ORDERED, that an attested copy of this Order be sent by the Clerk of the House to his widow.

The Order received passage.

On motion of Mr. Bishop of Presque Isle, the House voted to reconsider its action of yesterday whereby it passed to be en-

grossed House Paper 1257, L. D. 1752, Bill "An Act Establishing Legislative Finance Office as Secretariat for Committee on Appropriations and Financial Affairs."

Thereupon, the same gentleman offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1257, L. D. 1752, Bill, "An Act Establishing Legislative Finance Office as Secretariat for Committee on Appropriations and Financial Affairs."

Amend said Bill by striking out in the last 2 lines (same in L. D. 1752) the underlined words "**and the assistant finance officer shall serve as clerk of said committee**"

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

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

Mr. PAYSON: Mr. Speaker, I would like to inquire if House Paper 1268, L. D. 1763, Bill "An Act to Exempt General Contractors in Highway Winter Maintenance from Overtime Provision in Minimum Wage Law" is in possession of the House.

The SPEAKER: The Chair will answer in the affirmative.

Mr. PAYSON: I move that we reconsider our action whereby we voted "ought not to pass" and I would like to speak briefly on the matter.

The SPEAKER: The gentleman from Falmouth, Mr. Payson, now moves that we reconsider our action of yesterday whereby we accepted the Majority "Ought not to pass" Report. The gentleman may proceed.

Mr. PAYSON: I would just like to point out that we cannot predict the amount of snow the heavens will dump on a city or town. I would like to point out that it does not snow in eight hour shifts nor does it stop for coffee breaks. We are always decrying the fact that cities and towns have great trouble meeting

their obligations with tax money available. Many towns contract on annual basis for snow removal. To help the towns and cities to meet their commitments the vote on this should be "ought to pass." If the snow is not removed as fast as possible, all businesses, individuals and taxpayers suffer. I move that House Paper 1268, L. D. 1763, be passed.

The SPEAKER: The question before the House is the motion of the gentleman from Falmouth, Mr. Payson, that we reconsider our action whereby we accepted the Majority "Ought to pass" Report.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests a division when the vote is taken.

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

Mr. BENSON: Mr. Speaker and Ladies and Gentlemen: Possibly just a word of explanation is in order here. The intent of this bill was to correct possibly an inconsistency in the municipal affairs. As it is now the state law does not require municipal government to pay the minimum wage. It is not under the minimum wage law. And yet when these small towns and even the cities contract the snow plowing and the snow removal to contractors, they must pay the minimum wage to hire contract work. This was the intent of the bill. I don't necessarily support it too strongly but I just thought that it might be in order that the House would be apprised of what the intent of the bill was.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Falmouth, Mr. Payson, that we reconsider our action whereby we accepted the Majority "Ought not to pass" Report. Mr. Levesque of Madawaska has requested a division. All those in favor of reconsidering our action whereby we accepted the Majority "Ought not to pass" Report will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

House Reports of Committees Ought Not to Pass

Mr. Hoy from the Committee on Education reported "Ought not to pass" on Bill "An Act Authorizing the Municipalities of China, Vassalboro and Winslow to Form a School Administrative District" (H. P. 1228) (L. D. 1709)

Report was read and accepted and sent up for concurrence.

Mr. Libhart from the Committee on State Government reported "Ought not to pass" on Bill "An Act Establishing a Grievance Procedure and Appeals Board for State Employees" (H. P. 1282) (L. D. 1788)

Report was read.

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

Mr. LIBHART: Mr. Speaker, the Committee asked me to explain briefly their thinking on reporting this bill out. Now it was obvious to us that the bill had been rather hastily drawn, and we also knew of course that there is a study order to study the whole broad spectrum of this particular area, and with the requirement that the study be reported to the 103rd Legislature, and it seemed to us that if we are going to spend the large amount of money that was set aside for this study, that it would be extremely premature to have this bill even be considered by taking a lot of time on the Floor, and that's why we reported out ought not to pass.

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

Ought to Pass Printed Bills

Mr. Fecteau from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act Clarifying Merger and Guaranty Capital Voting Rights in Domestic Mutual Companies" (H. P. 1242) (L. D. 1737)

Mr. Cressey from the Committee on Health and Institutional Services reported same on Bill "An Act Authorizing Medical Care Administration Positions for the Department of Health and Welfare" (H. P. 1232) (L. D. 1727)

Mr. Haugen from same Committee reported same on Bill "An Act to Provide Special Administrative Positions in the Department of Health and Welfare" (H. P. 1233) (L. D. 1728)

Same gentleman from same Committee reported same on Bill "An Act Exempting Municipalities from Financial Responsibility for Medical Care in Aid to Dependent Children" (H. P. 1250) (L. D. 1745)

Mr. Gillan from the Committee on Judiciary reported same on Bill "An Act to Correct an Error and Inconsistency in the Maine Housing Authorities Act" (H. P. 1238) (L. D. 1733)

Mr. D'Alfonso from the Committee on Public Utilities reported same on Bill "An Act to Incorporate the Seal Cove Water District" (H. P. 1177) (L. D. 1645)

Mr. Crommett from the Committee on Towns and Counties reported same on Bill "An Act Increasing Salary of Register of Deeds of Washington County" (H. P. 1253) (L. D. 1748)

Mrs. Kilroy from same Committee reported same on Bill "An Act Providing for Cost of Living Plan for Retired Employees of Cumberland County or Beneficiaries of Same" (H. P. 1245) (L. D. 1740)

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

Ought to Pass with Committee Amendment

Mr. Nadeau from the Committee on Highways on Bill "An Act Appropriating Funds for Additional State Police Officers" (H. P. 1264) (L. D. 1759) 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. 1264, L. D. 1759, Bill, "An Act Appropriating Funds for Additional State Police Officers."

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

Appropriation. There is appropriated from the General Fund to the State Police, for 20 additional state police officers, for the fiscal year ending June 30, 1966 the sum of \$24,700 and the sum of \$37,090 for the fiscal year ending June 30, 1967.

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

Mr. Ross from the Committee on Highways on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Two Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Construct an Office Building for the State Highway Commission" (H. P. 1194) (L. D. 1662) 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. 1194, L. D. 1662, Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Two Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Construct an Office Building for the State Highway Commission."

Amend said Bill by inserting at the end of the first sentence of section 1, before the period, the following words "and redeemable before maturity"

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

Mr. Waltz from the Committee on Highways on Bill "An Act Appropriating Funds for Additional Radar Sets for the State Police" (H. P. 1271) (L. D. 1766) 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. 1271, L. D. 1766, Bill, "An Act Appropriating Funds for Additional Radar Sets for the State Police."

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

'Appropriation. There is appropriated to the State Police, for 10 new radar sets, for the fiscal year ending June 30, 1966 the sum of \$3,750 from the General Fund.'

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

Mr. D'Alfonso from the Committee on Public Utilities on Bill "An Act relating to Refund of Gasoline Tax to Companies Furnishing Common Carrier Passenger Service" (H. P. 1235) (L. D. 1730) 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. 1235, L. D. 1730, Bill, "An Act Relating to Refund of Gasoline Tax to Companies Furnishing Common Carrier Passenger Service."

Amend said Bill by striking out in the Title the word "Gasoline" and inserting in place thereof the word 'Fuel'

Further amend said Bill by striking out the stricken out word "the" in the 7th line (5th line of L. D. 1730) and inserting in place thereof the word 'the'

Further amend said Bill by inserting at the beginning of the first line after the enacting clause the underlined abbreviation and figure 'Sec. 1.'

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

"Sec. 2. R. S., T. 36, Sec. 3037, amended. The first sentence of section 3037 of Title 36 of the Revised Statutes is amended to read as follows:

'Any person, firm or corporation engaged in furnishing common carrier passenger service under a certificate issued by the Public Utilities Commission shall be reimbursed and repaid to the extent of 3/7 of the entire amount of such tax paid by him upon that proportion of the combustible gases and liquids used in an internal combustion engine used in locally encouraged vehicles operated by him which his tax-exempt passenger fare revenue derived from such service bears to his total passenger fare revenue.'

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

Mr. Searles from the Committee on Public Utilities on Bill "An Act Creating the Unity Utilities District" (H. P. 1276) (L. D. 1783) 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. 1276, L. D. 1783, Bill, "An Act Creating the Unity Utilities District."

Amend said Bill, in section 18, by striking out in the first line of the 3rd paragraph (same in L. D. 1783) the words "and sewer"

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

Mr. Libhart from the Committee on State Government on Bill "An Act to Authorize the Department of Health and Welfare to Collect Fees for Services" (H. P. 1251) (L. D. 1746) 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. 1251, L. D. 1746, Bill,
"An Act to Authorize the Department of Health and Welfare to Collect Fees for Services."

Amend said Bill by inserting after the underlined word "**income**" in the last line (same in L. D. 1746) the underlined words "**and shall be used to defray the expenses of the services charged for**"

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

Mr. Martin from the Committee on State Government on Bill "An Act relating to Employment of State Criminal Inspectors in the Office of Attorney General" (H. P. 1267) (L. D. 1762) 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. 1267, L. D. 1762, Bill,
"An Act Relating to Employment of State Criminal Inspectors in the Office of Attorney General."

Amend said Bill in section 2 by striking out in the 2nd and 3rd lines (2nd line of L. D. 1762) the words "the tenure of the office of"

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

Divided Report

Majority Report of the Committee on Highways reporting "Ought not to pass" on Bill "An Act Appropriating Funds to Construct Bridge Across Molunkus Stream, Macwahoc Plantation, Aroostook County" (H. P. 1248) (L. D. 1743)

Report was signed by the following members:

Messrs. CASEY of Washington
NORRIS of Oxford

CAHILL of Somerset
—of the Senate.

Messrs. STOUTAMYER
of Madison
NADEAU of Biddeford
ROSS of Brownville
CARTER of Etna
DUDLEY of Enfield
—of the House.

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

Report was signed by the following members:

Messrs. WALTZ of Waldoboro
LENT of Scarborough
—of the House.

Reports were read.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I make a motion we accept the Minority "Ought to pass" Report and I would speak briefly to my motion.

I put this bill in at the request of many people, recognizing full well that the answer I would probably get, as I did, that we would be happy to build a bridge for you if we had the money.

I often wonder how much man's life is worth. I only asked for a quarter of a million dollars. Are three men's lives worth that much? I had an idea to put something like this in at the last session and I consulted with the gentleman from Sherman, Mr. Storm, the representative from the district. I live actually closer to the bridge than he does of course, because he has a vast district as I do, and he gave me the same reasons that Mr. Stevens gave practically in the committee hearing day before yesterday, that probably Route 95 when it was built would drain a considerable amount of the traffic from this bridge, cut it about in half, which indeed I believe probably it will, which as I think one person there mentioned, will it also cut the death rate in half? It probably will. There will probably be one or two men killed over the next four or five year period instead of three. I still think their

lives are worth at least a quarter of a million.

We have had eighteen accidents on or very close to that bridge in a five year period. We have had many, many more before. These have cost vast sums in property damage, in pain, hospital bills, undertakers' bills and probably a great deal of anguish to the survivors of those who died. I believe, as a Representative who sits here in this Hall today said day before yesterday, that if we can find two and one-half million dollars to build an office building, that we can probably also find ways and means to fix many of these hot spots all over our state that are sadly in need of fixing. I agree with him. I believe there are facilities, there are facilities in various parts of this state and the Highway Department is now using them I understand to take care of some of their needed space. I believe they could find ways and means to find the needed space and use this bond issue, if we must have a bond issue, to repair what the Highway Department is there to repair, repair the roads, fix the road, fix the bridges. We are talking about highway safety. Let's fix up some of these places in the highways so that we can save a few lives. The only thing I can see that we are accomplishing by leaving them there is a partial solution of the population explosion.

Therefore, I ask that you will very, very seriously consider this bill. That you in your wisdom will very, very seriously consider some means of getting the money for this. I hope the least I can do, that this will point out the very, very serious places we have everywhere that need to be fixed. I hope that all of you will go along with me and support the "Ought to pass" Report. I thank you.

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

Mr. ROSS: Mr. Speaker, I can only reiterate what I said in the regular session, this is specialized legislation. If every member in this House did the same thing, the four year highway program would be thrown into a cocked hat.

I sympathize with Mr. Starbird, the gentleman from Kingman. I have a dangerous spot where I live too, but it is going to be taken care of in the regular program, and the Commissioner assured Mr. Starbird that his dangerous bridge would be taken care of too.

Furthermore, as the gentleman from Kingman, Mr. Starbird told you, the completion of Interstate 95 is going to reduce the traffic there from 1800 to 750 as far as they can figure it, and it was an eight to two "Ought not to pass" Report and I hope the gentleman's motion is defeated.

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

Mr. EDWARDS: Mr. Speaker, I can see no harm in keeping this legislation alive in the vain hope that we could find money for it. If we can't find money, it will die anyway.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I heartily support the statements made by the gentleman from Kingman, Mr. Starbird. It is needed legislation.

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

Mr. BISHOP: Mr. Speaker, I would like to describe this bridge for the edification of the Members of the House. It is narrow; the road at that point accomplishes almost a ninety degree turn and I would say at least half of this is accomplished by the bridge itself. The bridge actually turns in a short space of the bridge, and it is on a grade going down hill to the north, and it is a very dangerous spot.

The SPEAKER: The question before the House is the motion of the gentleman from Kingman Township, Mr. Starbird, that the Minority "Ought to pass" Report be accepted. All those in favor of accepting the Minority "Ought to pass" Report will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, the Bill read

twice and assigned for third reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Highways reporting "Ought to pass" on Bill "An Act relating to Weight Tolerances of Vehicles Loaded with Wood Chips" (H. P. 1258) (L. D. 1753)

Report was signed by the following members:

Messrs. CASEY of Washington
NORRIS of Oxford
— of the Senate.

Messrs. LENT of Scarborough
CARTER of Etna
DUDLEY of Enfield
WALTZ of Waldoboro
STOUTAMYER

— of Madison
NADEAU of Biddeford
— of the House.

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

Report was signed by the following members:

Mr. CAHILL of Somerset
— of the Senate.

Mr. ROSS of Brownville
— of the House.

Reports were read.

(On motion of Mr. Ross of Brownville, tabled pending acceptance of either Report and assigned the next legislative day.)

Passed to Be Engrossed

Bill "An Act relating to Executions on Civil Judgment of the District Court" (S. P. 622) (L. D. 1628)

Bill "An Act relating to the Number, Election, Quorum and Term of Office of the Trustees of Hebron Academy" (S. P. 650) (L. D. 1601)

Bill "An Act Increasing the Number of Official Court Reporters" (S. P. 654) (L. D. 1610)

Bill "An Act relating to the Interruption of the Running of Sentence in Cases of Parole Violation" (H. P. 1185) (L. D. 1653)

Bill "An Act for Shrinkage Allowance on Motor Fuel for Service Stations" (H. P. 1218) (L. D. 1686)

Bill "An Act Increasing Number of Trustees of Lincoln Academy" (H. P. 1222) (L. D. 1690)

Bill "An Act Extending Tax on Gross Gate Receipts for Boxing Matches to Closed Circuit Television Rights" (H. P. 1256) (L. D. 1751)

Resolve Authorizing the Attorney General to Convey Certain Lands of the State to the University of Maine (S. P. 636) (L. D. 1600)

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

Amended Bills

Bill "An Act Increasing the Membership of the Industrial Accident Commission" (S. P. 619) (L. D. 1612)

Bill "An Act relating to Duties of Reporter of Decisions" (S. P. 658) (L. D. 1641)

Bill "An Act relating to Power of Squirrel Island Village Corporation to Erect Municipal Buildings" (H. P. 1186) (L. D. 1654)

Bill "An Act to Amend the Charter of the Union Mutual Life Insurance Company to Authorize said Company to Administer Medicare Program" (H. P. 1192) (L. D. 1660)

Bill "An Act to Create the Madawaska Hospital District" (H. P. 1212) (L. D. 1680)

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

Amended

Bill "An Act Appropriating Additional Funds for Alcoholism Services" (H. P. 1220) (L. D. 1688)

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

Mr. Birt of East Millinocket offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1220, L. D. 1688, Bill, "An

Act Appropriating Additional Funds for Alcoholism Services."

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

'Appropriation. There is appropriated to the Department of Health and Welfare from the General Fund the sum of \$13,080 to provide additional funds for alcoholism services. The breakdown of expenditure to be as follows:

	1965-66	1966-67
HEALTH AND WELFARE,		
DEPARTMENT OF		
Alcoholism Services		
Personal Services		
	(2) \$2,710	(2) \$7,410
All Other	800	2,160'

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

Bill "An Act relative to Issuance and Revocation of Boarding Home Licenses" (H. P. 1230) L. D. 1725)

Bill, "An Act Appropriating Funds for Additional Personnel in the Elections Division of the Office of Secretary of State" (H. P. 1237) (L. D. 1732)

Resolve Providing Funds for Enforcement of the Fair Minimum Wages for Construction of Public Improvements (H. P. 1195) (L. D. 1663).

Resolve to Reimburse Arthur E. Thompson of New Gloucester for Fire Loss (H. P. 1201) (L. D. 1669)

Resolve in favor of Margaret Sinclair of Windham for Fire Loss (H. P. 1202) (L. D. 1670)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed as amended by Committee Amendment "A" 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 Branding of Potatoes." (S. P. 627) (L. D. 1636)

Tabled—January 20, by Mr. Bragdon of Perham.

Pending — Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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 20, by Mr. Levesque of Madawaska.

Pending—Passage.

Mr. Starbird of Kingman Township offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to House Order Relative to Constitutionality of Legislative Documents 1630 and 1632.

Amend said Order by striking out all of the 2nd paragraph.

Further amend said Order by striking out all of the 11th line and inserting in place thereof the following: 'WHEREAS, this resolve requires that the apportionment of'

Further amend said Order in the 18th line by striking out the word "resolves" and inserting in place thereof the word 'resolve'

Further amend said Order in the 23rd line by striking out the word "questions" and inserting in place thereof the word 'question'

Further amend said Order by striking out all of the second question which reads as follows:

"II.

Is the method of apportioning Senators, set forth in Legislative Document 1632, constitutional?"

The SPEAKER: Is it now the pleasure of the House that House Amendment "A" be adopted?

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

Mr. ERWIN: Mr. Speaker, may I make a parliamentary inquiry

to the gentleman from Kingman, Mr. Starbird?

The SPEAKER: The gentleman may proceed, the gentleman may make his parliamentary inquiry to the Chair.

Mr. ERWIN: May I ask a question through the Chair of the gentleman from Kingman, Mr. Starbird?

The SPEAKER: The gentleman may proceed.

Mr. ERWIN: Would the gentleman from Kingman please explain the purpose of the amendment?

The SPEAKER: The gentleman from York, Mr. Erwin, has posed a question through the Chair to the gentleman from Kingman Township, Mr. Starbird, who may answer if he so chooses.

Mr. STARBIRD: Mr. Speaker and Members of the House: At the present time, L. D. 1632 is still in the State Government Committee. L. D. 1630 was on the Senate Calendar this morning. I presume that it will be in this House Monday. Therefore, we have one document before the House, 1630. I personally would like to see the constitutionality of that document tested. I would also like to see the constitutionality of 1632 tested. I believe both are constitutional.

We have of course talked among ourselves, among various people that we know. I have, I know many of you have, both political parties. It seemed that we had no — the democratic party had no chance of acquiring the proper number of votes to pass L. D. 1632 which the majority of the interim committee on Senate reapportionment came out with. Therefore, many of us in the democratic party adopted the attitude that we needed some sort of reapportionment now, rather than put the state to possibly quite a large cost, court suits, if someone decided to challenge our present mode of apportioning the Senate.

Because of this, we felt that the need for a reapportionment amendment to our State Constitution was urgent, and we felt that you of the republican party would naturally support this bill, and

therefore, we also would attempt to support it. It appears then that this bill will pass. If it does pass, then Legislative Document 1632 will not have to be considered in any way whatsoever. If it does not pass, then I hope that you will give us the same consideration with 1632 as we are attempting to give you with 1630. If 1630 passes this body and passes the Senate and the Courts declare it is unconstitutional, then of course we have 1632 to fall back on. We can try again. We can bring this Legislative Document through the legislative processes and put that before the Court. I have no fear. I have no fear that either one of these documents are unconstitutional, but since we have decided to bring 1630 out first, there is no need to question the constitutionality or unconstitutionality of 1632 at this point. We are considering one document, 1630. This is already in the hands of the Senate. It will come before this body, and therefore at the proper time it should be turned over to the Justices, we will receive their opinion. If their opinion is favorable, it will go through, it will go to a referendum and the people naturally will have the final say on it. I hope that answers your question. If it does not, I will try to clarify anything I can.

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

Mr. ERWIN: Mr. Speaker, the gentleman from Kingman, Mr. Starbird, has done a very good job in answering my question. Mr. Starbird, as we all know, is a thoroughly honest and thoroughly able man. He is also a very trusting man. Once upon a time I like to think I was something like him when I was his age. Once upon a time in another place it happened that when I wasn't looking somebody put a bag over my head and they pulled the drawstring tight around my ankles and I didn't realize what had happened until it was too late to do anything about it. I prefer that didn't happen again.

With respect to this order, I think I may speak for the minority

party except for the fact that we wonder mildly why our idea wasn't just as good as yours, and that is send them both over to the Supreme Court; we have no objection to this order if it is the intent of the majority leadership in the event that the republican bill, 1632, is found to be constitutional, at least insofar as the questions directed to the Supreme Court are concerned. If it is the intent of the majority party to push this bill through to the point where we know whether or not it is going to pass, we have no objection to it. I wonder if the Majority Floor Leader is in a position to tell us whether or not this is the intent at this time.

The SPEAKER: The gentleman from York, Mr. Erwin has asked a question through the Chair of the gentleman from Madawaska, Mr. Levesque, who may answer if he so desires.

Mr. LEVESQUE: Mr. Speaker, may I approach the rostrum please?

House at Ease

Called to order by the Speaker.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the question posed by the gentleman from York, Mr. Erwin, I don't think that his sincerity has been questioned in the past, and I doubt very much if it is questioned today, so in answer to his question, the answer is in the affirmative.

The SPEAKER: Is the House ready for the question? The question before the House is whether we adopt House Amendment "A" to the Order. Is it the pleasure of the House that House Amendment "A" be adopted?

The motion prevailed.

Thereupon, the Order received passage as amended by House Amendment "A".

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

An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies. (H. P. 1130) (L. D. 1545), which was vetoed by the Governor, and which was

Tabled — January 20, by Mr. Levesque of Madawaska.

Pending — Further consideration.

The SPEAKER: The question before the House is, shall this bill become a law notwithstanding the objections of the Governor?

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: In view of the message presented with this document from the Executive Office in pointing out the objectionable part of this bill, I think we have before us another document with which we feel the Executive part of the Government will not have any objections, so therefore, certainly it is the feeling of the leadership that the veto of the Governor should be sustained.

The SPEAKER: Is the House ready for the question? The question before the House is, shall this bill become a law notwithstanding the objections of the Governor? Under the Constitution, the vote has to be taken by the yeas and nays.

If you are in favor of this bill becoming law notwithstanding the objections of the Governor, you will answer in the affirmative when your name is called. If you are opposed to it, you will answer in the negative. The Clerk will call the roll.

Roll Call

YEA — None.

NAY — Anderson, Avery, Baker, Orrington; Baker, Winthrop; Bal-die, Beane, Bedard, Benson, Mechanic Falls; Benson, Southwest Harbor; Berman, Berry, Binnette, Birt, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Bragdon, Brennan, Brewer, Buck, Burnham, Burwell, Carroll, Carswell, Carter, Champagne, Conley, Cookson, Cornell, Cote, Cottrell, Cressey, Crommett, Crosby, Curran, Cushing, D'Alfonso, Danton,

Davis, Dickinson, Doyle, Drigotas, Drouin, Dumont, Dunn, Edwards, Erwin, Eustis, Evans, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, R u m f o r d; Gaudreau, Gauthier, Gauvin, Gifford, Gilbert, Gillan, Graham, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hawes, Hawkes, Haynes, Healy, Hoy, Huber, Hunter, Durham; Jalbert, Jewell, Jordan, Katz, Kennedy, Keyte, Kilroy, Kittredge, Laberge, Lane, Lang, Lebel, Lent, Levesque, Lewis, Libhart, Lincoln, Littlefield, Lowery, Lund, Lycette, Martin, McKinnon, Meisner, Mills, Mitchell, Mosher, Nadeau, Norton, O'Gara, Palmer, Payson, Peaslee, Pendergast, Poulin, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Bath; Ross, Brownville; Roy, Ruby, Sahagian, Scott, Searles, Starbird, Stoutamyer, Sullivan, Truman, Waltz, Ward, Watts, Wheeler, White, Guilford; Whittier, Wright, Presque Isle; Wood, Wuori, Young.

Absent — Bussiere, Dostie, Dudley, Farrington, Glazier, Hunter, Clinton; Millay, Pike, Roberts, Sawyer, Storm, Susi.

Yes, None; No, 138; Absent, 12.

The SPEAKER: The Chair will announce the vote. None having voted in the affirmative, 138 in the negative and 12 being absent, the veto is sustained.

The SPEAKER: The House will be in recess for a few moments.

After Recess

Called to order by the Speaker.

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

An Act Conferring Upon Others the Powers now Vested in the Executive Council. (H. P. 1136) (L. D. 1555), which was vetoed by the Governor, and which was Tabled — January 20, by Mr. Levesque of Madawaska. Pending — Further consideration.

The SPEAKER: The question before the House is, shall this bill become law notwithstanding the objections of the Governor?

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: Since I was one of the co-sponsors of this bill, I would like to have you bear with me for just about a half a minute this afternoon to perhaps give this bill a decent burial. Nothing we can say here this afternoon I am sure is going to change anyone's mind and the vote is going to be as it will be.

It seems to me that when my favorite lobster trap limitation bill went down the drain in regular session, I told some of my friends that within a few years the happenstances on the coast would probably prove me a prophet, and that is going to take some time, but it seems to me my stand on this particular bill, the happenstances of this last summer, if you have been reading the papers, have already made me a prophet. It seems to me that if we were intellectually honest about this particular L. D. and not compelled to vote by our political reasoning, that the vote that we are about to take should reverse itself; the folks in my party should vote with me, and the folks on the other side should vote the other way.

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: In reference to the Governor's veto message, he points out that 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.

I would point out to you that the workload that the Council now carries is due largely to legislation and not to our Constitution, and it would appear that if this were the case, then it was the intent of our Constitution that

the Council would merely function as an advisory board.

He also is kind enough to state that the principles involved here are highly valued, and suggests that this document be submitted to a Constitutional Commission or a Convention. I submit to you that this is not a Constitutional question, but it is a Legislative question. It has no place in our Constitution, and we have been told this time after time by experts in government.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: Of course I am standing here this afternoon asking you to sustain the Governor's veto. It would be very delightful indeed if we could have the Majority Floor Leader take the same action that he took on a previous measure that was before us relative to sustaining.

It has been some time since we have had the document before you that the Governor did veto, so I would point out to you a few of the pertinent sentences that he has in here relative to his veto. And he does say that the basic changes contained in this proposed legislation would not be in the best interests of Maine. It would render the Executive Council virtually powerless. This legislation would, if enacted, transfer the power of confirmation from a body of seven men that we have now to a body of thirty-four individuals. And further implicit in the document is the concept of a Senate almost continually in session to handle the many necessary and important functions of executive appointments and so on.

I have found at least fifteen citations in which this would be the case. Interim tenure would be a definite detriment to the recruitment of qualified candidates for appointment to high office. This indeed would be a radical departure from our present system, and the practice in the important confirmation of confirming functions involving our high constitutional officer, the Secretary of State. This

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 vests it in a single individual.

I do not feel that this document would improve efficiency, but rather, because of its flaws, would prove cumbersome if signed into law. I would recommend that such a document should be submitted to the deliberative study of a Constitutional Commission or Convention, and from my own comments, until such time as we have annual sessions of the Maine Legislature, while the Senate is in almost continual session, I do hope that you will sustain the Governor's veto by voting No when the call is made.

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 more before you this morning a document that was originated many, many years ago, and times have changed and conditions have changed and modes and ways of lives have changed where our present council form of government has not changed. You have had in the past few years numerous dignitaries in this State that have signified and have documented the fact that the Executive Council as it now is is cumbersome, antiquated and serves relatively no useful purpose to the people of our State.

I think just a few years ago the Attorney General of this State, being of the loyal opposition party, had signified his dissent of the present council system of government. I think we have had in the last few years surveys of a statewide nature, of the people themselves disapproving of this form of government in this day and age.

I think we as representatives of the people at large feel that there is this need to change this mode of government. The members of the present Executive Council have signified in numerous articles in

different papers throughout the State that they are there purely as a cumbersome form of government. Almost every daily newspaper in the State in the last few years has come out editorially against this kind or this form of government, so I think it behooves every member of this House this morning that we see no further use of the Executive Council as a progressive form of government, and that the people of our State are entitled to the best form of government that can be devised. Thank you.

The SPEAKER: The question before the House is, shall this bill become a law notwithstanding the objections of the Governor? Under the Constitution, the vote has to be taken by the yeas and nays. If you are in favor of this bill becoming a law notwithstanding the objections of the Governor, when your name is called, you will say yes. If you are opposed to this bill becoming a law notwithstanding the objections of the Governor, you will say no when your name is called. The Clerk will call the roll.

Roll Call

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

NAY—Anderson, Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Hbr.; Berman, Berry, Birt, Bragdon, Brewer, Buck, Burwell, Carter, Cookson, Cornell,

Cressey, Crosby, Cushing, Davis, Dickinson, Dunn, Erwin, Evans, Gifford, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Hawes, Hawkes, Haynes, Huber, Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Lincoln, Littlefield, Lund, Lycette, Meisner, Mosher, Norton, Payson, Peaslee, Pendergast, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Bath; Ross, Brownville; Sahagian, Scott, Waltz, Ward, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

ABSENT—Dostie, Dudley, Far-
rington, Glazier, Hunter, Clinton;
Millay, O'Gara, Pike, Roberts,
Sawyer, Storm, Susi.

Yes 76; No, 63; Absent, 12.

The SPEAKER: The Chair will announce the vote. Seventy-six having voted in the affirmative, sixty-three having voted in the negative with twelve being absent, seventy-six not being two-thirds of one hundred and thirty-nine, the veto is sustained.

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

An Act relating to Insurance on Public Buildings. (H. P. 1142) (L. D. 1562), which was vetoed by the Governor, and which was

Tabled—January 20, by Mr. Levesque of Madawaska.

Pending—Further consideration.

The SPEAKER: The question before the House is, shall this bill become a law notwithstanding the objections of the Governor?

The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The reasons given by the Governor for not signing L. D. 1562 are sound. This measure is not in the best interest of the State of Maine. It does not have the backing of the responsible insurance leaders of the State of Maine.

A sound bi-partisan plan was presented at the regular session and should be adopted. I earnestly urge your support for the Governor in vetoing this measure.

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

Mr. FORTIER: Mr. Speaker, Ladies and Gentlemen of the House: Since this is my measure, I feel that I owe you just a word of explanation. This bill, if I remember right, wasn't debated at the general session, that is, not debated too extensively.

I am looking at the Governor's veto message. I notice that he spends two-thirds of his time, or two-thirds of this message is regarding a bill that wasn't even on his table. I would have appreciated possibly something constructive in the message; maybe some measure of compromise, maybe some suggestion that might have clarified the situation. However, as I said before, two-thirds of this message is devoted to a bill that wasn't even on his table.

Now about the bill that he has devoted all his time to. This bill was drawn up as the result of what the Governor says was a bipartisan committee appointed by him to study insurance on state-owned property. Now the Governor, I want to commend him on wanting to have this done. We realized there was a change needed; he realized there was a change needed, and so he appointed a committee. The Governor calls it a bi-partisan committee, but his ideas of bi-partisanship are not exactly like mine, since I think there was one or possibly two Democrats on a fourteen-man committee.

Now as to the consideration that was given the measure that was drawn up by this committee, and incidentally, this wasn't a unanimous decision. The consideration given to this bill is not flattering to the Governor. This bill was reported out of committee unanimously ought not to pass, and if I remember correctly, it was signed by four members of his own party. This is the bill apparently that he wants us to compromise with, a bill that was completely unacceptable to the members of the State Government Committee. Some of the objections to the bill sound like word-

age used by opponents of the bill who were members of the insurance industry. It is coincidental that the day this message arrived that these members of the insurance industry were present opposing a bill that I now have before the Committee on State Government.

My bill would have transferred the responsibility for the administration of the State's insurance to the State, where I think it rightly should be. I think the administration of the State's insurance should be administered by the State. This is not only my opinion. The P.A.S. Report of 1964 recommended that this be done. They recommended that the State's insurance should not be handled by plural bodies, and the body he recommended was a plural body, it had nine members, six of them closely associated with the insurance industry. Now I say that I realize that the Governor is the Governor of the State, and with all due respect to Governor Reed, I can't possibly agree with him. The Governor has said in press releases that this measure has inconsistencies and other objectionable features. He goes on further to say that people in the insurance industry have contacted him and pointed out flaws. Let me point out at this time that the only inconsistency lies in the complete departure from the time honored patronage system. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is, shall this bill become a law notwithstanding the objections of the Governor? Under the Constitution the vote must be taken by the yeas and nays. If you are in favor of this bill becoming a law notwithstanding the objections of the Governor, you will answer yes when your name is called. If you are opposed to this bill becoming a law notwithstanding the objections of the Governor when your name is called you will answer no. The Clerk will call the roll.

Roll Call

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

NAY — Anderson, Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Hbr.; Berman, Berry, Birt, Bragdon, Brewer, Buck, Carter, Cookson, Cornell, Cressey, Crosby, Cushing, Davis, Dickinson, Dunn, Erwin, Evans, Gifford, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harri-man, Hawes, Hawkes, Haynes, Huber, Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, Meisner, Mosher, Norton, Payson, Peaslee, Pendergast, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Bath, Ross, Brownville; Sahagian, Scott, Waltz, Ward, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

ABSENT — Dostie, Dudley, Farrington, Glazier, Hunter, Clinton; Millay, O'Gara, Pike, Roberts, Sawyer, Storm, Susi,

Yes, 76; No, 63; Absent, 12.

The SPEAKER: The Chair will announce the vote. Seventy-six having voted in the affirmative and sixty-three having voted in the negative, twelve being absent, seventy-six not being two-thirds of one hundred and thirty-nine, the veto is sustained.

The Chair laid before the House the sixth tabled and today assigned mater:

An Act Authorizing Qualified Licenses After Conviction for Drunken Driving if Essential to Livelihood. (H. P. 1144) (L. D. 1568), which was vetoed by the Governor, and which was

Tabled—January 20, by Mr. Levesque of Madawaska.

Pending—Further consideration.

The SPEAKER: The question before the House is, shall this bill become a law notwithstanding the objections of the Governor?

The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker, Ladies and Gentlemen of the House: You will recall on the final passage of this bill there were over one hundred votes in favor. This was a true indication of bi-partisan support. However, the factual, statistical and descriptive manifestations pertaining to highway accidents have become all too obvious.

There is a poem by James Whitcomb Riley the title of which is Reach Your Hand to Me. In the past, this legislative body has never found it necessary to be without compassion, but now after being six months away from the legislature we can take on a new form of compassion and we can reach our hand in a direction that may possibly in the future save one life. To this extent I may conclude my remarks by simply telling you, I would rather fail in a cause that I know some day will triumph than to triumph in a cause that I know some day may possibly fail.

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

Mr. ROSS: Mr. Speaker, the Maine Highway Committee feels that the threat of losing your license to drive is one of the greatest deterrents against drunken driving. Surely, with the fatality record as it is now and steadily growing, I don't think that this Legislature wants to make it easier for a person to get his license

back. Where it is a great deterrent, it should be harder for him to get it back, and I definitely hope that you will sustain the Governor's veto.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I think probably again this morning here we have before us a piece of legislation that we thought might be of some justifiable good to some of the drivers that were so unfortunate. Although there was added an amendment to that document that would have limited the provision to six months, therefore, if a driver had a suspended license for longer than six months and could no longer return to his work, he still would have lost his job.

And again in view of the fact that the Executive has seen fit very shortly to institute a program of driver education to eliminate some of the disastrous accidents of which we had a record number in 1965, and in view of the light of this action taken, it is certainly the feeling of the leadership that anything that we can contribute as individuals, anything that we can contribute as a House of Representatives, anything that we can contribute as Republicans or Democrats, I think we should do all in our power to do just that.

As the previous Representative D'Alfonso has pointed out, if we can save one life, then we will have accomplished something. We hope certainly that we will be able to save more than one life. So therefore, I ask the members of the majority party to go along and sustain the Governor's veto.

The SPEAKER: Is the House ready for the question? The question before the House is, shall this bill become a law notwithstanding the objections of the Governor? Under the Constitution the vote must be taken by the yeas and nays. If you are in favor of this bill becoming a law notwithstanding the objections of the Governor, you will answer yes or yea when your name is called. If you are

opposed to this bill becoming a law notwithstanding the objections of the Governor, when your name is called you will answer no or nay. The Clerk will call the roll.

Roll Call

YEA—None

NAY—Anderson, Avery, Baker, Orrington; Baker, Winthrop; Baldic, Beane, Bedard, Benson, Mechanic Falls; Benson, Southwest Hbr.; Berman, Berry, Binnette, Birt, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Bragdon, Brennan, Brewer, Buck, Burnham, Burwell, Bussiere, Carroll, Carswell, Carter, Champagne, Conley, Cookson, Cornell, Cote, Cottrell, Cressey, Crommett, Crosby, Curran, Cushing, D'Alfonso, Danton, Davis, Dickinson, Doyle, Drigotas, Drouin, Dumont, Dunn, Edwards, Erwin, Eustis, Evans, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauthier, Gauvin, Gifford, Gilbert, Gillan, Graham, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hawes, Hawkes, Haynes, Healy, Hoy, Huber, Hunter, Durham; Jalbert, Jewell, Jordan, Katz, Kennedy, Keyte, Kilroy, Kittredge, Laberge, Lang, Lebel, Lent, Levesque, Lewis, Libhart, Lincoln, Littlefield, Lowery, Lund, Lycette, Martin, McKinnon, Meisner, Mills, Mitchell, Mosher, Nadeau, Norton, Palmer, Payson, Peaslee, Pendergast, Poulin, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Bath; Ross, Brownville; Roy, Ruby, Sahagian, Scott, Searles, Starbird, Stoutamyer, Sullivan, Truman, Waltz, Ward, Watts, Wheeler, White, Guliford; Whittier, Wight, Presque Isle; Wood, Wuori, Young.

ABSENT—Dostie, Dudley, Farrington, Glazier, Hunter, Clinton; Lane, Millay, O'Gara, Pike, Roberts, Sawyer, Storm, Susi.

Yes, None; No, 137; Absent 13.

The SPEAKER: The Chair will announce the vote. None having

voted in the affirmative, one hundred and thirty-seven having voted in the negative with thirteen being absent, the Governor's veto is sustained.

On motion of Mr. Levesque of Madawaska,

Adjourned until Monday, January 24, at ten o'clock in the morning.