

# 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**

Thursday, January 27, 1966

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

Prayer by the Rev. Mr. Kenneth Brookes of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate  
Report of Committee  
Ought to Pass with  
Committee Amendment  
Tabled Until Later  
in Today's Session**

Report of the Committee on Highways on Bill "An Act Amending the Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1966 and June 30, 1967" (S. P. 687) (L. D. 1770) 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. 687, L. D. 1770, Bill, "An Act Amending the Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1966 and June 30, 1967."

Amend said Bill in section I by striking out all of the last line (same in L. D. 1770) and inserting in place thereof the following:

'Highway Construction-  
State-Federal

(\$1,140,531) (\$2,135,811)'

Further amend said Bill in section 2 by striking out all of the 11th, 12th and 13th lines (10th, 11th and 12th lines in L. D. 1770) and inserting in place thereof the following:

**'Employees Salary Increases**

**Authorized Chapter 176, P. &  
S. L. 1965                      98,181 226,366**

**Authorized Special Session Jan-  
uary, 1966                      403,000 1,613,000'**

Further amend said Bill in section 3 by striking out all of the last 3 lines (last 2 lines in L. D. 1770) and inserting in place thereof the following:

**'Highway Construction -**

**State Highway and Federal Aid  
Systems                      1,140,531 2,135,811'**

Committee Amendment "A" was adopted in concurrence.

(On motion of Mr. Levesque of Madawaska, tabled pending assignment for third reading and assigned for later in today's session.)

**Non-Concurrent Matter  
Tabled and Assigned**

Bill "An Act relating to a Compact for Education" (S. P. 666) (L. D. 1699) which was indefinitely postponed in non-concurrence in the House on January 25.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed.

In the House: On motion of Mr. Hoy of Lewiston, tabled pending further consideration and tomorrow assigned.

**Non-Concurrent Matter**

Bill "An Act relating to Refund of Fuel Tax to Companies Furnishing Common Carrier Passenger Service" (H. P. 1235) (L. D. 1730) which was passed to be engrossed as amended by Committee Amendment "A" in the House on January 24.

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

In the House:

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

Mr. COTTRELL: Mr. Speaker, I move that we insist on our former action.

Mrs. Baker of Winthrop requested a division on the motion.

The SPEAKER: The gentlewoman from Winthrop, Mrs. Baker, requests that when the vote is taken it be taken by division. The question before the House is on the motion of the gentleman from

Portland, Mr. Cottrell, that we insist. All those in favor of insisting on our former action will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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.

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

Bill "An Act relating to Employment of State Criminal Inspectors in the Office of Attorney General" (H. P. 1267) (L. D. 1762) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in the House on January 25.

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

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

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

Bill "An Act Appropriating Funds for Additional Radar Sets for the State Police" (H. P. 1271) (L. D. 1766) which was passed to be engrossed as amended by Committee Amendment "A" in the House on January 25.

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

In the House:

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

Mr. LIBHART: Mr. Speaker, I move that we recede and concur.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: This Senate Amendment "A" is the same amendment that this House defeated overwhelmingly a couple of days ago on this bill. I request a division on the motion to recede and concur.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the amendment, Senate Amendment "A" is not the very thing that we defeated the other day because I wrote the amendment. (Laughter) If it is, I agree with my friend from Portland, Mr. Edwards. Yes, Senate Amendment "A" is not what we were talking about the other day. Senate Amendment "A" does this. It strikes the language requiring the posting of signs on whatever highway the radar sets are being used and it does so, in my opinion, so that a conviction could be had by the state police. The way the original amendment was written the state police would have had to prove that the particular radar set that was appropriated by this particular bill was the one used to test the speed of the offending driver, and the question would become whether this set was the set — whether the replacement of the set was the same set. If you changed the tube in the set would it be the same set? This would be difficult.

Now we felt that in order to make a conviction possible by the state police that the thing to do would be to strike the offending language from the Statute as it now exists. When radar sets were originally purchased by the state police, this crept into our law and it made it impossible for the state police to get a conviction, because what would happen they would set up their machinery — in the old days you had to have it motionless in order to test speed and folks would see the signs and they would slow down and as soon as they got by the automobile of the state police that had the radar set on it they would speed up again.

You accomplished one thing, you made them slow down for a mile on whatever highway they were driving. And of course if this is the case why what we should do is appropriate \$10 for twelve soap boxes and paint them blue and put a sign on them saying "Radar" and then put the signs up and everyone thinks you've got a radar set there and they will slow down for a mile. In my opinion that is silly. Our new radar sets are capable of measuring speed in motion. Having a sign also in motion would be extremely difficult. I think the smart thing to do is to get the state police the radar sets they need and also strike this language and let the thing go that way.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen: I have been trying to follow the gentleman from Brewer, but in my mind if you remove your signs wouldn't it be a cause for what a lawyer might say entrapment?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, has posed a question and any member may answer if he so desires, and the Chair recognizes the gentleman from Brewer, Mr. Libhart.

Mr. LIBHART: Mr. Speaker and Members of the House: In my opinion it would not be coming even close to what we call an entrapment. We used to paint the words "State Police" on the side of our cars, our state police cars, we used to have other indicia that they were state police cars. They had the blue lights on the top. You could tell them rather readily, or they had "State Police" on the license plates. Now you know that we have state police cars which are varied in color and which have no indication whatsoever that they are state police cars. It is the same type of thing. I don't believe that by any stretch of the imagination could anyone say that failure to put up a sign if the police were using radar would constitute an entrapment.

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

Mr. ROSS: Mr. Speaker and Members of the House: We don't want to lose this bill, I mean, with or without the amendment. We want to keep the radar sets. You have already voted to hire twenty new state policemen and part of their duties are going to be connected with these radar sets. If it is entrapment I am against it, if it isn't let the amendment stay on there.

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

Mr. JALBERT: I would like to ask a question to any member who could answer. What is the procedure in other states concerning this problem?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has asked a question from any member of the House and any member of the House may answer if he so desires.

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

Mr. COTE: Mr. Speaker and Members of the House: I have had occasion to go to Connecticut several times in the past recent months and I find that their roads are all posted. As you leave Sturbridge, Massachusetts going to Connecticut and you drive in about five or six miles you see a sign: "This road is protected by Radar," and I have noticed one thing, immediately everybody comes down fifteen and twenty miles an hour slower than they were driving at the time; so I feel that the sign itself has some merit, and I feel that we should retain those signs along with the radar sets.

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

Mr. EDWARDS: Mr. Speaker, I move that this be tabled until later in today's session.

The SPEAKER: The question now before the House is on the motion of the gentleman from Portland, Mr. Edwards, that this be tabled until later in today's session. All those in favor of this matter being tabled until later in

today's session will say aye; those opposed, no.

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

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

Mr. LUND: Mr. Speaker, I think the basic question here is not simply whether a few people may slow down because they see the radar sign, because I think it is undoubtedly true that a few people will slow down, and having talked to police officers about this problem, I think I can state that there are many drivers who do see the signs and slow down, or rather there are many drivers who continue to speed because they don't notice the sign. However, the police say that the chronic violator is liable to be the person who is liable to see the sign and slow down, and this is especially the fellow we are trying to catch by the use of radar. It seems to me the real question is, are we interested in giving the police effective tools to work with; are we really interested in trying to help this problem of slaughter on the highways, or are we just going to go through the motions and compel the police to continue under the same handicaps they have in the past? So I hope that we will recede and concur and adopt the same procedure followed in the Senate.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I have reservations in regards to our hiring more police. I am beginning to wonder, is this the beginning of a so-called police state? Are we going to have them hiding behind every bush, every shrub, never knowing where they will linger, never knowing whether this man is actually catching a man violating the law or whether he has a quota today and he must make so many arrests today in order to prove that he was on the job? I wonder, is this the right direction? Are we aiming at the right target?

I haven't seen a bill in this House yet that says anything about what goes into an automobile; the horsepower; how much metal will be under your children's feet when they are riding in the back seat. I have had many parents come to me and say: Do you know that my son said: "Daddy, if you don't do something about this car here in the back seat, you will have to get out and pick me up out back, I'll fall out." They are not putting any metal in. You think automotive manufacturers have got a big deal going on. They are selling automobiles for \$4,000 and \$5,000, and each one of them have got a gigantic process going on of seeing how much metal they can make a car with, how much less they can put into this and get more out of it.

I wonder, is the Highway Safety Committee studying how safe these cars are? This is an angle which I think should be considered. And I have reservations in regard to putting more state police on because they are hiring them and they are losing them every day. I wonder if you hire more, will you keep more. When they get five or ten years experience, that's when we want to keep them, and that's when they are losing them. They tell me that the conditions are such that they no longer can work.

I had one state trooper tell me: "I went to sleep last night and I couldn't sleep because I wondered, was this man actually violating the law or was this one more contact I had to make to prove I was on the job."

Now this is a long ways from the radar sign, I'll agree, but I think we have an overall problem that exists, and I think that these signs should be up and we shouldn't be down here planning how we are going to trap people; that we should act in sincerity and good faith, and that we should tell these people this is the speed limit and we expect you to observe it, and I expect everybody to observe it, not just the citizen that drives down the road, but the law enforcement people as well. I want them to set the example on the

speed limit as well as the citizen who drives down the highway.

Mr. Susi of Pittsfield moved the previous question.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves the previous question. For the Chair to entertain the previous question, it must have the expressed consent of one-third of the members present. All those in favor of 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 previous question is in order. The question before the House now is, shall the main question be put now? This matter is debatable for no more than five minutes by any one member. 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, nay.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House is that we recede from our former action and now concur with the Senate. The gentleman from Portland, Mr. Edwards, has requested a division. All those in favor of receding from our former action and concurring with the Senate will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty having voted in the affirmative and ninety-one having voted in the negative, the motion did not prevail.

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

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

What we have just done by defeating this amendment has made it impossible for convictions to be had by the state police in the use of this radar, these radar sets that we are talking about appro-

priating the monies for. In my opinion, it would be a complete waste of money to buy these radar sets and give them to the state police and not have them used. They will not be used so long as this language is on the statute, because it is senseless. You require a sign within a mile before the radar set being used, you cannot use the radar set in motion, you have got to set it up in place somewhere. This means that you have got to stop the car and set the thing up, put the sign up. People come along and see the sign, they will slow down. They will have to come into court with the very few people that they may have a mile or two over or what have you, they will soon discourage of using the sets at all. Therefore, what will happen, is what happened when we bought radar sets before, they won't be used.

Now we come over here in a special session and everybody is trying to spend more money than what we have got, which I am very much opposed to, spending money that should be saved for the next regular session so that you folks who are coming back here will have something to meet the gigantic cost that we generated in the last session. It seems to me this is a good place to start. And every place that we can save some money, to have available next year, we should do it. And fruitlessly spending money on things like radar sets that can't be used it seems to me is a definite waste of money.

Now this is what happens, of course, when we rush headlong into something that we really don't think about and we really don't understand, in an attempt to get a special session over with in a couple of weeks. Now I came over here elected by my constituents to do the best job I could, and I don't care if this special session lasts 'til spring, I'm not going to vote for a bill that I think is wrong; I don't care whether it came from the Governor's office, the Highway Safety Committee or anybody else. This bill is ridiculous if we don't give the state

police the authority to use the sets that we are going to appropriate the money for. I hope you will all join me in indefinitely postponing the bill and I ask for a division.

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

Mr. SULLIVAN: Mr. Speaker, I am rather curious about this and I would like to have some other lawyer or two tell me whether what Mr. Libhart says, the Representative, is substantially true. And if it is true, I am with him.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think possibly the barristers in the House would very much like to have a conference, but I don't think the Hall of the House would be a proper place for a conference, and I am sure that the gentleman from Portland, Mr. Sullivan could very well engage the services of these barristers after we recess this morning.

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

Mr. GILLAN: Mr. Speaker, Ladies and Gentlemen of the House: There is no question that these radar sets are necessary, as I see it, to stop the many highway accidents. On the other hand, the argument that if signs are placed immediately adjacent to the area in which they are to be used will nullify their effect is of some validity. On the other hand, the State of Maine doesn't want to be known as the speed trap state. I think signs placed at least once on every major artery warning that radar is used in the State of Maine would be sufficient. You warn them once, that's enough. I would suggest that this be referred to a Committee of Conference to iron out those details. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Brewer, Mr. Libhart, that this bill and its ac-

companying papers be indefinitely postponed.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion to indefinitely postpone. I feel that these radar positions along our major arteries are a deterrent and I have found this through personal experience. Driving across this great country of ours we see them everywhere and I don't know what mode, what their legislation is in those various states, but I do know that it is a deterrent whether the radars are set up or not, the signs certainly are beneficial, because I notice from my own experience that I lessen the weight of my foot on the accelerator when I see the signs, travelling across the country. I think in my own personal opinion that this might be more beneficial as a deterrent than adding state police, so I hope, truly hope, that we do not lose this bill.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Harvey.

Mr. HARVEY: Mr. Speaker, Ladies and Gentlemen of the House: Are we trying to control traffic or are we trying to catch violators after the crime has been committed? One of the biggest deterrents we have is state patrol cars, but where are you going to see one? They are not marked. You can drive from Woolwich to Portland and back again without seeing a car on the highway. Now until the means that we have of deterring these accidents and speeders and violators is put to its fullest benefit with well-marked state patrol cars, I can see no use in putting other funds to work until we do take full advantage of this.

Now I have had a lot of experience, not with radar, but with speed traps in the service. They were worthless. You can have a string of traffic with twenty or thirty cars going at the speed limit, sixty miles per hour, and you can have a man driving to



endanger in that string and the radar or speed trap will not pick him up. Only a pair of human eyes in a patrol car can do that thing. If you have ten or fifteen or twenty speed traps throughout the state with troopers behind bill boards and behind the bushes, they are not in those patrol wagons, they are not using their eyes, they cannot see gravel trucks loaded with gravel with the wind blowing the gravel into the driver's face and onto his windshield, they cannot see rocks between the duals of these trucks, they cannot see the drivers who are passing on curves and they cannot see the drivers who are passing on the double lines on the brow of the hill; so let's get the troopers into a well-marked patrol car on the highway where he can be seen and this is a plan that will work and it also will knock down the accident rate. Radar will not do it.

I had at one time twenty-four speed traps in Georgia. The accident rate and the speed rate was cut down to nothing — I mean not cut down to nothing, but it had no effect on the speed and the accident rate. We put an additional sixty men on the highway, two per vehicle in a well-marked jeep. In three months the speeding violations were dropped to twenty-nine percent. Now I think that is something we should look into rather than radar. Get these green and gray and beautiful sedans, that they might get a little additional allowance when they trade them in, marked and let's let them know that we have got a state police force and we are proud of it. Get them out there where they can see them. Thank you.

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

Mr. JALBERT: Mr. Speaker, I might remind the gentleman from Woolwich, Mr. Harvey, that should he go over the speed limit in his automobile on his way home too often, he might run into an automobile that the plate says "State Police" front and back and also a great big light on the top of

the car and he will find out what it is all about then.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of this House: I want you to understand there is no greater believer in highway safety than myself. I think that we should all make a supreme effort to try to stop this excessive speeding, and if we can do it with signs, well and good. I hope these signs are very effective because I have been through some places where they have such a sign as "Go slow and see the town; go fast and see the judge." I don't think anybody wants to see the judge. They will go slow. Anything that we can do to stop this highway death is going to be a great thing. I can tell you truthfully, everybody is concerned. Thank you.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: I am for anything that would minimize the carnage and killing on the public highways, and I believe that this instrument will do just that. I have seen it in other states too, and it encourages me to slow down. After all, as I look at the bill here, we are only asking for about \$11,000 plus \$3,700 and compared to what we have been parceling out here, that's peanuts. And it is a one-shot deal, and I would hope that we would go along with this measure. Thank you.

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

Mr. BUSSIERE: Mr. Speaker and Members of the House: I listened to the gentleman from Portland, Mr. Healy, who is interested in cutting down the accidents. I would advise him to contact the Maine Highway Safety Committee and ask for a monthly report, the December Report, and you will get the answer to who is responsible for most of the accidents, that is, in the age bracket. It happens between the ages of 15

and 25 about seventy-five percent of the accidents, so why should everybody be penalized, and I agree with Mr. Libhart, the gentleman from Brewer, that it is a waste of the taxpayers' money. We don't need that. It is up to the state police to get the irresponsible driver, the hot rods, off the highway, then you will be cutting down some ninety percent of the accidents, and I hope the people vote for the indefinite postponement of this bill, and I am to vote for it myself. It's no good. I don't believe in anyone being convicted through mechanical devices or stooges. Let the police convict you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Brewer, Mr. Libhart, that this bill and its accompanying papers be indefinitely postponed. All those in favor of this Bill "An Act Appropriating Funds for Additional Radar Sets for the State Police," House Paper 127, L. D. 1766, and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Fifteen having voted in the affirmative and one hundred and seventeen having voted in the negative, the motion did not prevail.

The SPEAKER: The question before the House now is, shall we insist?

The motion prevailed.

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

Mr. LEVESQUE: Mr. Speaker, I now ask unanimous consent that all matters requiring Senate concurrence and all matters passed in concurrence be sent forthwith to the Senate thirty minutes after the House recesses today.

The SPEAKER: Is there objection to this motion? The Chair hears none.

The motion prevailed.

The SPEAKER: The Chair will request the members of the House

to turn to page 6 of your House Calendar and Journal, item number 4 which is an emergency measure. Is there objection from any member to taking this matter out of order at this time? The Chair hears none.

### **Passed To Be Enacted Emergency Measure**

An Act to Appropriate Moneys for Legislative Expenditures (S. P. 688) (L. D. 1771)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 135 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

Mr. Binnette of Old Town was granted unanimous consent to briefly address the House.

Mr. BINNETTE: Mr. Speaker, yesterday we saw in this House a unified effort by both parties to work together. This morning we have had a repetition, and I am pleased to see them work that way.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House 70 students of the 8th grade Social Studies Class at the Unity Elementary School, SAD 3, accompanied by their teachers, Miss Leola Mitchell, Mrs. Mason Shibles and Mr. Everett Duntun. They are the guests of the gentleman from Unity, Mr. Burwell. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

The Chair at the same time would like to recognize in the balcony of the House 34 students of the 8th grade at the Bowdoinham Community School, accompanied by their principal, David McKellar and teacher, Mrs. Braver, and chaperones Mr. and Mrs. Temple. They are the guests of the gentleman from Bowdoinham,

Mr. Millay. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

At the same time the Chair would also like to recognize 50 students of the Senior Government Class at Skowhegan High School, accompanied by their teachers Mrs. Bransford and Mr. Bisson. They are the guests of the gentleman from Skowhegan, Mr. Poulin. On behalf of the House the Chair welcomes this group, and we hope that your visit will be both educational and enjoyable. (Applause)

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**Orders  
Tabled Until Later  
in Today's Session**

Mr. Levesque of Madawaska presented the following Order:

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government is hereby authorized to report a Bill which shall provide for a Senatorial Apportionment Commission.

(On motion of the same gentleman, tabled pending passage and assigned for later in today's session.)

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Mr. Conley of Portland presented the following Order and moved its passage:

WHEREAS, Neil V. Sullivan, a former President of the Maine Superintendent of Schools Association, Thomas L. Maynard, a member of the 98th Maine Legislature and Carol L. Yellin have co-authored a book "Bound for Freedom," published by Little Brown, Inc.; and

WHEREAS, the book concerns their work with the Free School Association of Prince Edward County, Virginia, which was implemented by the late President John F. Kennedy under the sponsorship of the Department of Justice, and led to the reopening of the public schools of this county which had been closed for four years to avoid integration; and

WHEREAS, it has long been the policy of the Maine Legislature to foster and encourage an interest in literature on behalf of the peo-

ple of Maine and to accord appropriate recognition to persons making a substantial contribution to literature; now, therefore, be it

ORDERED, the Senate concurring, that the Legislature of the State of Maine extend its sincere congratulations to Neil V. Sullivan, Thomas L. Maynard and Carol L. Yellin for achieving this national achievement and distinction; and be it further

ORDERED, that engrossed copies of this joint order, signed by the Speaker of the House and the President of the Senate, be immediately transmitted to each by the Secretary of the Senate. (H. P. 1295)

The Order received passage and was sent up for concurrence.

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On motion of Mr. Gaudreau of Lewiston, it was

ORDERED, that Frank, Caroline and Priscilla Hoy of Lewiston be appointed to serve as Honorary Pages for today.

The SPEAKER: Frank is 14 and Caroline is 12 and they both attend Jordan High School. Priscilla is 9 and she attends the Pettingill Elementary School. They are the children of the distinguished gentleman from Lewiston, Mr. Hoy.

At this point, Frank, Caroline and Priscilla Hoy were escorted to the well of the Hall of the House by the Sergeant-at-Arms. (Applause)

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

Mr. Bussiere from the Committee on Transportation reported "Ought not to pass" on Bill "An Act relating to Operation and Inspection of Motorcycles and Motor Driven Cycles" (H. P. 1261) (L. D. 1756)

Report was read and accepted and sent up for concurrence.

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**Ought to Pass in New Draft  
New Drafts Printed  
Passed to Be Engrossed**

Mrs. Baker from the Committee on Legal Affairs on Bill "An Act Establishing a Home Repair Financing Act and Defining and Regulating Secondary Mortgage

Loans" (H. P. 1283) (L. D. 1789) reported same in a new draft (H. P. 1292) (L. D. 1800) under title of "An Act Establishing a Home Repair Financing Act" and that it "Ought to pass"

Mr D'Alfonso from the Committee on Public Utilities on Bill "An Act Creating Municipal Transportation Districts" (H. P. 1275) (L. D. 1782) reported same in a new draft (H. P. 1293) (L. D. 1802) under same title and that it "Ought to pass"

Reports were read and accepted and the New Drafts read twice.

Under suspension of the rules the Bills were read the third time, passed to be engrossed and sent to the Senate.

#### **Ought to Pass with Committee Amendment Passed to Be Engrossed**

Mr. Birt from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Supplemental Appropriation for the Department of Indian Affairs" (H. P. 1190) (L. D. 1658) 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. 1190, L. D. 1658, Bill, "An Act Relating to Supplemental Appropriation for the Department of Indian Affairs."

Amend said Bill by striking out all of sections 1 and 2 and inserting in place thereof the following:

**'Appropriation.** There is appropriated from the General Fund to the Department of Indian Affairs the sum of \$139,452. The breakdown of expenditures shall be as follows:

#### **INDIAN AFFAIRS DEPARTMENT OF**

	1965-66	1966-67
Personal		
Services	\$ 9,072 (1)	\$ 4,240
All Other	22,477	103,663
	<hr/>	<hr/>
	\$31,549	\$107,903'

Committee Amendment "A" was adopted.

Under suspension of the rules the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Mr. Fortier from the Committee on Industrial and Recreational Development on Bill "An Act relating to Mining Activity under Goose Falls Pond, Town of Brooksville, Hancock County" (H. P. 1224) (L. D. 1705) 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. 1224, L. D. 1705, Bill, "An Act Relating to Mining Activity Under Goose Falls Pond, Town of Brooksville, Hancock County."

Amend said Bill by striking out all of the first paragraph of the emergency preamble, including the headnote, and inserting in place thereof the word **'Preamble.'**

Further amend said Bill by striking out in the next to the last paragraph of the emergency preamble, in the last line, the word "and" and inserting in place thereof the word **'wherefore'**

Further amend said Bill by striking out all of the last paragraph of the emergency preamble.

Further amend said Bill by striking out all of the emergency clause.

Committee Amendment "A" was adopted.

The SPEAKER: Is there objection from any member of the House that the rules be suspended and this bill be given its third reading? The Chair hears objection.

Thereupon, the Bill was assigned for third reading tomorrow.

#### **Divided Report**

Majority Report of the Committee on Industrial and Recreational Development on Bill "An Act Pro-

viding Funds for Municipal Building at Old Orchard Beach" (H. P. 1193) (L. D. 1661) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Report was signed by the following members:

Mr.     HOFFSES of Knox  
             — of the Senate.

Mr.     NORTON of Caribou

Mrs.   KILROY of Portland

Messrs. BENSON

             of Mechanic Falls

TRUMAN of Biddeford

LITTLEFIELD

             of Hampden

PAYSON of Falmouth

             — of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. JACQUES

             of Androscoggin

MOORE of Washington

             — of the Senate.

Mr.     FORTIER of Waterville

             — of the House.

Reports were read.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I move that we accept the Minority Report.

The SPEAKER: The question before the House now is on the motion of the gentleman from Waterville, Mr. Fortier, that we adopt the Minority "Ought to pass" Report.

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

Mr. BIRT: I would move that we indefinitely postpone this bill and both reports.

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

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: A few years ago, roughly about five years ago, the Town of Old Orchard had a comprehensive plan and survey taken of it and as a result of that plan and survey it became apparent that the southern area of the State of Maine needed a facility which could accommodate conventions, entertainments, sports events, et cetera. The cost of this facility was to be \$2,000,000. The seating capacity of this auditorium was to be roughly 15,000 people. Obviously this type of an auditorium and this cost was not feasible and was not within the financial means of a town the size of Old Orchard Beach. \$2,000,000 is a lot of money. However, a committee was assigned to study this proposal and later it became apparent that because of the fact that we in that area were in the distressed area list, we were eligible for Federal funds under the ARA. The Federal funds would be matching funds. We had a site of land, a valuable piece of land, 250 yards away from the shore front, 22 acres was sufficient to take care of an auditorium of this size and provide parking for 2500 cars.

Upon further study, after canvassing the local communities and the surrounding communities, we found the response and enthusiasm was quite great, and we applied for the funds from the Federal Government. They at that time told us that in order for us to be eligible for such funds it would be necessary for us to incorporate together with this auditorium municipal buildings. This we did. We engaged an architect and he designed a beautiful auditorium and it incorporates municipal offices for that purpose.

Now then, the DED advises us that thirty to forty conventions are refused per year because of the lack of facilities in the State of Maine, the State that so proudly displays on its license plates as being Vacationland, has not a facility in this State to accommodate

people who wish to come here on conventions.

I could go into great dissertation and I could take up an hour of your time showing you mathematically that this is not a give-away program on the part of the State. This is probably the best investment that the State of Maine has ever made. For \$200,000 that the State of Maine will be investing, in the event that this bill goes through, they will be the recipients of a minimum of \$100,000 per year on sales tax alone. The cost of this auditorium will be \$2,000,000 and the State of Maine will have invested \$200,000. The Town of Old Orchard and surrounding communities will have invested somewhere around \$800,000. The Federal Government will have invested \$1,000,000.

We have had our application approved by the Federal Government. They have already allocated \$25,000 for the land feasibility study; they bored the soil and found it to be highly satisfactory for this type of a facility, and in the meantime they have reserved a million dollars for this facility. All we need is a little help from the State of Maine, and I trust that since this Legislature was gracious enough to help us out during the last session, if they would help us out a little more, we would be on the way to having a facility here in the southern part of the State of Maine that would be conducive to good business! and this is one of the factors that we had to prove to the Federal Government that we, by having a facility such as this in this particular area, would provide sufficient economic impact which would mean chronic employment instead of chronic unemployment, which would mean better employment for people and would mean a better climate for investors.

In anticipation of this auditorium and in view of the fact that the 102nd Legislature appropriated \$100,000 in our last session, today, at this moment, I think some of you have read in the papers, that community is enjoying a million dollar boom. I trust that the motion to indefinitely postpone will be defeated, and I trust that all of you will support this measure as it

starts its long and perilous journey to the Appropriations table where more than likely it will face its moment of truth and meet its Waterloo. Thank you very much.

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

Mr. BIRT: Mr. Speaker, just a couple of points. Presently, there are two large auditoriums in the state, one in Bangor and one in Portland. I know that in both of these cases they were financed by the municipality involved. I am also aware of the fact that Bangor has had their problems as far as usage is concerned, that it has not come up to the expectations, and in fact I am not even sure that it has supported, but has had to be supported out of municipal appropriations. This last legislature, as the good gentleman from Old Orchard said, gave them \$100,000 to start this, but there seemed to be a good deal of confusion in the committee because the committee's majority report was to refer this to the Appropriations Committee. I felt at this time certainly it was not the proper time to initiate further study on this because I think most of us are looking ahead to adjournment, and I would certainly hope that the motion to indefinitely postpone prevails, and I would request a division.

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the gentleman from Old Orchard, Mr. Danton. Apparently my colleague Mr. Birt, the gentleman from East Millinocket, is very unfamiliar with the sites in southern Maine. I believe that the additional funds that the gentleman from Old Orchard, Mr. Danton is asking is indeed a necessity, and I would point the question to Mr. Birt, if he can possibly tell me where the recreation building is located in the City of Portland?

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

Mr. BINNETTE: Mr. Speaker, I heartily agree with the gentleman

from Old Orchard, Mr. Danton. They have made a supreme effort to get a building of that size which will accommodate a large number of people. We do not have a building of that type anywhere in the State of Maine that can accommodate as many people as that proposal brings up.

Referring to my friend from East Millinocket, Mr. Birt, relative to that building in Bangor, they cannot come nowhere near holding the capacity crowd, and when we want a place to hold a convention, we are unable to find all the facilities that are required to go along with such a thing, and if this one down to Old Orchard was established, I know that many, many people, not only from this state but from other states would be most happy to come up there and see that wonderful beach which we have in the State of Maine. Thank you.

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

Mr. ERWIN: Mr. Speaker and Members of the House: Very briefly, this bill presents the dilemma I think or poses the dilemma that so many of us face here, that there is a lot of money going to be spent and it shouldn't be spent lightly, and maybe this isn't even the time and place to spend it. Nevertheless, it is here and it is idle to pretend it is not here. I simply want to state that so many other counties have hopes as well as York County does that it would seem hardly fair at this point to sluice a very important proposition for the County of York and for the Town of Old Orchard Beach, and still pretend that we haven't got a lot of other airport and local bills facing us in the future. I think this bill should go to the Appropriations Committee as suggested and have its fair chances at the end of the session with everything else. I hope that you won't kill it at this point.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I would respectfully submit

to the gentleman from East Millinocket, Mr. Birt, that the auditorium in Bangor has not been designed, and we made a study of the Bangor Auditorium, has not been designed for the use which is intended for this auditorium, first. Secondly, the operating body of that auditorium has certain restrictions which bind it in its operation where they cannot cater to the conventions and crowds that they would like to, and for that reason probably the deficit is being incurred. We feel confident that we will not have a deficit incurred with this facility because of the corporate setup that we will have and because of the design. Thank you.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I wish to briefly explain my position. I signed the report to refer the bill to the Appropriations Committee because it carried an appropriation of \$400,000 at the time. I certainly hope the bill is not defeated. I believe the area, if there is an area in Maine that is suitable for a large auditorium for conventions and big meetings, it is the Old Orchard area, and I hope the bill is not defeated.

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

Mr. DUNN: Mr. Speaker and Members of the House: I will support the motion to indefinitely postpone, but I would ask you to keep in mind just one thought. If you go along with this proposition, you should be prepared to meet similar propositions from all over the state in the near future. They are bound to come.

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

Mr. PAYSON: Mr. Speaker and Members of the House: Old Orchard has been designated as a depressed area and it is being able to get half of the money for this building. I am sure that Falmouth would like an auditorium. It is not designated as a depressed area

and I am told it can't be. It's probably an oppressed area. However, I am all for having an auditorium in Old Orchard in the southern part of Maine.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker, Ladies and Gentlemen of the House; Old Orchard is rated as the best beach in the world, and we are here and we have discussed spending a lot of money for the World's Fair in Montreal. The majority of the tourists that come to Old Orchard come from Montreal, and we should in turn set up something to encourage the Canadians that come here, they spend a lot of money, and this thing is needed. This is the only beach where you can go and enjoy a convention. You don't want to go out in the woods to get a convention. You go to Bangor you go to the old log chopper. You come to Old Orchard we will take you swimming and give you a good time; so I hope this measure passes.

The SPEAKER: The question before the House is the motion of the gentleman from East Millinocket, Mr. Birt, that this Bill "An Act Providing Funds for Municipal Building at Old Orchard Beach" and its accompanying papers be indefinitely postponed. A division has been requested. All those in favor of this bill and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER: The question before the House now is the motion of the gentleman from Waterville, Mr. Fortier, that we accept the Minority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed and the Bill was read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1193, L. D. 1661, Bill, "An Act Providing Funds for Municipal Building at Old Orchard Beach."

Amend said Bill in the 5th line (4th line of L. D. 1661) by striking out the underlined figure "\$500,000" and inserting in place thereof the underlined figure '\$200,000'

Further amend said Bill in the last line (Same in L. D. 1661) by striking out the figure "\$400,000" and inserting in place thereof the figure '\$100,000'

Committee Amendment "A" was adopted.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

#### Divided Report

Majority Report of the Committee on Transportation on Bill "An Act Creating an Advisory Board of Review of Operators' License Control Procedures" (H. P. 1285) (L. D. 1791) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. CAHILL of Somerset  
MENDELL of Cumberland  
SHIRO of Kennebec  
— of the Senate.

Messrs. LEBEL of Van Buren  
KEYTE of Dexter  
HUBER of Rockland  
CROSBY of Kennebunk  
BEANE of Moscow  
— of the House.

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

Report was signed by the following member:

Mr. BUSSIÈRE of Lewiston  
— of the House.

Reports were read.

On motion of Mr. Ross of Bath, the Majority "Ought to pass" Report was accepted and the Bill read twice.

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



COMMITTEE AMENDMENT "A" to H. P. 1285, L. D. 1791, Bill, "An Act Creating an Advisory Board of Review of Operators' License Control Procedures."

Amend said Bill by striking out in the 7th line (6th line of L. D. 1791) the underlined figure "11" and inserting in place thereof the underlined figure "12".

Further amend said Bill by striking out all of the next to the last underlined paragraph and inserting in place thereof the following:

**"The Secretary of State shall appoint the Advisory and Review Board and the board shall consist of the Chief of the State Police or his designee, representatives of the District Courts, county attorneys, Motor Vehicle Department, Maine Highway Safety Committee, Maine Trial Lawyers Association, insurance industry, Maine State Bar Association, Maine Municipal Association, Maine Chiefs of Police Association, the Maine Sheriffs Association and the Highway Users Conference. Except for the Chief of the State Police, or his designee, who shall be a permanent member of the board, appointments shall be for terms of 3 years. Vacancies shall be filled for the full term. Initial appointments shall be 4 for 3 years, 4 for 2 years and 3 for one year. Board members shall receive no compensation, except reimbursement for expenses at the rate allowed to state employees."**

Committee Amendment "A" was adopted.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

The SPEAKER: The Chair at this time would like to recognize the presence in the balcony of the House 10 students of the Senior Problems of Democracy Class of Solon, accompanied by their teacher, Mr. Latrelle. They are the guests of the gentleman from Solon, Mr. Faucher. On behalf of the House, the Chair welcomes you and we hope that your

visit will be both educational and enjoyable. (Applause)

The Chair would also like to recognize in the balcony of the House 23 students of the Special Class for Exceptional Children of Millinocket, accompanied by their teachers Miss Bard and Mr. Hudson. They are the guests of the gentleman from Millinocket, Mr. Crommett. On behalf of the House, the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

The SPEAKER: The Chair would request the Page to escort the gentleman from Madawaska, Mr. Levesque to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Levesque of Madawaska assumed the Chair as Speaker pro tem and Speaker Childs retired from the Hall of the House.

### **Third Reader Tabled Until Later in Today's Session**

Bill "An Act Creating the Allagash Wilderness Waterway" (S. P. 714) (L. D. 1796)

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

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

### **Passed to Be Engrossed**

Bill "An Act Creating the Maine State Museum" (H. P. 1196) (L. D. 1664)

Bill "An Act to Authorize Bond Issue in Amount of \$6,200,000 for Construction of a Maine State Cultural Building" (H. P. 1197) (L. D. 1665)

Bill "An Act relating to Aiding Agencies Furnishing Mass Bus Transportation Services within Municipalities" (H. P. 1234) (L. D. 1729)

Bill "An Act Creating a Third Assistant County Attorney for Cumberland County" (H. P. 1240) (L. D. 1735)

Bill "An Act relating to Tax on Harness and Running Horse Racing" (H. P. 1249) (L. D. 1744)

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

#### Amended Bills

Bill "An Act Appropriating Funds for Capital Construction and Equipment at the Augusta State Hospital, Maine State Prison and Stevens Training Center and Reallocating Funds Appropriated to the Governor Baxter State School for the Deaf" (S. P. 617) (L. D. 1615)

Bill "An Act Providing Funds to Complete the Harbor Project in the Town of Wells" (S. P. 620) (L. D. 1617)

Bill "An Act relating to Expenses of Audit of District Court" (S. P. 621) (L. D. 1620)

Bill "An Act Appropriating Funds for Development of Swan Island" (S. P. 625) (L. D. 1603)

Bill "An Act relating to Operation of Homemaker Service by Department of Health and Welfare" (S. P. 674) (L. D. 1712)

Bill "An Act Appropriating Funds for Operation of the Treasury Department" (S. P. 692) (L. D. 1778)

Bill "An Act to Authorize Bond Issue in Amount of One Million Five Hundred Thousand Dollars to Develop the Maximum Wilderness Character of the Allagash Waterway" (S. P. 696) (L. D. 1780)

Bill "An Act relating to Collisions Involving Fire Department Vehicles" (H. P. 1184) (L. D. 1652)

Bill "An Act Adjusting Appropriations for Aroostook and Washington State Colleges for the Fiscal Years Ending June 30, 1966 and June 30, 1967" (H. P. 1198) (L. D. 1666)

Bill "An Act Appropriating Moneys to Carry Out Duties of the Legislative Research Committee" (H. P. 1204) (L. D. 1672)

Bill "An Act Providing for Longevity Pay for State Department Officers Whose Salaries Are Fixed by Statute" (H. P. 1205) (L. D. 1673)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Com-

mittee Amendment "A" and sent to the Senate.

#### Third Reader Amended

Bill "An Act relating to Disclosure of Information to Insurers of State Hospital Patients" (H. P. 1216) (L. D. 1684)

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

On motion of Mr. Lund of Augusta, the House voted to reconsider its action of yesterday whereby it adopted Committee Amendment "A" and on further motion of the same gentleman the House voted to indefinitely postpone Committee Amendment "A."

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: This is a department bill which was designed to solve the problem of obtaining insurance benefits for inmates of the state hospitals. The problem is that the insurance companies require that certain forms be filled out and information be made available to the insurance company before they will pay benefits. The state is interested in getting these benefits because they go to contribute toward the support of the patient in the hospital.

There was some objection raised in the committee on the ground that perhaps more information might be released than was necessary and House Amendment "B" is designed to limit the information to biographical or medical information. I think that the adoption of this amendment would be of substantial help in enabling the department to recover amounts of money under private insurance plans and under Medicare to help defray the costs of patients who are in the hospital. So I move for the adoption of House Amendment "B."

The SPEAKER pro tem: The gentleman from Augusta, Mr. Lund, offers House Amendment "B" and moves its adoption.

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

Mr. BISHOP: Mr. Speaker, I would like to pose a question through the Chair. I don't object to the amendment but I am curious as to what other type of information it would be other than medical or biographical.

The SPEAKER pro tem: The Clerk will read House Amendment "B."

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

HOUSE AMENDMENT "B" to H. P. 1216, L. D. 1684, Bill, "An Act Relating to Disclosure of Information to Insurers of State Hospital Patients."

Amend said Bill by striking out in the 8th line from the end (7th line of L. D. 1684) the underlined word "any" and inserting in place thereof the underlined words **'biographical or medical'**

The SPEAKER pro tem: Is it now the pleasure of the House that we adopt House Amendment "B"? The gentleman from Presque Isle, Mr. Bishop, has posed a question through the Chair to anyone who cares to answer the gentleman.

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

Mr. LUND: Mr. Speaker, to attempt to answer the question that was posed, my own personal feeling is that there is no substance to the objection that improper information would be disclosed. However, the problem arises from the fact that if we attempt to specify exactly what information may be disclosed, if an insurance company comes up with a different form this can cause a great deal of problem. As to what other type of information might be disclosed other than what is referred to here I would simply point out that a patient might make a statement which amounted to the admission of a crime, which would probably not be properly biographical and this ought to be properly protected. I think this is a legitimate concern and ought not to be released to any source.

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

Bill "An Act to Authorize the Department of Health and Welfare to Initiate a Food Stamp Program" (H. P. 1252) (L. D. 1747)

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

Bill "An Act relating to Time Limitation on Exempting Liquor Bottled or Manufactured in Maine from Additional Taxes" (H. P. 1259) (L. D. 1754)

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

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

Mr. DUMONT: Mr. Speaker, I move that item 20 be tabled until the next legislative day.

Thereupon, Mr. Boissonneau of Westbrook requested a division.

The SPEAKER pro tem: A division has been requested. All those in favor of this bill being tabled until the next legislative day will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-nine having voted in the affirmative and fifty-nine having voted in the negative, the tabling motion did not prevail.

At this point, Speaker Childs returned to the rostrum.

SPEAKER CHILDS: The Chair at this time would like to thank the gentleman from Madawaska, Mr. Levesque, for the excellent job he did acting as Speaker pro tem.

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

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

Mr. DUMONT: Mr. Speaker and Members of the House: I will be brief on my motion to indefinitely postpone this document and all its accompanying papers. I merely want to point out the fact that if this is permitted to go on that based on an estimate given to me by the statistician at the Maine State Liquor Commission, that Maine, if this runs for a period of one year, there will be a tax loss of approximately \$61,000. And if the members of the House will recall, last July and also in September there were some states that raised objections. As a matter of fact I think Pennsylvania cancelled its orders of all paper goods manufactured in Maine to be used by the State of Pennsylvania and all its political subdivisions.

So it is in that spirit that I move the indefinite postponement of this document.

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

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

Mr. ERWIN: Mr. Speaker, I rise in support of the motion of the gentleman from Augusta, Mr. Dumont, and point out that a break was given these people once and now the break is to be extended, but the important thing is that there are a vast number of Maine products which can suffer from discrimination elsewhere, and that I think that it is time we called a halt on this. Tax losses and the tax money are not that easy to find in the State of Maine. So I hope you will vote to indefinitely postpone this bill right now.

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

Mr. COTE: Mr. Speaker and Members of the House: Last year at the time when the Governor asked that the prices on liquors be raised we asked to exempt our Maine bottlers. Our Maine bottlers pay taxes to the State of Maine. They have to buy a \$1,000 license which outside bottlers do not have

to pay. They come to the State of Maine, with the right approach are listed, at no cost to the outside companies whatsoever. I feel that if we want to maintain some of our small Maine payrolls that we must help our Maine companies.

It has been proven that when the liquor prices went up on outside bottlers and our bottlers here in the State of Maine, that through figures that were submitted by the Liquor Commission the sales of Maine products fell although the sales in the overall picture as far as the Liquor Commission rose during those same months, and when September third came along, when the price increase was taken off, the sales leveled themselves at the same level that they were before and in our Maine companies.

We have in the past subsidized other companies such as the Bath Iron Works last year; the Maine insurance companies who have Maine offices or originated in Maine are given a one percent lay-off while the other companies such as Hartford Insurance and so forth have to pay two percent in their taxes. We have others like the railroad, we gave a million dollar subsidy a few years back, we took off of their taxes. I feel here that there is a definite loss of revenue, a loss of a Maine payroll to some of our bottlers and that's why I feel so strongly about this bill.

I think if we are going to give some release, some release to some of our people, that it is about time that we did. I don't know anything about this loss of orders from the Philadelphia company, but I am sure that if it would have been advantageous to that company to buy from the State of Maine it would have continued to do so. And I hope that the motion to indefinitely postpone this bill does not prevail.

Mr. Levesque of Madawaska requested a division.

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

Mr. ANDERSON: Mr. Speaker and Ladies and Gentlemen of the House: You will all recall that the price on fifths went up ten cents and it should have been fifteen on quarts. Thereby we lost about \$45,-

000. Now I think that we should do something for our home products and I certainly hope that the motion to indefinitely postpone is not passed.

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Dumont, that this bill and its accompanying papers be indefinitely postponed. A division has been requested. All those in favor of indefinite postponement will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty having voted in the affirmative and ninety-one having voted in the negative, the motion did not prevail.

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

Bill "An Act relating to Limited Electrician's Licenses and Funds for State Electrical Inspection" (H. P. 1277) (L. D. 1784)

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

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

Mr. BUSSIÈRE: Mr. Speaker, I would like to table this item until tomorrow, if I may.

Thereupon, Mr. Boissonneau of Westbrook requested a division.

A division of the House was had.

Five having voted in the affirmative and ninety-five having voted in the negative, the tabling motion did not prevail.

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

Resolve Providing for a Maine Key Number Digest (S. P. 623) (L. D. 1605)

Resolve Appropriating Funds for Constructing a Day School for the Mentally Retarded in Northern Maine (H. P. 1266) (L. D. 1761)

Were reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed as amended by Committee

Amendment "A" and sent to the Senate.

### Third Reader

#### Tabled Until Later in Today's Session

Bill "An Act to Amend the Charter of the City of Ellsworth as to Nominations and Elections" (S. P. 613) (L. D. 1614)

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

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

### Third Reader Amended

Bill "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies" (S. P. 675) (L. D. 1713)

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

Mr. Lund of Augusta offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 675, L. D. 1713, Bill, "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies."

Amend said Bill by striking out all of that part designated "§3807" and inserting in place thereof the following underlined section: "§3807. Authority to arrest; compensation

Private detectives, licensed as aforesaid, shall have the same authority to arrest in cases of offenses under Title 17, chapters 61, 73, 113 and 115 and section 3104 and of felonies as sheriffs in similar cases. Such arrest authority shall be limited to the premises owned or leased by their employer. No extra compensation shall be paid to them in any case from the State or county treasury."

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

Mr. LUND: Mr. Speaker, the basic purpose of this bill is to enable the establishment of certain private law enforcement of-

ficials and agencies. The overall objective of the bill is fine, except that it presents I think a very objectionable feature in its original form, and that is that the persons who are given private detective or watch, guard or patrol licenses would have the power to arrest anywhere throughout the state, and of course this is entirely a different picture than that of a plant or a store hiring a guard to look out for the premises, because this would mean that persons licensed under this provision could roam at will throughout the state, would be available to the highest bidder, and would have the same power to arrest in certain types of cases as sheriffs do.

House Amendment "A" would limit that power of arrest to the premises owned or leased by their employer and would provide that no extra compensation would be paid them in any case from the state or county treasury. Ladies and Gentlemen of the House, my initial reaction to this bill was that it ought to be defeated, but I spoke to the sponsor of the bill, to Mr. Libhart, who explained to me some of the problems that have arisen under the present law, and I believe that this amendment would answer the objection as to broad arrest powers by limiting the arrest powers to the premises where the watchman was hired to work, and I move the adoption of House Amendment "A".

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

Bill "An Act Appropriating Moneys for Reconstruction of Dismukes Hall, Maine Maritime Academy" (H. P. 1281) (L. D. 1787)

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

### **Passed to Be Enacted Emergency Measure**

An Act relating to Contributions of State Police to State Retirement System (S. P. 608) (L. D. 1618)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### **Emergency Measure**

An Act Authorizing the Municipalities of Bremen, Bristol, Damariscotta, Jefferson, New-castle, Nobleboro and South Bristol to Form a School Administrative District and Authorizing the Municipalities of Avon, Eustis, Kingfield, Madrid, New Vineyard, Phillips, Rangeley and Strong to Form a School Administrative District (S. P. 665) (L. D. 1698)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### **Emergency Measure**

An Act to Provide for the Reconstruction or Enlargement of the International Bridge at Calais, Known as the Milltown Bridge (S. P. 678) (L. D. 1716)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act to Liberalize Credit for Out-of-State Service under State Retirement Law (S. P. 609) (L. D. 1611)

An Act Increasing the Salaries of State Auditor and Attorney General (S. P. 611) (L. D. 1635)

An Act to Revise the Maine Industrial Building Authority Law (S. P. 632) (L. D. 1607)

An Act to Prevent the Loss of Educational Subsidy in Certain Towns for the Year 1967 (S. P. 635) (L. D. 1616)

An Act to Clarify Clerical Assistance for Justices of the Superior Court (S. P. 657) (L. D. 1644)

An Act Establishing a State Commission on the Arts and the Humanities (S. P. 667) (L. D. 1700)

An Act Increasing Membership of Land Damage Board and Providing for Notification of Awards" (S. P. 691) (L. D. 1768)

An Act to Create the Maine Recreation Authority (H. P. 1209) (L. D. 1677)

An Act relating to Reciprocity and Definition of Automobile under Motor Vehicle Laws (H. P. 1260) (L. D. 1755)

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

**Enactor Laid Aside**

An Act to Establish the Office of Federal-State Coordinator (H. P. 1270) (L. D. 1765)

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

The SPEAKER: This item 14 will be set aside.

An Act relating to Insurance on State-owned Property (H. P. 1288) (L. D. 1793) (Subsequently Reconsidered)

**Finally Passed**

Resolve Authorizing Transfer of State Land to City of Augusta for Fire Station (S. P. 679) (L. D. 1717)

Resolve relating to Unexpended Balance of Appropriation of State

Park on Lower Range Pond, Poland, Androscoggin County (H. P. 1178) (L. D. 1646)

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

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

Mr. EDWARDS: Mr. Speaker, I would inquire if the House has in its possession House Paper 1274, L. D. 1775, Bill "An Act Providing Funds for the Construction of a Sailing Vessel for Exhibition at the 1967 World's Fair at Montreal, Canada"?

The SPEAKER: The Chair will answer in the affirmative.

Mr. EDWARDS: Mr. Speaker, I move that we reconsider our action where we accepted the Committee Report on this bill, and I further move that this be tabled until the next legislative day.

The SPEAKER: The gentleman from Portland, Mr. Edwards, moves we reconsider our action of yesterday whereby this bill was indefinitely postponed, and the gentleman now moves that this matter lie upon the table assigned for the next legislative day. Is this the pleasure of the House?

The motion prevailed.

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

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

The SPEAKER: The House may be at ease.

**House at Ease**

Called to order by the Speaker.

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

Mr. BINNETTE: Mr. Speaker, I would like to now reconsider our action whereby we passed item 15 on page 6.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, now moves we reconsider our ac-

tion whereby item 15 was passed to be enacted, "An Act Relating to Insurance on State-owned Property." Is this the pleasure of the House?

The motion prevailed.

On further motion of the same gentleman, tabled pending aforesaid motion and assigned for later in today's session.

On motion of Mr. Levesque of Madawaska,

Recessed until two-thirty o'clock this afternoon.

#### After Recess 2:30 P.M.

The House was called to order by the Speaker.

The Chair laid before the House item 14 on page 6 under Enactors which was set aside earlier in the day pending enactment:

An Act to Establish the Office of Federal-State Coordinator (H. P. 1270) (L. D. 1765)

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

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

HOUSE REPORT—"Be Referred to the 103rd Legislature"—Committee on Appropriations and Financial Affairs on Bill, "An Act Redefining Aid for Public Assistance Purposes." (H. P. 1229) (L. D. 1724)

Tabled — January 26, by Mrs. Carswell of Portland.

Pending — Acceptance.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: First of all, for the record, I would like to let you know that this bill is a co-sponsored bill by Representative Berry and myself. However, it doesn't appear on the bill in this manner.

I would like to explain my reason for tabling the bill. I hated to see the bill go down the drain by sending it to the 103rd Legislature. I feel that there is something that

we can do now, we can at least start some kind of a project to help get these people who are non-violent cases out of our mental hospitals. The state law now reads that a person suffering from tuberculosis or mental illness, and this person being in an institution, cannot receive any kind of public assistance under the public assistance law. If this is changed, and we get the \$200,000 that we are asking for, this will generate funds in the amount of about \$308,000. This will take care of approximately 400 non-violent patients who are in mental hospitals and they are merely custodial cases. They can go out and live in the community in their homes or in homes that can be provided for them. This appropriation is very badly needed, and it can get the Department of Mental Health and Corrections and the Health and Welfare started on a worthy project. I hope you will vote down the Committee Report to refer this to the 103rd Legislature and then accept an ought to pass report.

The SPEAKER: Does the gentlewoman care to make a motion to substitute the bill for the report?

Mrs. CARSWELL: I do, Mr. Speaker.

The SPEAKER: The question now before the House is the motion of the gentlewoman from Portland, Mrs. Carswell, that we substitute the bill for the report. Is this the pleasure of the House?

(Cries of No)

All those in favor of substituting the bill for the report will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the Bill was read twice.

Mrs. Carswell of Portland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1229, L. D. 1724, Bill, "An Act Redefining Aid for Public Assistance Purposes."

Amend said Bill by striking out all of sections 2 and 3 and insert in place thereof the following:

'Sec. 2. Appropriation. For the purposes of this Act there is appropriated from the General Fund



to the Department of Health and Welfare the sum of \$200,000 for the fiscal year ending June 30, 1967. The breakdown of expenditure shall be as follows:

HEALTH AND WELFARE, DEPARTMENT OF		1966-67
Personal Services	(16)	\$ 75.00
All Other		123,000
Capital Expenditures		2,000
		<hr/> \$200,000

**Sec. 3. Mental Health Program Improvement Fund.** All sums received by the Department of Mental Health and Corrections under section 1 shall be credited to a special revenue account in the Department of Mental Health and Corrections to be known as the Mental Health Program Improvement Fund. At least 50% of the sums in the fund shall be transferred, with the approval of the Governor and Council, to the Department of Health and Welfare to finance insofar as possible a liberalized definition of disability by including mental disease or disorder as a basis for eligibility for assistance. Sums remaining in the Mental Health Program Improvement Fund shall be utilized by the Department of Mental Health and Corrections, with the approval of the Governor and Council, for improvement of mental health programs.

House Amendment "A" was adopted. Under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

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

Bill, "An Act relating to Weight Tolerances of Vehicles Loaded with Wood Chips." (H. P. 1258) (L. D. 1753)

Tabled — January 26, by Mr. Edwards of Portland.

Pending — Passage to be Engrossed.

On motion of Mr. Edwards of Portland, passed to be engrossed and sent to the Senate.

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

Bill, "An Act relating to Credit for Military Service Under State Retirement Law." (S. P. 673) (L. D. 1711) (Committee Amendment "A" (S-368))

Tabled — January 26, by Mr. Gaudreau of Lewiston

Pending — Motion of Mr. Pendergast of Kennebunkport to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Pendergast.

Mr. PENDERGAST: Mr. Speaker, I withdraw my motion for indefinite postponement of L. D. 1711

The SPEAKER: The gentleman now withdraws his motion. The gentleman may proceed.

Thereupon, on motion of the same gentleman, the House voted to suspend the rules and to reconsider its action whereby on January 24 it adopted Committee Amendment "A".

On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

Mr. Pendergast of Kennebunkport then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 673, L. D. 1711, Bill, "An Act Relating to Credit for Military Service under State Retirement Law."

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

**'13. Military service credit.** Anything to the contrary notwithstanding, military service shall be credited to all state employees who are unable to otherwise qualify for military service credits. A state employee shall be entitled to this credit only if at point of retirement he shall have at least 15 years of membership service in the State Retirement System. The member shall contribute to the retirement system for each year of military service claimed 5 percent of the earnable compensation paid such member during the first

year of state employment subsequent to service in the Armed Forces. Credit for military service under this subsection shall be limited to 4 years. Such credit shall be available to those persons who were separated under conditions other than dishonorable from the Armed Forces of the United States.

It is the intent that these provisions shall apply to all persons, active or retired, but that for those already retired the effective date of any adjustment shall be not earlier than that date on which such time or credit is certified to the Maine State Retirement System.'

The SPEAKER: The question before the House is on the adoption of House Amendment "A". Does the gentleman wish to proceed?

Mr. PENDERGAST: I wish to speak to my motion.

The SPEAKER: The gentleman may proceed.

Mr. PENDERGAST: Mr. Speaker and Ladies and Gentlemen of the House: House Amendment "A", filing H-492, to L. D. 1711 is designed to give all career state employees including teachers, school superintendents, highway employees et cetera, the opportunity to have four years military service added to their retirement pensions, by application to the Retirement System, and pay a sum of money equal to five percent of their salary of their first year of employment with the state. A survey made by Mr. Redding of South Berwick, a retired school superintendent to the teaching personnel of the state, indicated that approximately 250 people would apply for this credit. As there are approximately 1,000 teachers in southern part of the state employees this survey indicated that about 500 people in total would apply for this benefit. Mr. Redding estimates the cost of this bill as approximately \$74,000 to the state. I therefore urge passage of this amendment. Thank you.

Thereupon, House Amendment "A" was adopted and the Bill passed to be engrossed in non-concurrence and sent to the Senate.

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

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)

Tabled — January 26, by Mr. Dumont of Augusta.

Pending — Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Frankfort, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill, if enacted, provides that we borrow two and a half million dollars for a highway office building, to be paid back from highway revenue, which I believe most of the people of the State of Maine consider should be spent on the highways. I think it is unfortunate that this bill should come before this special session. We have no opportunity whatsoever to compare it with the rest of the highway program to determine whether or not we need highways more than we need buildings. Furthermore I would suggest over the past few years the Highway Commission itself has undertaken a long range building program as far as highways are concerned. I think it has worked well. I think you will all agree with me that this works well. I believe that this would work well too, that building of buildings.

I think this should be put over to another regular session, that we could consider our needs for our highways and consider at the same time a comprehensive building program, a long range building program that would include the needs of all the departments and not just the Highway Department. I think if we are not careful we are going to be building a building for our Highway Department this year and next year. Education is going to want a building for themselves, and sooner or later we will have Augusta full of little

buildings instead of one office building. Thank you.

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

Mr. ROSS: Mr. Speaker and Members of the House: This bill was first presented before the Legislative Research Committee for their approval, and they approved. Mr. Niran Bates of the Bureau of Public Improvements, he appeared, he assured the committee that the Highway Department needed more space. They are overcrowded up there, there is no question about that. The original plan was for the Education Department to go into the Internal Revenue building. As it turned out the Health and Welfare's going into the Internal Revenue Department. The Education Department is overcrowded, which does away with the possibility of the Highway Department moving down one floor for more space. We were shown pictures of the overcrowded conditions. I have seen them myself with my own eyes. I didn't have to see the pictures.

If you don't want to go along strictly with the Highway Commission request you can take the Bureau of Public Improvements. They say that we need more room. In fact, to quote figures, Mr. Bates — and this is on the record before both the Legislative Research and the Highway Committee, he was on record as saying even with this building we are going to be short 4600 square feet, I don't mean for Highway space but for regular space in the building. Now, this also was well heard before the Highway Committee and there was one opponent. You have heard from the opponent today, all the others were proponents. And I hope that this bill will now pass.

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

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: There is probably nobody here today that hates to spend money any more than I do because I live a life of poverty, but I have looked into it and I am in favor of the state spending

this two million and a half for another building.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Stoutamyer.

Mr. STOUTAMYER: Mr. Speaker, Ladies and Gentlemen of the House: The Highway Commission has been trying to do something about office space for six years. They have no desire to take money from highway funds to build an office building, but the Bureau of Public Improvements has advised them that there is no office space available for them, and has told them that the only solution that they see for them is for them to build this building from highway funds. They would much rather that it came from the general fund, and if this body doesn't think it should come from highway funds, I would suggest that the bill be amended and have it come from the general fund.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I was doubtful in my mind in regard to this item here, and this noontime after lunch I went up in State Highway and I went through the place and looked at the plans that they have got drawn up for a new building.

Now bear in mind that I was quite skeptical of approving such an item as this, but after going over the plans of the State Highway building as they have got it drawn, and they are available over there for anybody to see, they will have a lot down below there which they will lay out and is laid out so that they can expand in the future on an L-shaped proposition extending to the back area street. On the total overall picture of this thing, I think it is a minor expenditure at this time for this purpose, so I will have to agree with Mr. Ross that this is very necessary. Anybody walking through the corridors over there and seeing those vast accumulations of paper files stored in the corridor. Now bear in mind your fire escape exit is in the center of the building totally surrounded by paper files. Those drafting

boards and all the accompanying papers that they use are scattered all over the floor and the desks and everywhere else. In my opinion, if they ever have a flash fire on the top floor of that building there is going to be a big loss of life in trying to escape down those central fire escapes which we see marked exits. I think this has become a necessary thing.

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

Mr. BLOUIN: Mr. Speaker and Members of the House: I am sorry to hear that the Highway Department needs so much space. I think we need more schools than we need new offices for the Highway Department. I don't mind voting like I have been voting for some of the bills speaking for \$100,000 and \$200,000; it seems everybody has got a bill in for only a few hundred thousand dollars. Now this is a bill that is calling for approximately two and one-half million dollars. I think we have spent enough money at this Legislature so far. So I now move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair will inform the gentleman that this is up for enactment and for it to be enacted, it being a bond issue, it needs a two-thirds vote and his position would not be as good as if he left it as it is. Do you still want the motion in?

Mr. BLOUIN: I will withdraw my motion, Mr. Speaker.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: When I hear all of these records, et cetera and et cetera and they haven't the space, I would like to know if they are using modern methods. The newspapers and others that want those records they have them I believe the term is micro-filmed and then they can be stored in spaces that would take up probably one-hundredth or one-two hundredth of the space. Now I would like to know if anybody has any information on that.

May I ask if they are now doing that or not in the Highway Department and some of these other departments in the state?

The SPEAKER: The gentleman from Portland, Mr. Sullivan, poses a question to any member of the House who may answer if he so desires.

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

Mr. JALBERT: In order to answer the question, I would like to ask the gentleman how he devised the plan how you can micro-film a map?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question to the gentleman from Portland, Mr. Sullivan, who may answer if he so desires.

Mr. SULLIVAN: I will answer that in this way; he hasn't answered the question. Next, so I assume they are not doing and using modern methods either in the Highway Department and some of the other departments in this state.

Now if I may make an additional suggestion. I would like to have the job as an efficiency expert, without pay, and I think that I could make a lot of money and I will agree to take the job without pay as an efficiency expert and modernize some of the departments and I'll be glad to take half of one percent of the money I save. Thank you.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I too through the years have had reservations regarding the Highway Department and how they expended their funds, but becoming more knowledgeable through the years, I am not as disturbed as I have been in the past. It is true that two and one-half million dollars probably will jeopardize two and one-half miles of interstate highway, but having gone through their laboratory in Bangor and visualized the tremendous projects that must be completed there to satisfy the Federal Government to receive federal aid for our highways, I am

not as concerned as I have been through the years.

Having reports from the General Services Administration to the effect that the Highway Department is operating now at about 60 percent of the floor space that they should have to do the work competently to support their programs and to review and analyze their work to satisfy the Federal Government, I am in accord with a new highway building to the extent of two and one-half million dollars because it has been proven to me beyond doubt to bring them up to the area that is required to do the job that they are required to do. I think we should give this our wholehearted support. Two and one-half miles of highway seems at times to be a lot of mileage, but on the other hand, we are living today in an era where our highways are so far superior to what they were ten years ago that I am proud of the job that is being done.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I am just wondering if these cabinets parked in the hallways won't find their way back into their respective nooks and corners after the Legislature adjourns. Thank you. (Laughter)

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Stoutamyer.

Mr. STOUTAMYER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add that the Governor and the Council provided funds for the preliminary architectural work that was needed in drawing up an estimate and plan for this job, so it does have the approval of both parties.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think probably this afternoon what is before us here is a question of whether we should pass this legislation for a bond issue for the highway building. I think in my mind the only ques-

tion is, and it should be in a lot of your minds, that if we don't do it at this session that it is imminent that it will have to be done sooner or later. Now the only thing is, we have been shown that the need is there, and if only for the purpose of efficiency of operating the department without all the clutters that are now encountered in these departments, I think probably that by delaying it for another year or eighteen months, we might still be behind the eight ball and have gained nothing but just possibly a delaying action which we need now and I think probably that we should act on it at this special session.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Harvey.

Mr. HARVEY: Mr. Speaker, I would like to ask a question of any member of the House that could answer. With this so-called new building over here, I understand in the original plans it was supposed to have had two or three additional stories, but not needing the space at that time, the building wasn't fully constructed. Has the feasibility of adding two or more stories to the existing building been studied, and if so, what would be the cost of adding two or three stories to take care of this space rather than a new building?

The SPEAKER: The gentleman from Woolwich, Mr. Harvey poses a question through the Chair to any member who may answer if he so desires.

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

Mr. LEVESQUE: Mr. Speaker, in answer to the gentleman from Woolwich, Mr. Harvey's question, is that the building that was constructed at the time was understood by certain people that the structural steel in the building was to have been made such that another floor or an additional two floors could be added to the building. After investigation, last year and possibly three years ago, it was found that the steel structure in that building now is not ade-

quate for an additional floor or floors.

The SPEAKER: Is the House ready for the question? The question is on its passage to be enacted.

Mr. Young of Gouldsboro requested a roll call vote.

The SPEAKER: The gentleman requests a roll call. Is it now the pleasure of the House that this 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, be passed to be enacted? This being a bond issue, it requires for its enactment a two-thirds vote of the membership, and the gentleman from Gouldsboro, Mr. Young, has requested that when the vote is taken it be taken by the yeas and nays. In order for the Chair to order the yeas and nays it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, the yeas and nays are in order.

The question before the House is on this bill being passed to be enacted. If you are in favor of this bill being passed to be enacted, you will answer either yea or yes when your name is called. If you are opposed to this bill being passed to be enacted, you will answer nay or no when your name is called. The Clerk will call the roll.

### ROLL CALL

YEA — Avery, Baker, Orrington; Baker, Winthrop; Baldic, Be-  
dard, Benson, Mechanic Falls; Benson, Southwest Harbor; Berry, Binnette, Birt, Bishop, Boissonneau, Bourgoin, Bragdon, Brennan, Brewer, Buck, Burnham, Busiere, Carroll, Carswell, Carter,

Conley, Cornell, Cote, Cottrell, Cressey, Crommett, Curran, D'Alfonso, Danton, Davis, Dickinson, Doyle, Drigotas, Drouin, Dumont, Dunn, Edwards, Erwin, Eustis, Farrington, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gifford, Gillan, Glazier, Hanson, Gardiner; Hanson, Lebanon; Harriman, Harvey, Bangor; Hawkes, Haynes, Healy, Hoy, Hunter, Durham; Jalbert, Kennedy, Keyte, Kilroy, Laberge, Lebel, Lent, Levesque, Libhart, Lincoln, Lowery, Lund, Martin, McKinnon, Meisner, Mills, Nadeau, Norton, O'Gara, Palmer, Peaslee, Pendergast, Pike, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Bath; Ross Brownville; Ruby, Sahagian, Scott, Stoutamyer, Waltz, Ward, Watts, Wheeler, White, Guilford; Whittier, Wood, Young.

NAY — Anderson, Blouin, Burwell, Crosby, Cushing, Evans, Faucher, Gilbert, Graham, Hammond, Harvey, Windham; Harvey, Woolwich; Hawes, Huber, Hunter, Clinton; Jewell, Jordan, Lane, Lang, Lewis, Littlefield, Millay, Mitchell, Mosher, Poulin, Roberts, Searles, Starbird, Sullivan, Trueman, Wight, Presque Isle; Wuori.

ABSENT — Beane, Berman, Bradstreet, Champagne, Cookson, Dostie, Dudley, Gauthier, Haugen, Katz, Kittredge, Lycette, Payson, Roy, Sawyer, Storm, Susi.

Yes, 101; No, 32; Absent, 17.

The SPEAKER: The Chair will announce the vote. One hundred one having voted in the affirmative and thirty-two having voted in the negative, one hundred and one being more than two-thirds of one hundred and thirty-three, this Bill is passed to be enacted; it will be signed by the Speaker and sent to the Senate.

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

SENATE DIVIDED REPORT—Majority (7) — "Ought to pass"—Minority (3) — "Ought not to pass" — Committee on Retirement and Pensions on Bill, "An Act relating to Retirement of

Members of Police Department of the City of Bangor." (S. P. 651) (L. D. 1625)

Tabled — January 26, by Mr. Hunter of Clinton.

Pending — Acceptance of Either Report. (In Senate, Majority "Ought to pass" Report accepted, and the Bill Passed to be Engrossed.)

On motion of Mr. Levesque of Madawaska, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read twice.

Under suspension of the rules the Bill was given its third reading, passed to be engrossed and sent to the Senate.

The following Communication:  
STATE OF MAINE  
SUPREME JUDICIAL COURT  
AUGUSTA

January 27, 1966

Honorable Jerome G. Plante  
Clerk, House of Representatives  
State House  
Augusta, Maine  
Dear Mr. Plante,

There is enclosed the Answers of the Justices to the Question of January 21, 1966, relating to a "RESOLVE, Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate." (L. D. No. 1630.)

Respectfully yours,

(Signed)

ROBERT B. WILLIAMSON  
Chief Justice

ANSWERS OF THE JUSTICES

To the Honorable House of Representatives of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answer to the question propounded on January 21, 1966.

QUESTION (1): Is the Method of apportioning Senators, set forth in Legislative Document 1630, constitutional?

ANSWER: We answer in the affirmative.

In our opinion the permitted deviation of 10% from the median number of inhabitants for each senatorial district is within constitutional standards.

Constitutional requirements will be met if the Legislature makes a fair and honest effort to establish districts in such manner that it can reasonably be anticipated that a majority of the Senators will be so elected as to represent at least 50% of the population. If in practical operation a majority is so elected as to be representative of a lesser percentage of the population, no violation of constitutional requirements will occur if such controlling percentage is only slightly below 50%, but any substantial deviation below 50% may exceed tolerable and permissible limits.

Review and reapportionment every tenth year as proposed will meet constitutional requirements.

Our views are based upon the leading case of *Reynolds v. Sims*, 377 U. S. 533, 84 S. Ct. 1362, 1385, 1389, 1393, in which the Supreme Court of the United States said, in part:

"We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State."

"By holding that as a federal constitutional requisite both houses of a state legislature must be apportioned on a population basis, we mean that the Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters. Mathematical exactness or preci-

sion is hardly a workable constitutional requirement."

"In substance, we do not regard the Equal Protection Clause as requiring daily, monthly, annual or biennial reapportionment, so long as a State has a reasonably conceived plan for periodic readjustment or legislative representation. While we do not intend to indicate that decennial reapportionment is a constitutional requisite, compliance with such an approach would clearly meet the minimal requirements for maintaining a reasonably current scheme of legislative representation. And we do not mean to intimate that more frequent reapportionment would not be constitutionally permissible or practicably desirable. But if reapportionment were accomplished with less frequency, it would assuredly be constitutionally suspect."

Dated at Augusta, Maine, this 27th day of January, 1966.

Respectfully submitted:

(SIGNED)

ROBERT B. WILLIAMSON  
DONALD W. WEBBER  
WALTER M. TAPLEY, Jr.  
HAROLD C. MARDEN  
ABRAHAM M. RUDMAN  
ARMAND A. DUFRESNE, Jr.

The Communication was read and ordered placed on file.

The SPEAKER: Is there objection to taking up papers from the Senate out of order? The Chair hears no objection.

The following papers from the Senate were taken up out of order by unanimous consent:

From the Senate: The following Order:

Whereas, the 102nd Legislature approved, at its regular session, an interim committee to study Maine's 40 million dollar dairy industry; and

Whereas, the success of this study is highly dependent on the services of a trained economist to conduct comprehensive research and analysis of the problems concerning this vital industry; and

Whereas, accurate recordings and transcripts of testimony ob-

tained by the Committee when it conducts public hearings is of vital importance for a comprehensive study; now, therefore, be it

ORDERED, the House concurring, that an additional sum of \$5,000 be appropriated from the Legislative Appropriation to cover expenses of said committee (S. P. 718)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. GILBERT: Mr. Speaker, I don't think there is anybody in the dairy industry that objects to any help that they can get. Neither do I feel that there is anyone in the dairy industry who is aware that this order is in here. If the Legislature, for any reasons of its own, wants to appropriate this money, I am perfectly willing, but as far as any knowledge I have as a dairyman, it is going to accomplish nothing of any value. It does call for \$5,000, and although I am not going to feel bad regardless of how you vote, I will move that it be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Turner, Mr. Gilbert, that this Order be indefinitely postponed.

Mr. Levesque of Madawaska requested a division.

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: You have to remember that the dairy industry is somewhere around a \$35,000,000 or \$40,000,000 business and the interim committee was kind of hung up and hadn't done too much yet because they were going to hire an economist and they don't come very cheap, and it was going to take all the money. Now the members of the committee are willing to do the job, but they just need just a few more dollars before the work can be completed. That's all there is to it.



The SPEAKER: The question before the House is on the motion of the gentleman from Turner, Mr. Gilbert, that this Order be indefinitely postponed. The gentleman from Madawaska, Mr. Levesque has requested a division. All those in favor of the indefinite postponement of this order will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-eight having voted in the affirmative and seventy-three having voted in the negative, the motion did not prevail.

Thereupon, the Order received passage in concurrence.

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

Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act relating to Inspection Station Licenses and Inspection Mechanic's Certificates" (S. P. 630) (L. D. 1609)

Came from the Senate read and accepted.

In the House, the Report was read.

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

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

Report of the Committee on Judiciary on Bill "An Act relating to Erection of Causeways, Docks, etc., in Great Ponds" (S. P. 664) (L. D. 1697) reporting same in a new draft (S. P. 717) (L. D. 1801) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

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

Under suspension of the rules, the Bill was read the third time, passed to be engrossed and sent to the Senate.

#### **Passed to Be Engrossed Ought to Pass with Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Supplemental Payments of 1965 Education Subsidies to Administrative Units and Payments for Various Educational Subsidy Programs" (S. P. 644) (L. D. 1592) 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. 644, L. D. 1592, Bill, "An Act Providing for Supplemental Payments of 1965 Education Subsidies to Administrative Units and Payments for Various Educational Subsidy Programs."

Amend said Bill in section I by striking out in the 4th, 5th and 6th lines (3rd, 4th and 5th lines in L. D. 1592) the words and punctuation "following sums for the fiscal year ending June 30, 1967. The breakdown by account and line category shall be as follows:" and inserting in place thereof the following: 'sum of \$650,000. The breakdown of expenditures by account and line category shall be as follows:'

Further amend said Bill in section 2 by striking out in the 4th line (3rd line in L. D. 1592) the words "following sums" and inserting in place thereof the words and figure 'sum of \$510,805.26'; and by inserting after the word "breakdown" in the 5th line (4th line in L. D.) the words 'of expenditures'

Further amend said Bill in section 2 by striking out all of the 20th and 21st lines (19th and 20th lines in L. D. 1592) and inserting in place thereof the following:

'Vocational Education

    All Other      69,531.65    —';  
and by striking out in the last line (same in L. D.) the figure

"\$256,873.61" and inserting in place thereof the figure '\$280,655.-26'

Committee Amendment "A" was adopted in concurrence.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Report of the Committee on Education on Bill "An Act to Reconstitute School Administrative District No. 46" (S. P. 639) (L. D. 1642) 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", being L. D. 1797, was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Report of the Committee on Judiciary on Bill "An Act relating to Junkyards and Auto Graveyards" (S. P. 671) (L. D. 1704) 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. 671, L. D. 1704, Bill,  
"An Act Relating to Junkyards and Auto Graveyards."

Amend said Bill by inserting after the underlined words "**unorganized territory**" in the 6th line of that part designated "**\$2453.**" of section 3 (5th line of L. D. 1704) the underlined words and punctuation ', and in one news-

**paper of general circulation in said municipality or unorganized territory'**

Committee Amendment "A" was adopted in concurrence.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Report of the Committee on Judiciary on Bill "An Act Clarifying Certain Laws under the Workmen's Compensation Act" (S. P. 681) (L. D. 1719) 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" as amended by Senate Amendment "B" thereto, and Senate 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. 681, L. D. 1719, Bill,  
"An Act Clarifying Certain Laws Under the Workmen's Compensation Act."

Amend said Bill in Section 3 by striking out the underlined words and figure "**Of 3 or less employees**" in the 6th line (5th line of L. D. 1719)

Further amend said Bill in Section 4 by striking out in the 5th line (4th line of L. D. 1719) the underlined word "**receiving**" and inserting in place thereof the underlined word '**sustaining**'

Further amend said Bill by striking out all of section 8 and inserting in place thereof the following:

"**Sec. 8. R. S., T. 39, Sec. 95, amended.** The last sentence of section 95 of Title 39 of the Revised Statutes, as repealed and replaced by section 9 of chapter 408 of the public laws of 1965, is repealed and the following enacted in place thereof:

**'No petition of any kind may be filed more than 10 years fol-**

**lowing the date of any payment made under this Act.'"**

Further amend said Bill by inserting before the Emergency clause a new section 9, to read as follows:

**"Sec. 9. R. S., T. 39, Sec. 110, amended. Section 110 of Title 39 of the Revised Statutes, as enacted by section 11 of chapter 408 of the public laws of 1965, is amended to read as follows: 'Sec. 110. Witness and attorney's fees allowable.**

When the commission or commissioner finds that an employee has instituted proceedings under this chapter on reasonable grounds and in good faith **or that the employer through or under his insurance carrier has instituted proceedings under this chapter**, the said commission or commissioner may assess the employer costs of witness fees and a reasonable attorney's fee, when in the commission's or commissioner's judgment the said witnesses and the services of the said attorney were necessary to the proper and expeditious disposition of the case.'"

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

**SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S. P. 681, L. D. 1719, Bill, "An Act Clarifying Certain Laws Under the Workmen's Compensation Act."**

Amend said Amendment by striking out in the last line of the 4th paragraph the underlined word **"any"** and inserting in place thereof the underlined words **'the latest'**

Senate Amendment "B" to Committee Amendment "A" was adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendment "B" thereto was adopted in concurrence.

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

**SENATE AMENDMENT "A" to S. P. 681, L. D. 1719, Bill, "An Act Clarifying Certain Laws under the Workmen's Compensation Act."**

Amend said Bill in section 5, by inserting after the word and punctuation **"dies,"** in the 4th line

from the end (3rd line from the end in L. D. 1719) the underlined words **'as a result of this injury,'**

Senate Amendment "A" was adopted in concurrence.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "B" thereto, and Senate Amendment "A", and sent to the Senate.

### **Divided Report**

Majority Report of the Committee on Judiciary on Bill "An Act relating to Challenges of Jurors in Criminal Cases" (S. P. 683) (L. D. 1721) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. GLASS of Waldo  
STERN of Penobscot  
—of the Senate.

Messrs. RICHARDSON  
—of Cumberland  
BISHOP of Presque Isle  
DANTON  
—of Old Orchard Beach  
BERMAN of Houlton  
BRENNAN of Portland  
DAVIS of Calais  
—of the House

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

Report was signed by the following members:

Mr. VIOLETTE of Aroostook  
—of the Senate.  
Mr. GILLAN of South Portland  
—of the House

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

In the House: Reports were read.

The Majority "Ought to pass" Report was accepted in concurrence and the Bill read twice.

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

**COMMITTEE AMENDMENT "A" to S. P. 683, L. D. 1721, Bill, "An Act Relating to Challenges of Jurors in Criminal Cases."**

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 adding at the end, before the emergency clause, the following:

"Sec. 2. R. S., T. 15, § 1258-A, **additional.** Title 15 of the Revised Statutes is amended by adding a new section 1258-A, to read as follows:

'§ 1258-A. **Voir dire**

**Any rule of court or statute to the contrary notwithstanding, the court shall permit voir dire examination to be conducted by the parties or their attorneys under its direction.'**"

Committee Amendment "A" was adopted in concurrence.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

Majority Report of the Committee on State Government on Bill "An Act Creating the Investment of State Funds Law" (S. P. 690) (L. D. 1773) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Messrs. STARBIRD  
of Kingman Township  
EDWARDS of Portland  
MARTIN of Eagle Lake  
DOSTIE of Lewiston  
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 716) (L. D. 1799) under title of "An Act relating to Investments by Board of Trustees of State Retirement System" and that it "Ought to pass"

Report was signed by the following members:

Messrs. BERRY of Cape Elizabeth  
LIBHART of Brewer  
KATZ of Augusta

—of the House.

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

In the House: Reports were read.

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

Mr. BERRY: Mr. Speaker and Members of the House: I move that the Minority Report be accepted and I would speak briefly to my motion.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that we accept the Minority Report. The gentleman may proceed.

Mr. BERRY: Mr. Speaker and Members of the House: This bill was before us in substantially the same form in the regular session of this Legislature. It had a very careful study by the State Government Committee and the report at that time was turned out in two parts, A and B, just as we have it here. Basically I might say that we have come up with the same committee action we did before. As you will recall, the bill was vetoed by the Governor, which was passed and Committee "A" form report is the vetoed bill.

There have been some minor changes. However, the broad principles involved are exactly the same and these principles have, the minority of the committee believe, not been changed one iota. It sounds a little bit corny perhaps to say that we are dealing with trust funds, but if you will stop and think for a minute just what we mean by trust funds it is far from a corny matter. These funds represent payments by State of Maine employees. They are made to provide for their old age. They are being placed in these trust funds in good faith and it is in this good faith that the trust funds should be administered.

We have seen in the papers in the last two days some reported proposals dealing with the state retirement fund, and tying those reports up with this proposal for making some rather harsh and significant changes in the administration of our pension funds. We wonder if perhaps this matter is being treated as seriously as it should be. I think in fairness to the major political party, the impetus for this matter has not come from them, and I think they deserve a great deal of credit for this. The impetus for this entire matter has come from the State Treasurer. I admire the State Treasurer a great deal for his persistence but for the life of me, and I think I speak for the other two minority members of our committee, we are unable to ascertain just what he has in mind.

You may possibly recall that one of our principal objections during the regular session was to the very very low salary which was proposed to be paid to a man who was going to administer one hundred million dollars worth of trust funds, namely \$10,000. At that time the testimony which was given before State Government indicated that this was a grossly inadequate salary. This testimony came from experts, out of state, New York boys. Well this time the same question was propounded to a different set of experts and in every instance these gentlemen stated that the salary proposed here was grossly inadequate and even more so in terms of dollars than it was during the regular session. It is proposed to pay \$10,000 for the State Investment Officer, the other \$5,000 presumably being for other personal services such as a secretary. These experts said that the minimum salary which should be paid was not less than \$20,000.

We have a good question. Why are we trying to create a new position with a grossly inadequate salary? We haven't been able to find the answer to this. No man worthy of his salt would take this position. It seems to me the logical conclusion is the the position should not be created, and this

is why the minority has taken its position. We do feel that there are two good principles which can be put on the books now and we don't need to wait for the next 103rd Legislature. These two principles are that the allowable limit of investment in common stocks may be increased to thirty percent, and the second that the Retirement Board be authorized to employ professional investment counsel and charge the expense for this advice to the income to the Retirement Fund. These seem like logical businesslike recommendations and the Report B includes these two recommendations.

I am not going to take the time of this body to go over step by step the many things that are wrong in this Majority Report. I do say that we should keep in mind that these are trust funds, that they represent the accumulated savings of state employees, and that any significant change has got to come about as a result of careful study. I sincerely hope you will support my motion for the adoption of Report B.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: All this bill does, it is as he said, a redraft of an investment bill which was enacted the last session of the Legislature. It has since been gone over by a professional firm of Bowles, Andrews & Towne. It is presented at this special legislative session as a result of the unanimous vote of the Research Committee, to present a bill which would incorporate all the recommendations made by these professional consultants. This bill, as amended, does implement all these recommendations. Amendments made in the original draft were referred to Bowles, Andrews & Towne for approval.

We believe that this bill, as it now is, could probably pass the Governor's scrutiny, and for that reason I urge that we defeat the motion just made by the gentleman from Cape Elizabeth, Mr. Berry. Thank you.

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

Mr. JALBERT: Mr. Speaker, I am happy that the gentleman who spoke last mentioned the Research Committee's action, and I would like to repeat again that this was the unanimous vote of the nineteen-member committee of the Legislative Research Committee.

Now I would like to ask a question which is not quite clear in my mind. Does the report of the majority bill, as far as the investment is concerned, call for a twenty percent and then, unless the Legislature changes it over the next three years, it would then call for applying the prudent rule?

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

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: The majority bill proposes a twenty percent investment in common stocks and after three years investments would have to be handled under the prudent man theory. I would point out that in a three year period of time it would be impractical to implement any more than twenty percent. This figure could go either way, but under the prudent man theory of course this could be increased.

As far as the information that you had on the salary of the trust officer, the amount stated here is a minimum salary of 10,000 and this salary may be increased without action of the Legislature. The majority report includes regular or—the possibility of hiring a fiduciary or investment bank or firm to handle this, either in lieu of or in cooperation with a trust officer. This is not only involving the employees fund, the retirement fund, but it involves all state funds that are invested, and it means a uniform approach and a more powerful investment system if handled under this investment counsel. I hope that you will defeat the motion to accept the minority report.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House thirty-seven sophomores and seniors of the United States Government class of Houlton High School. They are accompanied by their teachers, J. Anthony McLaughlin, Frank Mill, and Merritt Webster who is a student teacher. They are the guests of the gentlemen from Houlton, Mr. Berman and Mr. Lycette. On behalf of the House, the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: It is true that the majority of the — the State Government Committee in their bill says not less than \$10,000, but all you have to do is look at the appropriation, the end of the bill, to see that in no event would he, the person who would be employed, get more than \$15,000 a year. The folks who came up from New York, and there were many of them, all indicated that a good man would run at least \$20,000 a year and probably more. So I take it that the remarks of my colleague, Mr. Berry, have a great deal of merit.

Also we should remember in thinking about all of the testimony that was heard by the committee, and undoubtedly was before the Research Committee when hearings on the same matter were held, was from people who had a vital interest in the outcome of this bill. These very people are the people who would be candidates to be the consulting service should the bill be passed. I think it unfortunate that we have gotten into the stew over this particular thing that we have gotten into. I think that a good reason — a good part of the reason for having the difficulty we have had with it is because of the great misunderstanding of what presently is being done and what changes this particular bill would attempt to make.

If you will take the time as I have taken it, to read the law as it now stands, you will find that there is on the book, our statute book, a quite adequate law. This law as it presently exists would allow the employment of investment counsel and investment counsellors. We don't need anything further to allow this to be done. The minority report simply makes it plain that should this be done that the trust funds would pay for the service and therefore no appropriation from the general fund is necessary.

Now let's assume that you spent \$75,000 a year for an investment counsel and investment counsellors, and this, all of the people who testified before the State Government Committee told us was adequate. This amount of money would represent something in the order of five one thousandths of the money presently invested in the pension fund. An extremely small percentage of the total investment.

Now we of the minority on this report feel there is a great deal of merit in obtaining investment counsel and investment counsellors to help the administration of the fund. We further feel that the limitation of ten percent in commons is undoubtedly too low. The probability is that the fund right now is invested over that percentage. All of the people who testified, indicated that for the present time a thirty percent limitation would be adequate. We have a great deal of problems in the fund, an awful lot of the monies were invested at a time when investment in bonds was more attractive than it is today. Getting out of the bonds and into commons attractively is going to be an extremely difficult proposition, and this is why it is so very necessary that good advice be obtained by this fund, by the trustees of this fund.

Now as the law presently exists, the investment of these funds very plainly is required to be done in accordance with the prudent man rule. These words appear in the present statute as it exists exactly

like that, prudent man rule. We are not doing anything so greatly different in the majority report's bill. The original attempt of course was to get more control in the office of the Treasurer, and this failed. Now a replacement has been made you see, and because the original bill has been sugar coated, we are supposed to swallow it, and the suggestion is made that the Governor would approve the bill. I have a very strong inclination that the Governor will not approve of the bill the majority is reporting out, and if we in the House feel that something should be done at this special session, then it seems to me we ought to adopt something that has a possibility of being approved by the Governor, and that is the minority's report. We are not going to raise havoc with the system. We are not going to set up a new system. We are going to leave the present system which is working very well in force. We are going to leave the people who are most greatly interested in the present pension fund, the trustees of that fund, and we are going to give them the assistance they need to try to get out of the problem that they are in, tremendously, in my opinion, over-invested in bonds, it is going to be a fantastically difficult proposition as we see it in the future, give them the counsel they need to do it. We are going to avoid, and this is the most important thing, we are going to avoid playing politics with a sacred trust fund. We must remember, when we are talking about this particular proposition, that the lifetime earnings and savings of an awful lot of people who have been employed in state and local government for their entire lifetime, are tied up in this fund, and when you start playing politics with that type of thing, you are not doing what you should do by the people of the State of Maine.

I urge you, therefore, to be realistic; to realize that if you are going to do something, and we in the minority report very greatly appreciate the need for increasing the percentage that you

can invest in commons if you are going to keep up with the fantastic inflation that we have seen over the years. We have been told and told authentically that this amounts to a cent and a half a year; that the investment presently is earning around four per cent or less. If you subtract a cent and a half your inflation is giving you each year from your investment return of four per cent, you are actually getting about two and one-half per cent on your money invested in your fund.

Now we recognize this as being an extremely difficult proposition. The money that these people have put in for their old age is not keeping pace with the spiraling inflation, and the return from the pension fund is not going to be adequate for their retirement. We recognize that. And here we can do something for it. We can allow a greater investment in commons which will more nearly keep up with the spiraling inflation and still keep the built-in security that you have with a higher degree of investment in bonds which everybody feels is more secure. We can avoid the politicians getting involved and we can do it this session. And therefore, I urge you to support the motion of my colleague, Mr. Berry, to accept the Minority Report.

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

Mr. STARBIRD: Mr. Speaker, I think it should be made clear here that we are talking about two reports, and the first on our paper here, the Majority Report, calls for an investment of all state funds, the other one only in the state retirement system. I hope and I urge you all to vote against the motion of Mr. Berry, the gentleman from Cape Elizabeth, that we accept the Minority Report. When the vote is taken, I request that it be by a division.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I am a member of the Legislative Research Committee and I attended all of those hearings. As

has been stated here today, they engaged the firm of Bowles, Andrews & Towne to make a study. Unfortunately, the members of this House have not received this report, but even if this had been so, there are mitigating circumstances. After they made their presentation before the Research Committee, which I felt was a bit vague, there were several pertinent questions asked of them. During the last session the main debate in the House was on the percentage that we should be allowed to invest in common stocks, and many persons felt that we should have received more appreciation than we have received. So before the Research Committee, I asked of these gentlemen if they would favor raising the limitation from ten to thirty per cent. Their answer was not only in the affirmative, but they stated that better still, they favor no limit, just utilizing the prudent man theory.

Another question which was asked of them was would they approve a fiduciary to handle this account, and their answer was most certainly so. So at the conclusion of this meeting, it was my understanding, and I must disagree with the Chairman of the Committee, that the bill which was going to come from the Research Committee was going to incorporate these two suggestions. As a matter of fact, this was done. A member of the committee and also a member of the Majority Party submitted such a bill or bills but somewhere along the line this idea was shunted aside and it was turned down by the screening committee in favor of this doctored and, in my opinion, not too well doctored version of the previous bill. It meets neither the approval of the Retirement Board nor many persons who are knowledgeable in banking and investment fields, and since the minority report is willing to suggest a higher percentage in common stocks administered by a competent agency, I completely fail to fathom any lack, if there is to be a lack, of inter-party cooperation. If our main desire is for the protection with guarded ap-



preciation of this \$100,000,000 fund for the benefit of our 8,000 employees, I cannot see why this House will not support the minority report of the committee.

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

Mr. JALBERT: Mr. Speaker, I would like to have it clearly understood that I said that there was no opposition to an investment bill at the meeting of the Research Committee and I think my friend from Bath would have to agree with me that that is so.

Now I would like to ask a question of the gentleman from Brewer, Mr. Libhart. Number one, if the Governor has told him that he would veto this bill?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Brewer, Mr. Libhart, who may answer if he so desires.

Mr. LIBHART: Mr. Speaker, the answer directly is no. I said I have a very strong reason now to believe that the Governor will not sign the bill, and I think that my stress of the word 'strong' is probably proper.

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: I would point out to the gentleman from Bath, Mr. Ross, that the two principles he has discussed as being of prime importance, the principle of fiduciary and the principle of the prudent man theory are incorporated only in the majority report.

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

Mr. PIKE: Mr. Speaker and Members of the House: I don't want to take sides too much in this argument, but as a fellow who was in this business forty years ago from '23 to '33, I am a little surprised at the tacit assumption that common stocks can only go one way. They have made turns in the past, and I really would hate to think of it coming out in the news that the Maine

State Retirement System kicked up its investment in common stock or doubled its investment in common stock the day the Dow Jones average hit a thousand, which is probably due this week or so.

This retirement thing is very similar to life insurance or really much more similar to annuities, and you have reasonably definite expectation that a lot of us old devils will die off and you gauge it to that actuarial table. For that purpose, bonds with a definite maturity are almost ideal, presuming they will be paid off and presuming the customers die on time; this doesn't always happen. I really just want to put a note of caution in there about this one-way street business. The Dow Jones average has been with a few zigs and zags on a one-way—shall I call it a one-way zag, for about four or five years now, and some way or other with the government paying five percent of the money, the Federal Government, and the so-called growth stocks sometimes averaging as high as one and one-half percent, it looks as though that somewhere along the line there must be some readjustment. I just wanted to heave that into the controversy.

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

Mr. GRAHAM: Mr. Speaker and Members of the House: I find it rather amusing that the minority report now recommends a limit of thirty percent on common stock, when in our bill of last year, which we passed, we recommended twenty percent, and they screamed to heaven that this was speculating with retirement funds. I'd like to ask one question: Who's playing politics now?

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

Mr. BERRY: Mr. Speaker and Members of the House: If my memory is correct, the gentleman from Augusta, Mr. Katz, put in an amendment providing for the increase in common stock, so I think we are being very consistent. I would request a roll call, Mr. Speaker, when the vote is taken.

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

Mr. COTTRELL: I am a very small investor in this pension trust fund, so I thought I ought to say something. Figures have been placed around here in this discussion, one and a half percent inflation a year, and our economists tell us that we can have two percent inflation a year and not hurt our economy. Already this year it has been reported that our inflation was over two percent. I have also noticed that a great deal of emphasis has been placed upon the prudent man principle. Being as old as I am and having lived through the twenties, there are a great many prudent men using the prudent man principle and we ended up in the thirties with a great depression. Now to me the prudent man principle is simply what the prudent man would do under a certain set of circumstances. The prudent man. There are no figures, no demarcations, no limits, up or down.

But, I was going to say this. Many of the teachers are thinking along a different line of pensioning, just like the insurance companies are today. The insurance companies can offer you a variable annuity, where you can put half of your pension savings into a fixed dollar pension and the other half you can let them invest it in equities. And that is what the teachers more and more are thinking about. I think we are conversant enough with the economy and economic principles to know and to have faith that we are going to have continued inflation, and I know the teachers would like eventually a plan where you could make your own decision as a teacher, like they do in the Teachers Annuity Association which takes care of all of our college teachers and our prep school teachers, where you could have twenty-five percent in a fixed dollar annuity and seventy-five percent take your chance. If the economy goes up you go up—your annuity goes up; if your economy goes down, when you retire you have a less amount. So, as I say,

I am not adding much to this, but as a teacher I just thought I would convey to you that the teachers are thinking a great deal about their own annuity plan and if they could they would install a variable annuity principle right today.

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

Mr. ROSS: Mr. Speaker, I would just like to answer the question of my friend the gentleman from Lewiston, Mr. Jalbert. He said that the Research Committee voted without dissent to present a bill. I guess the only trouble is that somebody neglected to tell some of us exactly what the bill was to be. Because I for one, and at least one other member of the majority party, thought that the bill that was going to be presented was as I said what the minority report is here today.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that we accept the Minority Report, and he has requested that when the vote is taken it be taken by the yeas and nays. For the Chair to order the yeas and nays it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth having arisen, the yeas and nays are ordered. The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that we accept the Minority Report on Bill "An Act Creating the Investment of State Funds Law," Senate Paper 690, L. D. 1773. If you are in favor of accepting the Minority Report when your name is called you will answer either ye or yes; if you are opposed to accepting the Minority Report when your name is called you will answer either nay or no. The Clerk will call the roll.

**Roll Call**

YES — Anderson, Avery, Baker of Orrington; Baker of Winthrop; Benson of Southwest Harbor; Ber-  
man, Berry, Birt, Bragdon,  
Brewer, Buck, Burnham, Carter,  
Cornell, Cressey, Crosby, Cush-  
ing, Davis, Dickinson, Dunn,  
Erwin, Eustis, Evans, Farrington,  
Gifford, Hammond, Hanson of  
Gardiner; Hanson of Lebanon;  
Harriman, Hawes, Hawkes,  
Haynes, Huber, Jewell, Kennedy,  
Lang, Lewis, Libhart, Lincoln,  
Littlefield, Lund, Lycette, Meisner,  
Millay, Mosher, Norton, Peaslee,  
Pendergast, Pike, Prince, Rack-  
liff, Richardson of Cumberland;  
Richardson of Stonington; Roberts,  
Ross of Bath; Ross of Brownville;  
Sahagian, Scott, Sullivan, Waltz,  
Ward, Watts, White of Guilford;  
Wight of Presque Isle; Wood,  
Young.

NO — Baldic, Bedard, Benson  
of Mechanic Falls; Binnette,  
Bishop, Blouin, Boissonneau,  
Bourgoin, Brennan, Bussiere, Car-  
roll, Carswell, Conley, Cote, Cot-  
trell, Crommett, Curran,  
D'Afonso, Danton, Doyle,  
Drigotas, Dumont, Edwards,  
Faucher, Fecteau, Fortier, Fraser  
of Mexico; Fraser of Rumford;  
Gaudreau, Gauthier, Gauvin, Gil-  
bert, Gillan, Glazier, Graham,  
Harvey of Bangor; Harvey of  
Windham; Harvey of Woolwich;  
Hoy, Hunter of Durham; Jalbert,  
Jordan, Keyte, Laberge, Lane,  
Lebel, Lent, Levesque, Lowery,  
Martin, McKinnon, Mills, Mitchell,  
Nadeau, O'Gara, Palmer, Poulin,  
Ruby, Searles, Starbird, Stouta-  
myer, Truman, Wheeler, Whittier,  
Wucori, Speaker Childs.

ABSENT — Beane, Bradstreet,  
Burwell, Champagne, Cookson,  
Dostie, Drouin, Dudley, Haugen,  
Healy, Hunter of Clinton; Katz,  
Kilroy, Kittredge, Payson, Roy,  
Sawyer, Storm, Susi.

Yes, 66; No, 66; Absent, 19.

The SPEAKER: Sixty-six hav-  
ing voted in the affirmative and  
sixty-six in the negative, the mo-  
tion to accept the Minority Report  
does not prevail.

Thereupon, on motion of Mr.  
Levesque of Madawaska, tabled  
pending acceptance of the Majori-  
ty Report in concurrence and to-  
morrow assigned.

The SPEAKER: We are now  
proceeding with Supplement  
Number 2, matters which were  
tabled for later in today's session.

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

Bill, "An Act Amending the Al-  
locations from the General High-  
way Fund for the Fiscal Years  
Ending June 30, 1966 and June  
30, 1967." (S. P. 687) (L. D. 1770)  
(Committee Amendment "A" S-  
398)

Tabled — January 27, by Mr.  
Levesque of Madawaska.

Pending — Assignment for Third  
Reading.

Thereupon, under suspension of  
the Rules, the Bill was given its  
third reading, passed to be en-  
grossed as amended by Commit-  
tee Amendment "A" and sent to  
the Senate.

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

HOUSE JOINT ORDER Relative  
to Joint Standing Committee on  
State Government Reporting a  
Bill Providing for a Senatorial  
Apportionment Commission.

Tabled — January 27, by Mr.  
Levesque of Madawaska.

Pending — Passage.

(On motion of Mr. Berry of  
Cape Elizabeth, tabled pending  
passage, ordered reproduced, and  
assigned for later in today's session.

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

Bill, "An Act Creating the Alla-  
gash Wilderness Waterway." (S. P.  
714) (L. D. 1796)

Tabled — January 27, by Mr.  
Richardson of Cumberland.

Pending — Passage to be En-  
grossed.

Mr. Sahagian of Belgrade of-  
fered House Amendment "B" and  
moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 714, L. D. 1796, Bill, "An Act Creating the Allagash Wilderness Waterway."

Amend said Bill in that part designated "\$ 666." of section 1 by striking out all of the last underlined sentence of subsection 3 and inserting in place thereof the following underlined sentence: **'Existing commercial sporting camps shall be acquired, and, if existing commercial sporting camps are leased, then the present owners shall be given first refusal on terms and conditions determined by the commission.'**

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

Mr. Eustis of Dixfield requested a division.

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

Mr. PIKE: Mr. Speaker, I regard tinkering with this bill as very dangerous. The property up there will either be purchased by negotiation or at a court-assessed valuation. At that time, it will be in the full control of the Allagash Authority and previous rights will have been extinguished.

It seems to me only fair and proper that the control of the whole thing, without exception, should go to the Park Commission and they should not be hampered in their choice, a) of what commercial places they want to establish, or b) who they shall choose to run them. It would seem to me to hamper the Park Commission in this way would sort of be against our general principle of taking let's say the best bids, if you want to put it up to competition.

The other thing that worries me is, this is very carefully tailored to meet the minimum requirements of the Federal people, and this is one thing that they were extremely touchy about for apparently a very good reason. In most of our National Parks which were just transferred from one government pocket to the other when they were set up, there are

those few little enclaves where private property still exists, and if you have been through for instance, Glacier Park, you will notice the really distressing honky-tonk atmosphere that hits you there after seeing these splendid scenic wonders. It seems to me the only way to do this is to go right ahead and clean it up, and then if, as without doubt, these people are well qualified, fine people, they would probably be the most qualified to take over and operate these things under lease, but I don't think that we should provide in law any way which would hamper the Park Commission or the Allagash Authority in doing its work.

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

Mr. PALMER: Mr. Speaker, I move for the indefinite postponement of this amendment.

The SPEAKER: The question before the House is the motion of the gentleman from Phillips, Mr. Palmer, that House Amendment "B" be indefinitely postponed.

Mr. Martin of Eagle Lake requested a division.

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

A division of the House was had.

Ninety-eight having voted in the affirmative and eighteen having voted in the negative, the motion did prevail.

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

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

Bill, "An Act to Amend the Charter of the City of Ellsworth as to Nominations and Elections." (S. P. 613) (L. D. 1614) (Senate Amendment "A" S-376)

Tabled — January 27, by Mr. Lang of Belfast.

Pending — Passage to be Engrossed.

Mr. Lang of Belfast offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 613, L. D. 1614, Bill, "An Act to Amend the Charter of the City of Ellsworth as to Nominations and Elections."

Amend said Bill in the Title by inserting before the period the following: 'and to Amend the Charter of the City of Belfast as to Approval of Zoning Ordinances'

Further amend said Bill by inserting after section 9, the following:

**"Sec. 10. P. & S. L., 1929, c. 115, Art. II, §7, amended.** The last sentence of section 7 of Article II of chapter 115 of the private and special laws of 1929 is repealed and the following enacted in place thereof:

**'Every ordinance shall be published in full within 10 days after its final passage, and shall thereafter be in full force and effect.'**

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

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

An Act relating to Insurance on State-owned Property. (H. P. 1288) (L. D. 1793)

Tabled—January 27, by Mr. Binnette of Old Town.

Pending—His motion to reconsider Passage to be Enacted.

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

Mr. FORTIER: Mr. Speaker, I move the pending motion.

The SPEAKER: The question before the House now is the motion of the gentleman from Old Town, Mr. Binnette, that we reconsider our action whereby this bill was passed to be enacted. Is this the pleasure of the House?

The motion prevailed.

Thereupon, on motion of Mr. Fortier of Waterville, the House

voted to suspend the rules and to reconsider its action on January 25 whereby the bill was passed to be engrossed, and also to suspend the rules and reconsider its action whereby House Amendment "B" was adopted the same day.

Mr. Fortier of Waterville offered House Amendment "A" to House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "B" to H. P. 1288, L. D. 1793, Bill, "An Act Establishing the Maine Insurance Advisory Board and Reserve Fund for Uninsured Losses."

Amend said Amendment by inserting after the first paragraph the following:

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

Whereas, insurance on state-owned buildings is important to the people of Maine; and

Whereas, the following legislation is vitally necessary to provide the people of Maine with sound practices in order to prevent any unnecessary losses on state-owned property; 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 Amendment by striking out all of section 3 and inserting in place thereof the following:

**'Sec. 3. Appropriation.** There is appropriated from the General Fund to the Maine Insurance Advisory Board the sum of \$6,000 for the fiscal year ending June 30, 1966 and the sum of \$26,700 for the fiscal year ending June 30, 1967 to carry out the purposes of this Act. The breakdown of expenditures shall be as follows:

MAINE  
INSURANCE  
ADVISORY

BOARD	1965-66	1966-67
Personal		
Services	(3) \$4,000	(3) \$17,000
All Other	2,000	8,000
Capital		
Expenditures	—	1,700
	<hr/> \$6,000	<hr/> \$26,700'

Further amend said Amendment by inserting at the end thereof the following:

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

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

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

Mr. BERRY: Mr. Speaker, if my understanding of what is going on is correct, we are rescinding our previous action in passing House Amendment "B". I am quite in accord with the passage of House Amendment "A" but I am not yet prepared to take action on rescinding House Amendment "B".

The SPEAKER: If the gentleman is making a parliamentary inquiry, the next motion of the gentleman from Waterville, Mr. Fortier, will be for the adoption of House Amendment "B" as amended by House Amendment "A". It would not be rescinded.

Thereupon, House Amendment "A" to House Amendment "B" was adopted.

House Amendment "B" as amended by House Amendment "A" thereto was adopted, the Bill passed to be engrossed as amended in non-concurrence and sent to the Senate.

The Chair laid before the House a matter tabled earlier by Mr. Levesque of Madawaska for later in today's session:

Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act relating to Inspection Station Licenses and Inspection Mechanic's

Certificates," (S. P. 630) (L. D. 1609) pending acceptance.

In the House: On motion of Mr. Levesque of Madawaska, the Report was accepted in concurrence.

The Chair laid before the House the following Joint Order tabled earlier in today's session by Mr. Berry of Cape Elizabeth pending passage.

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government is hereby authorized to report a Bill which shall provide for a Senatorial Apportionment Commission. (H. P. 1296)

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

Mr. BERRY: Mr. Speaker and Members of the House: I wonder if somebody would explain what a Senatorial Apportionment Commission is?

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

Mr. STARBIRD: Mr. Speaker and Members of the House: A Senatorial Commission would be, I suppose, composed of a number of people who are expert on such matters, bipartisan in makeup I would assume, so that they would have no axes to grind one way or another. I should hope we could come out with a fair apportionment in that manner. It seems like a pretty fair idea to me.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Upon glancing at this proposal, it strikes me as being rather extraordinary. Our Constitution as I understand it, sets up three distinct branches of government, the legislature, the executive and the judicial. This is bedrock, this is sound. If we pass this order, apparently we are setting up a fourth branch of government by commission. I don't think that this 102nd Legislature should go on record, certainly on party lines, by having a Senatorial Apportionment Commission tell the next Legislature, the 103rd, or suggest to the next Legislature

what it should do, and for those reasons, I would move indefinite postponement of this order.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Before I make a motion, I will make just a very few brief remarks, but I personally think that the study made by this Commission, or this Committee formed as a Commission, to report to the incoming Legislature will be for the ultimate value of every voter in the State of Maine. And certainly the action by this Commission is not going to tie the hands of any Legislature or replace the legislative branch of our government. Therefore, I request a division on the motion.

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

Mr. ROSS: Mr. Speaker, through the Chair I would like to ask the gentleman from Kingman, Mr. Starbird, what qualifications a person has to have to be an expert on apportionment?

The SPEAKER: The gentleman from Brownville, Mr. Ross, poses a question through the Chair to the gentleman from Kingman Township, Mr. Starbird, who may answer if he so desires.

Mr. STARBIRD: Well, Mr. Speaker, I don't know what a person would perhaps do to be an expert on apportionment. I suppose there are. There were many people that appeared before the interim committee that I would assume were experts. I could state Professor Mawhinney I think would be one person I could almost regard as an expert. Anyone that has probably put several years in it or has served in past times would be fairly well acquainted with the matter. No, an expert I suppose is the wrong word to use. Possibly I should have used the word more in the line of saying a person well acquainted with apportionment, and

I think there are probably many we could possibly name. I don't know as that is a satisfactory answer, but it is about as good a one as I can give right now.

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

Mr. ERWIN: Mr. Speaker and Members of the House: I would hope that the intent here was not to bring people down out of ivory towers and claim some kind of expertise in human affairs. I would doubt if there was anybody more expert in the matter of the politics of government of the State of Maine than the people who actually do the governing of it and the legislating for it, which would be this Legislature or any other Legislature. I join in the protest expressed by the gentleman from Houlton, Mr. Berman, that this is extraordinary. It strikes me as completely unnecessary. It also strikes me that there might be somewhere fluttering in this Hall, perhaps not exactly visible, but here in the waves of the air, a slight doubt as to what might happen on reapportionment the next time around. I am not ready to concede victory or defeat in any political contest, and I certainly hope nobody else is. If there are experts who will tell you who is going to dominate this Hall the next time, I would like to know who they are, those who are brave enough to state it unequivocally that one party or the other will return to power.

If I may say, I hope that this won't go along party lines, but I know it will, and I think that the thing is a useless exercise in trying to fill the air with sounds about fair play and all that sort of thing, when everyone knows that the next Legislature is the only one that has a right to do this. Therefore, Mr. Speaker, when the vote is taken, I ask for a roll call.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: In addition to what has already been said in opposition to this order, it seems to me that

one must state that the order is presumptuous. It presumes things that don't sit well with me. It presumes that this Constitutional Amendment is going to be approved by the people of the State of Maine. It seems to me that their right to vote on this issue, cast their ballot and have it counted is very basic. I think this should be done before we here presume to study with a Senatorial Apportionment Commission, the meaning of which I frankly don't know.

Additionally, the order presumes that we in the 102nd Legislature know more about how this type of thing should be done than the people yet to be elected for the 103rd know. These are the folks under the terms of the bill that we have passed and yet to be approved by the people who will actually do the deciding. I think we are utterly presumptuous on both of these counts, presumptuous in assuming the people of the State of Maine will approve the thing, presumptuous in assuming that we in this Legislature should appoint a commission to tell the next Legislature what to do; and I certainly hope, although I know perfectly well it won't happen, I certainly hope that you folks in the other party who have not as yet, as far as I know, taken leave of your reason, will vote in a block for this. I might say that in the last session I showed you how to jump the party line. I would like to have you now follow me in using your logic and putting this thing down the drain where it belongs.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think it is very obvious and in view of the hour, and besides that, it is very obvious that no amount of debating would change one vote, I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the previous question. For the Chair to entertain the motion for 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 previous question is in order. The question before the House now is, shall the main question be put now. This motion is debatable for no more than five minutes by any one member. Is the House ready for the question? The question is, shall the main question be put now?

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

The SPEAKER: The question before the House now is the motion of the gentleman from Houlton, Mr. Berman, that this order, House Paper 1296, be indefinitely postponed. The gentleman from York, Mr. Erwin, has requested that the vote be taken by the yeas and nays. For the Chair to order the yeas and nays it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, the yeas and nays are in order.

The question before the House is the motion of the gentleman from Houlton, Mr. Berman, that this Order be indefinitely postponed. If you are in favor of the indefinite postponement of this order you will answer yea or yes when your name is called. If you are opposed to the indefinite postponement of this order you will answer nay or no when your name is called. The Clerk will call the roll.

#### Roll Call

YES — Anderson, Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berman, Berry, Birt, Bragdon, Brewer, Buck, Carter, Cornell, Cressey, Crosby, Cushing, Dickinson, Dunn, Erwin, Farrington, Gifford, Hammond, Hanson, Gardiner; Hanson,



Lebanon; Harriman, Hawkes, Haynes, Huber, Jewell, Kennedy, Lang, Lewis, Libhart, Lincoln, Littlefield, Lycette, Meisner, Mil- lay, Mosher, Norton, Peaslee, Pendergast, Pike, Prince, Rackliff, Richardson, Cumberland; Richard- son, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sahagian, Scott, Waltz, Ward, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

NO — Bedard, Benson, Mech- anic Falls; Binnette, Bishop, Bloin, Boissonneau, Bourgoin, Brennan, Burnham, Bussiere, Car- roll, Carswell, Conley, Cote, Cot- trell, Crommett, Curran, D'Alfon- so, Danton, Doyle, Drigotas, Drouin, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaud- reau, Gauthier, Gauvin, Gilbert, Gillan, Glazer, Graham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Healy, Hoy, Hunter, Durham; Jalbert, Jordan, Keyte, Laberge, Lebel, Lent, Levesque, Lowery, Martin, McKinnon, Mills, Mitchell, Nadeau, O'Gara, Palmer, Poulin, Ruby, Searles, Starbird, Stoutamyer, Sullivan, Truman, Wheeler, Whittier, Wuori.

ABSENT — Baldic, Beane, Brad- street, Burwell, Champagne, Cook- son, Davis, Dostie, Dudley, Evans, Haugen, Hawes, Hunter, Clinton; Katz, Kilroy, Kittredge, Lane, Lund, Payson, Roy, Sawyer, Storm, Susi.

Yes, 59; No, 68; Absent, 23.

The SPEAKER: The Chair will announce the vote. Fifty-nine hav- ing voted in the affirmative and sixty-eight in the negative, the motion does not prevail.

Thereupon, the Order received passage. Sent up for concurrence.

### Order Out of Order

Mrs. Ruby of Bangor presented the following Order and moved its passage:

WHEREAS, the House has re- cently learned of the sudden death in Florida of "Mr. Driver Educa- tion of Maine," Howard G. Rich- ardson, and

WHEREAS, this House in its last regular session, passed a Bill giving Mr. Richardson his Retire- ment Pension, and

WHEREAS, he contributed gen- erous and tireless efforts to make Driver Education an outstanding program in Maine; now, therefore, be it

ORDERED, that the House of Representatives extend their sin- cere sympathy to the family of the late Mr. Richardson, and be it further

ORDERED, that the Clerk of the House is directed to send an attested copy of this Order to the family of Mr. Howard Richardson.

The Order received passage.

On motion of Mr. Levesque of Madawaska,

Adjourned until ten o'clock to- morrow morning.