

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Special Session

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1966

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, February 2, 1966

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

Prayer by Brigadier Alfred Davey of the Salvation Army, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate Non-Concurrent Matter Tabled until Later in Today's Session

An Act to Correct Errors and Inconsistencies in the Public Laws (S. P. 695) (L. D. 1781) which was passed to be enacted in the House on February 1 and passed to be engrossed as amended by Committee Amendment "A", House Amendment "A" and Senate Amendment "A" on January 28.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: On this Senate Amendment 407, this amendment I do not think belongs to this bill. It isn't even related to it. And there hasn't been any hearing on it and the people of Waterville only heard about it this morning in the Sentinel when it came out. And I move that we indefinitely postpone Senate Amendment 407.

The SPEAKER: The motion at this time is that we recede from our former action.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I would just like to make an inquiry. I am in favor of the indefinite postponement of Senate Amendment 407 but I would like to see us adopt Senate Amendment "B" S-431, and I should like to inquire as to whether or not a

receding to our former action would be appropriate and then to ask the House to adopt Senate Amendment "B".

The SPEAKER: The proper procedure would be to recede from our former action. At that time we may dispose of amendments as they come to the attention of the House.

Is it the pleasure of the House that we recede from our former action?

The motion prevailed.

The SPEAKER: The question before the House now is on the motion of the gentleman from Freedom, Mr. Evans, that the House recede from the adoption of Senate Amendment "A", which is under filing number 407.

The Chair recognizes the gentleman from Waterville, Mr. Baldic.

Mr. BALDIC: Mr. Speaker, I would like to lay that on the table for later in the day's session, please.

Thereupon, tabled pending Mr. Evans' motion and assigned for later in today's session.

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

Mr. BERMAN: Mr. Speaker, is the entire document on the table or just the —

The SPEAKER: The entire document is on the table.

Orders Tabled Until Later in Today's Session

Mr. Levesque of Madawaska presented the following Order and moved its passage:

ORDERED, that House Rule 25 is hereby repealed and that House Rule 37 be amended by striking out of the first sentence the punctuation and words 'and seconded,'.

ORDERED, that House Rule 38 is hereby repealed and that House Rule 57 be amended to read as follows: 'The rules of parliamentary practice comprised in Reed's Rules, or any other standard authority, shall govern the House in all cases in which

they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Senate and House of Representatives.'

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

Tabled Until Later in Today's Session

Mr. Kennedy of Milbridge presented the following Order and moved its passage:

ORDERED, the Senate concurring that the Joint Rules 1 through 22 be repealed and the following adopted in place thereof.

COMMITTEES

1. **Joint Standing Committees.** The following Joint Standing Committees shall be appointed at the commencement of the session, viz: —

- On Agriculture
- On Appropriations and Financial Affairs
- On Business Legislation
- On Claims
- On Education
- On Election Laws
- On Health and Institutional Services
- On Highways
- On Industrial and Recreational Development
- On Inland Fisheries and Game
- On Judiciary
- On Labor
- On Legal Affairs
- On Liquor Control
- On Natural Resources
- On Public Utilities
- On Retirements and Pensions
- On Sea and Shore Fisheries
- On State Government
- On Taxation
- On Towns and Counties
- On Transportation
- On Veterans and Military Affairs

Membership. Each of said committees shall consist of three on the part of the Senate and seven on the part of the House. The first named Senate member shall be the chairman. In his temporary absence the first named House member shall serve as chairman

and, thereafter, as the need may arise, the chairmanship shall alternate between the members from each house in the order of their appointment to the committee. These committees may report by bill or otherwise.

Reference of Bills. There shall also be appointed a Joint Standing Committee on Reference of Bills consisting of two on the part of the Senate and three on the part of the House, with the President of the Senate and Speaker of the House members ex-officio.

It shall be the duty of the Committee to suggest the reference to appropriate committees of all bills, resolves, orders and petitions offered in either house, and to recommend the printing of documents before reference to committees, in their discretion suggesting the number of copies to be printed.

Appropriations and Financial Affairs. The Senate chairman of the Committee on Appropriations and Financial Affairs shall appoint from said committee such subcommittees as the said committee shall direct, such subcommittees to consist of not less than three members. Such subcommittees shall report their findings and recommendations to the full committee.

2. **Joint Select Committees.** Joint select committees shall consist of three on the part of the Senate and seven on the part of the House, unless the order creating the same shall provide a different number.

Whenever a select committee shall be appointed by either house and be joined by the other, it shall be the duty of the Secretary of the Senate, or the Clerk of the House, as the case may be, to transmit one to the other the names of the members so joined, in order that they may be entered upon the journal of each house.

3. **Inquiries and Reports.** Orders directing inquiry in relation to an existing statute shall state the subject matter of such statute and also the title and section to which the inquiry is directed.

In presenting a report upon any matter referred to a committee, such report shall set forth the

subject referred, and the substance shall also be briefly endorsed on the back of the same.

4. **Members.** No member shall be permitted to vote on any question in either branch of the Legislature or in committee whose private right, distinct from public interest, is immediately involved.

5. **Employees.** The salaries of all committee clerks, stenographers and messengers shall be established by the chairman of all joint legislative committees together with the Committee on Appropriations and Financial Affairs not later than the fourth week of any legislative session, and no such employee shall draw any advance of salary in excess of \$50.00 from the state treasury until such salaries are so established, and then only upon written order of the chairman of the committee involved, which order must further bear the endorsement of the chairman of the Committee on Appropriations and Financial Affairs.

LEGISLATION

6. **Pre-filing.** Any member-elect may file bills and resolves with the Clerk of the House for introduction within forty-five days prior to the convening of any regular session. The Clerk shall number and print such measures in advance after which they become the property of the Legislature and may not be withdrawn by the sponsor. The Clerk shall deliver them to the appropriate branch of the Legislature immediately upon its convening.

7. **Departmental Bills.** No bill or resolve shall be introduced on behalf of any state department, agency, or commission, except the Governor, after the sixth legislative day of any regular session. Bills or resolves pre-filed or filed on behalf of such executive officers may bear the designation or the title "President of the Senate" or "Speaker of the House" if not presented by a member-elect or member.

8. **Cloture.** During any regular session all other requests for bills and resolves shall be submitted to the Director of Legislative Re-

search not later than 1 p.m. of the fourth Friday following the convening of the session and such measures, in complete final form, shall be introduced in the appropriate house not later than 1 p.m. of the third Tuesday following.

Exception. This rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature.

9. **Public Notice.** The Clerk of the House shall cause the substance of the Joint Rules relating to pre-filing (No. 6) and cloture (No. 8) to be published in all daily papers in the State at least twice monthly and in all weekly papers in the State at least once monthly for the two months immediately preceding the convening of the Legislature in regular session and shall publish the substance of the cloture rule (No. 8) at least twice in all the papers in the State prior to the Fourth Friday of January.

10. **Filing after Cloture.** Any bill or resolve to be introduced after the cloture date must be presented to the Clerk of the House, or the Secretary of the Senate, who shall transmit the same to the Joint Committee on Reference of Bills. The Committee will ascertain from the sponsor the facts supporting introduction notwithstanding cloture and, if a majority of the Committee approves, the bill or resolve shall appear on the calendar of the appropriate house, duly noted as having been approved by a majority of the Committee and if, at that time, at least one-tenth of the members present rise as objectors, the document shall not be received.

11. **Co-sponsorship.** With the approval of the Committee on Reference of Bills a bill or resolve may be presented jointly by not more than two members of the same house.

12. **Memorials.** No memorial shall be in order for introduction unless approved by a majority of the committee on Reference of Bills.

13. **Fiscal Notes.** Every bill or resolve effecting loss of revenue or requiring an appropriation shall be accompanied by a written statement as to the amount involved.

14. **Form.** All bills and resolves shall be corrected as to matters of form by the Director of Legislative Research before printing.

15. **Errors.** Mistakes in bills and resolves, merely clerical, may be corrected upon suggestion without motion to amend.

16. **Printing.** Whenever a document shall be printed under the Joint Rules governing the procedure following a favorable committee report, a sufficient number of copies shall be delivered to the Sergeant-at-Arms of each house for the members and officers thereof and the balance shall be delivered to the Document Clerk, who shall reserve sufficient copies for the Departments and binding, twenty copies for the committee having the same under consideration, and shall be responsible for the equitable distribution of the remainder.

17. **Reference of Fiscal Matters to Committees.** Every bill, resolve or order appropriating money shall be referred to the appropriate committee for consideration, and no further action shall be had thereon in either branch until the same shall have been reported back by said committee.

The several clerks of the committees to which are referred bills, resolves or orders involving the appropriation or expenditure of money shall forthwith upon receipt of such bills transmit a copy thereof carrying endorsement of reference, to the Committee on Appropriations and Financial Affairs. No bill shall be in order for advertising for hearing or any other procedure until such copy is so transmitted. The Appropriations Committee shall issue a printed report and tabulation of such bills weekly.

Every bill, resolve or order involving the appropriation or expenditure of money shall be pre-

sented to the Committee on Appropriations and Financial Affairs for examination and recording before it is engrossed, and no further action shall be had on such bills, resolves or orders until proper endorsement thereon is made by said Committee.

JOINT ACTION ON BUSINESS

18. **Consideration of Legislation.** Every bill or resolve reported in either house by a committee shall be printed and distributed in both houses before having its first reading. Bills not already printed and new drafts shall be printed immediately after the reports are deposited in the office of the Secretary of the Senate or the Clerk of the House. The printed copies shall show by what committee the bill or resolve was reported.

When a bill, resolve, order or memorial shall pass one house, if rejected in the other house, it shall be returned by the Secretary or Clerk, as the case may be, for further consideration.

19. **Conference Committees.** Committees of conference shall consist of three members on the part of each house, representing its vote, and their report, if agreed to by a majority of each committee, shall be made to the branch asking the conference, and may be either accepted or rejected; but no other action shall be had except through another committee of conference.

20. **Rejection of Bills.** When any measure shall be finally rejected, it shall not be revived except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the house of which the mover is a member. No measure shall be recalled from the legislative files except by joint order approved by a vote of two-thirds of both houses.

21. **Enactment of Bills.** Every bill that shall have passed both houses to be enacted and all resolutions having the force of law, that shall have finally passed both houses, shall be presented by the

Secretary of the Senate to the Governor for his approval; and the Secretary of the Senate shall enter on the journal of the Senate the day on which such bills or resolutions are so presented to the Governor.

22. Responsibility for Legislative Papers. All endorsements on papers while on their passage between the two houses shall be under the signature of the Secretary of the Senate or the Clerk of the House, respectively; but after the final passage of bills and resolves, they shall be signed by the presiding officer of each house.

OTHER JOINT ACTIONS

23. Communications. Whenever a message shall be sent from the Senate to the House, it shall be announced at the door by the Sergeant-at-Arms of the Senate, and it shall be communicated respectfully to the Chair by the Bearer of it. In like manner messages from the House shall be communicated to the Senate, the Sergeant-at-Arms of the House announcing them at the door of the Senate.

24. Conventions. No business shall be transacted in convention of the two houses unless by unanimous consent, except such as may be agreed upon before the convention is formed.

25. Rules. No joint rule or order shall be suspended without the consent of two-thirds of the members present in each house.

(On motion of Mr. Kennedy of Milbridge, tabled pending passage and assigned for later in today's session.)

On motion of Mr. Ross of Brownville, it was

ORDERED, that the desk, chair, and equipment in the office of the Clerk of the House, together with the remainder of such supplies as were required to carry out the duties of the office be presented to the Clerk of the House; and

BE IT FURTHER ORDERED, that the Superintendent of Public Buildings arrange for delivery of same to the Clerk's residence. (Applause)

The **SPEAKER**: Before reading the order the Chair will request the Majority floor leader and the Minority floor leader to go to the Clerk's office and escort the gentlewoman in the Clerk's office, the Secretary to the Clerk, Mrs. Bertha Johnson, to the rostrum.

Thereupon, Mrs. Johnson was escorted to the rostrum by Mr. Levesque and Mr. Kennedy, amid the applause of the House.

Mr. Jalbert of Lewiston presented the following Order and moved its passage:

WHEREAS, when members of the House approach or enter the office of the Clerk of the House, there is always a smiling face waiting there to greet them, and

WHEREAS, today marks the birthday of one of our most devoted and faithful workers here in the House,

BE IT ORDERED, that the members of the House of Representatives extend their sincere congratulations to Mrs. Bertha Johnson on her birthday today, and be it further

ORDERED, that the Clerk of the House is directed to send an attested copy of this Order to Bertha Johnson.

Thereupon, the Order received passage amid prolonged applause, the members rising.

Tabled Until Later in Today's Session

Mr. Libhart presented the following Order and moved its passage:

ORDERED, the Senate concurring, that for each day this Special Session of the 102nd Legislature is in recess awaiting action by the Governor on any bills or resolves, the members of this Legislature shall serve without the statutory per diem stipend of \$10.

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

Mr. Berry of Cape Elizabeth was granted unanimous consent to address the House.

Mr. **BERRY**: Mr. Speaker and Members of the House: The morning paper carried significant

news for the 102nd Legislature. It changes significantly the financial picture in connection with funds available to us. I would like to quote briefly to give you the figures. "Like pennies from Heaven a surprise windfall of \$1,196,000 flooded into the cash register of the Democratic legislative leadership Tuesday for use at this special session, to give greater impetus to its program for the next biennium. It is a result of referring to the State Treasurer's revision of his previous increased estimates of the Treasury Department's General Fund earnings through investments and results in a net increase of \$1,196,000 which is now available and had not been planned upon." Other than the timing of the announcement I think the Treasurer deserves a great deal of credit for bringing the Legislature up to date.

Now realizing that this money is now available and casting about as to the many significant L.D.'s requiring money that have either been drastically altered or killed, I think the most important one that has been affected this way—and this was altered, is L. D. 1724 which is An Act Redefining Aid for Public Assistance Purposes. The original appropriation was in the vicinity of \$800,000. It came out of the Appropriations Committee to refer the whole matter to the 103rd Legislature and then at the very able insistence of the gentlewoman from Portland, Mrs. Carswell, slightly assisted by myself as a member of the minority party in the background, the Appropriations Committee agreed to provide \$200,000.

My plea today to the Democratic legislative leadership, which was mentioned in this column I quoted, is, would you use your good offices to recall this L. D. and put back in it the full amount of money required? This is a non-partisan measure. This was the reason the measure was jointly sponsored by the gentlewoman from Portland, Mrs. Carswell and myself. It was in the Governor's budget. And very briefly, just to show you the importance of it to

our people, the provision of \$800,000 of state funds will result in the generation of an additional \$1,500,000 from the Federal Government. Now this is brought about by the 89th Congress redefining public assistance qualifications, namely permitting tuberculosis patients and mental health patients to be covered under the applicable provisions of the Medicare Program. There is also a very distinct possibility that this \$2,300,000 which we are talking about will in part act as a revolving fund and the benefits which will accrue will be far more than the one thousand cases which will be affected if we do increase our appropriation to \$800,000.

It would seem to me, ladies and gentlemen of the House, that we have the money, we have a very very worthwhile cause here, and now I would strongly urge that the necessary steps be taken to put this money back in this L. D.

Mr. Kennedy of Milbridge was granted unanimous consent to briefly address the House.

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: As the speaker for the minority party I subscribe wholeheartedly to the comments made by the gentleman from Cape Elizabeth, Mr. Berry. This is a time when we can do something for those in dire need of assistance in the State of Maine, and that is our tuberculosis patients who have families back home, those who are mentally ill, and the Public Assistance program. Now the vehicle is available, it is on the Senate appropriations table, and I am sure that the majority party has a warm feeling for our distressed citizens in the State of Maine that we in the minority do feel for them. And I know and feel that they will do this and I urge their support in replacing the \$600,000 which was requested in the bill.

Mrs. Carswell of Portland was granted unanimous consent to address the House.

Mrs. CARSWELL: Mr. Speaker and Members of the House: An important part of this bill is Section 3 which reads: "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 per cent 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."

And this would take care of money that could go to the school in Presque Isle and many other community mental health programs. This section can be improved upon if we change the amount of money and accept the \$800,000 request and approve it, and I hope that the House will do this.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It behooves me to make a comment that this sudden concern of the minority party for human needs is heartening and most welcome, and you may rest assured that this will be looked into by the party which has always suggested such things.

Emergency Measure

An Act Appropriating Moneys for the Continuing Activities of the Committee on Aging. (S. P. 610) (L. D. 1624)

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 neces-

sary, 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 relating to Distribution of Railroad Stock Tax to the City of Bangor (S. P. 653) (L. D. 1621)

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. 133 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.

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

Emergency Measure

An Act to Appropriate Moneys for Reconstruction of the McLellan House at Gorham State College. (H. P. 1246) (L. D. 1741).

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

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 3 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 Creating the Investment of State Funds Law (S. P. 690) (L. D. 1773)

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

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Item number five is an Act Creating the Investment of State Funds Law. This was debated at length the other day. As you may recall, it came from committee with a divided report. The majority of the committee were in favor of the bill that we are voting on now, and as a matter of fact I will call this particular bill the 'investment officer bill' because it is almost identical with a bill that was presented during the regular session and that the Governor vetoed and we received that veto message when we assembled here this special session.

The minority report suggested two things, and these were the two things which were the most frequently mentioned in our debate last spring. We suggested raising the limitation that could be placed in common stock from ten percent to thirty percent, and we suggested providing for a fiduciary or professional investment service to be paid out of income. These would accomplish two very important things. First, under certain circumstances, and I use that phraseology because I recall very well the remarks of the gentleman from Lubec, Mr. Pike, and he remembers better than I and better than some the year 1929, but I repeat, under certain circumstances this would tend to stimulate growth or capital gain for the fund, and secondly, it would provide for professional services.

The bill which is before us is an idea which evidently emanat-

ed from the office of the present Treasurer of State. It calls for an investment officer who alone will have the power to make purchases, sales, exchanges, investments or reinvestments. Oh I will admit that it says that he would have the right to employ advisors or professional assistance if he deemed it necessary, but what if he doesn't deem it necessary? What a Herculean task, as a matter of fact, actually impossible task for any man, no matter how bright, to handle a portfolio which could possibly go as high as \$30,000,000 in common stocks.

The last vote taken in this House of Representatives on this item was a tie. Several members of the Majority Party, very wisely, in my opinion, supported the minority report. It would be my hope that they will follow suit again today and support the motion to indefinitely postpone this bill which I make now, and when the vote is taken, I request it be taken by the yeas and nays.

The SPEAKER: The question before the House now is the motion of the gentleman from Bath, Mr. Ross, that this bill and its accompanying papers be indefinitely postponed. Is the House ready for the question? The gentleman from Bath, Mr. Ross, 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, kindly rise and remain standing until the monitors have made and returned 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 Bath, Mr. Ross, that this bill and its accompanying papers be indefinitely postponed. If you are in favor of the motion to indefinitely postpone this bill and its accompanying papers, when your name is called you will answer yea or yes. If you

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

Roll Call

YEA — Anderson, Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berman, Berry, Birt, Bragdon, Brewer, Buck, Burwell, Carter, Cookson, Cressey, Crosby, Cushing, Davis, Dickinson, Dunn, Erwin, Evans, Farrington, Gifford, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Hawkes, Haynes, Healy, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, Meisner, Payson, Peaslee, Pendergast, Pike, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Bath; Ross, Brownville; Sahagian, Scott, Susi, Truman, Waltz, Ward, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

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

ABSENT — Avery, Cornell, Dostie, Fortier, Gilbert, Hawes, Lane, Lent, Millay, Mosher, Norton, Roberts, Sawyer, Storm.

Yes, 65; No, 71; Absent, 14.

The **SPEAKER**: The Chair will announce the vote. Sixty-five having voted in the affirmative,

seventy-one having voted in the negative, fourteen being absent, the motion to indefinitely postpone does not prevail.

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

An Act Creating a Senatorial Apportionment Commission (H. P. 1300) (L. D. 1806)

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

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

Mr. **ERWIN**: Mr. Speaker and Members of the House: Only because I really can't sit here and hear this go under the hammer as though nobody objected to it, I would like to send it along its checkered way with one or two remarks.

The gentleman from Cape Elizabeth, Mr. Berry, of course, set the tone, and called the right note when he said this is pure and raw politics, which it is. I would simply remind the Majority Party at this point, that it was Andrew Jackson, one of their patrons, who brought into the American political scene the slogan: "To the victor belongs the spoils."

What you are doing by talking about non-partisan arrangements of a political and highly partisan problem, is that the partisan way of doing things is the wrong way, and obviously you don't believe this and neither do we, because it isn't so. The partisan way is the way in which a proper consensus is arrived at over a period of time in all of our political endeavors.

And I would also, just because I am human, like to remind the Majority Party that when President Eisenhower was in the White House, and there was a large vacancy in Federal Judges, that he offered to appoint people to the Federal Courts throughout the entire country on a fifty-fifty basis, and the partisan majority in the Senate said nothing doing, and it is my understanding that during his lifetime when President Kennedy was in office, he did not

appoint one Republican to the Federal Bench.

This is the name of the game, friends, and this is pure and raw politics, but we just want you to know that as you do it, we really don't think that this is the proper way for the State of Maine to try to tie reapportionment, or tie the hands of the next Legislature when they come to reapportion the State of Maine.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In deference to the remarks made by the gentleman from York, Mr. Erwin regarding the position of the President of the Country, President Eisenhower, and his appointments, and I think this brings back to mind in the days that our now Junior Senator in Washington was sitting in the Executive Office in our own State Capitol. How many Democrats versus Republicans were appointed then into office?

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I stand only to correct an error made by the gentleman from York, Mr. Erwin. I just couldn't bear to see it go by. He made the comment that Andrew Jackson is associated with the phrase: "To the victor goes the spoils." Perhaps this is so, but I am sure Mr. Erwin, the gentleman from York, is well aware that the former President Andrew Jackson is not the man who invented it.

And talking now in regards to the bill, I think that the bill itself would be a help for every citizen of Maine, and I hope that we vote for it.

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

Mr. ERWIN: Mr. Speaker, I don't think the gentleman from Eagle Lake, Mr. Martin heard me. I didn't say that Andrew Jackson had coined the phrase. I only rise to ask for a division.

The SPEAKER: A division has been requested. This bill having had its three several readings in the House and having been passed to be engrossed, and having had its two several readings in the Senate and having been passed to be engrossed, and the Committee on Engrossed Bills having reported that it is truly and strictly engrossed, is it now the pleasure of the House that this bill be passed to be enacted? All those in favor of this bill being passed to be enacted will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-three having voted in the affirmative and sixty-two having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: Is there objection from any member of the House that the matters which were acted upon this morning be sent forthwith to the Senate? The Chair hears none.

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Appropriating Funds for State of Maine's Participation in the 1967 World Exhibition in Canada" (H. P. 1207) (L. D. 1675) reporting that they are unable to agree.

(Signed)

BISHOP of Presque Isle

KATZ of Augusta

COTE of Lewiston

—Committee on part of House

O'LEARY of Oxford

BOISVERT

of Androscoggin.

MANUEL of Aroostook

—Committee on part of Senate.

Report was read.

On motion of Mr. Katz of Augusta, the Report was rejected and the House further insisted and asked for another Committee of Conference.

A new Committee of Conference on the part of the House was ap-

pointed by the Speaker as follows:

Messrs. BISHOP of Presque Isle
KATZ of Augusta
COTE of Lewiston

On motion of Mr. Levesque of Madawaska,
Recessed to the sound of the gong.

After Recess

Called to order by the Speaker.

On motion of Mr. Binnette of Old Town,

Recessed until two o'clock in the afternoon.

After Recess

2:00 P.M.

The House was called to order by the Speaker.

The SPEAKER: Is there objection to taking up at this time out of order papers from the Senate appearing on Supplement number 2? The Chair hears none. The Clerk will proceed.

From the Senate: The following Order:

ORDERED, the House concurring, that the Museum Study Committee be continued as a Legislative Committee for the purpose of further developing plans for an Archives-Library-Museum building to be located in Augusta,

1. So that tentative architectural drawings may be prepared and available to the public prior to a referendum vote as a Bond Issue for the building.

2. So that a more detailed site study may be developed, and be it further

ORDERED, that the additional sum of \$1,000 be appropriated from the Legislative Appropriation to defray necessary expenses of the Committee, including travel and meals, employment of consultants and other necessary expenses incurred in the performance of its duties. (S. P. 727)

Came from the Senate read and passed.

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

Non-Concurrent Matter

Bill "An Act relating to Tax on Harness and Running Horse Racing." (H. P. 1249) (L. D. 1744) which was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence in the House on February 1.

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

In the House: On motion of Mr. Conley of Portland, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act Appropriating Funds for Additional State Police Officers (H. P. 1264) (L. D. 1759) which was passed to be enacted in the House on January 26 and passed to be engrossed as amended by Committee Amendment "A" on January 24.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker and Members of the House: This bill was part of the Highway Safety Program for this special session. It was endorsed by the Governor and passed here in the House. Last Saturday these hallowed halls were full of men and women interested in highway safety. Frankly the legislators were a bit conspicuous by their absence, but there are several in attendance here who were at that meeting. At that time the entire body was alerted to the fact that this bill was having a little trouble, but they seemed sure that we were going to get these additional state troopers. An analysis of the department records reflects that since the Maine state police have come under the rules and regulations of the State Department of Personnel they have lost what amounts to the

services of twenty-three officers due to the compensatory time off as designated by personnel rules and regulations. The addition of this twenty men will only bring them up to the highway strength that they had before where they have lost twenty-three, and strictly as a highway measure I move that we insist.

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

Mr. CONLEY: Mr. Speaker and Members of the House: I stand this afternoon in support of the gentleman from Brownville, Mr. Ross. I feel that each and every one of us in the House here are aware of the fact of the slaughter on Maine highways in the preceding year, and I think that each and every one of us feel that in heart we should do something about it.

A statement that I picked up recently states the fact that the department had been authorized by legislative action three officers to assist in carrying out our to assist in carrying out our motor vehicle inspection program, when in fact it has taken the services of eleven state troopers to adequately implement this project. I feel that it is absolutely necessary for us to appropriate enough money to put additional troopers on the road to help alleviate the problem in highway safety.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: In all fairness I would say that in the omnibus bill provision is made for ten; they have cut this request in half. I want to be fair about the thing. We are still holding out for twenty.

The SPEAKER: The question before the House is on the motion of the gentleman from Brownville, Mr. Ross, that we insist.

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

Mr. JALBERT: Mr. Speaker, I move that we ask for a Committee of Conference.

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

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

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, now moves that we recede from our former action and concur with the Senate.

Mr. Conley of Portland then requested a division.

Thereupon, Mr. Ross of Brownville requested that the vote be taken by the yeas and nays.

The SPEAKER: It has now been requested that the vote be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed consent of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

The Chair recognizes the gentleman from Paris, Mr. Hammond.

Mr. HAMMOND: Mr. Speaker, I arise for the purpose of asking a question through the Chair.

The SPEAKER: The gentleman may ask his question.

Mr. HAMMOND: Mr. Speaker and Members of the House: It has been stated this afternoon here in this House that several, or a considerable number of state troopers have recently resigned. Now these additional state troopers, this is a question I would ask anyone in the House who cares to answer, is this twenty additional state troopers in addition to the number now currently on the rolls or is it twenty in addition to the highest enlisted number that the state has ever carried? Thank you.

The SPEAKER: The gentleman from Paris, Mr. Hammond, 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 Brownville, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: To the best of my knowledge it is just twenty additional troopers not on the rolls. Is that clear?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I think perhaps we should bear in mind that the omnibus bill provides for an additional ten troopers. If this bill passes then we assume that we will hire another twenty on top of this for a grand total of thirty. Now this may be a misunderstanding on my part but this is I believe the way the legislation would be written, and if I am in error I would ask that anyone would correct me.

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

Mr. JALBERT: Mr. Speaker, I would like to inform the gentleman from Eagle Lake that his point is well taken and he is absolutely correct.

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

Mrs. CARSWELL: Mr. Speaker, I arise for the purpose of asking a question. This is supposed to be a highway safety measure. Does the bill designate that these patrolmen will be highway safety patrolmen or will they be regular members just placed into the department into whatever category their boss places them, or will they be specifically patrolmen for highway safety purposes?

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

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

Mr. JALBERT: Like all state troopers they are for highway safety. The answer is that they will be patrolmen.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Members of the House: I am

a little confused. Do I understand at the present time, and anyone might answer this question, that we are now ten under strength in the force, is this the question?

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

Mr. FARRINGTON: Then perhaps I didn't put it correctly. We proposed that there be thirty additional added to the force, if we went into the first measure proposed. This Senate amendment cuts it back to ten. Otherwise I assume that we need twenty more to be brought up to full strength. In other words, we are ten light at the present time in the force.

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

Mr. ROSS: The State Police Department and the Highway Safety Committee only want twenty more men. They don't want the ten that are in that omnibus bill and another twenty. All they want is an additional twenty to make up for the twenty-three that they lost. They are not trying to get thirty.

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

Mr. JALBERT: The fact remains that if we pass, if we don't go for the indefinite postponement, if we don't go along with the Senate on this thing here, we will wind up with thirty additional police.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Eagle Lake, Mr. Martin, that we recede and concur with the Senate in the indefinite postponement of Bill "An Act Appropriating Funds for Additional State Police Officers." House Paper 1264, L. D. 1759. If you are in favor of receding and concurring with the Senate when your name is called you will either answer yea or yes; if you are opposed to the motion when your name is called you will either answer nay or no. The Clerk will call the roll.

Roll Call

YEA — Baldic, Beane, Bedard, Benson, Mechanic Falls; Binnette, Blouin, Bourgoin, Bradstreet, Brennan, Bussiere, Carroll, Carswell, Champagne, Cote, Crommett, Curran, Danton, Dostie, Drigotas, Drouin, Dudley, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauthier, Gauvin, Gillan, Glazier, Graham, Harvey, Bangor; Harvey, Woolwich; Haugen, Hoy, Hunter, Durham; Jalbert, Jordan, Keyte, Laberge, Lebel, Levesque, Lincoln, Lycette, Martin, McKinnon, Mills, Mitchell, Palmer, Poulin, Searles, Starbird, Sullivan, Truman, Wheeler, Whittier, Wuori.

NAY — Anderson, Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berman, Berry, Birt, Bishop, Boissonneau, Bragdon, Brewer, Buck, Burnham, Burwell, Carter, Conley, Cookson, Cornell, Cottrell, Cressey, Crosby, Cushing, Davis, Dickinson, Doyle, Dunn, Erwin, Evans, Farrington, Gilbert, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Harvey, Windham; Hawes, Hawkes, Haynes, Healy, Huber, Hunter, Clinton; Katz, Kennedy, Kilroy, Kittredge, Lewis, Libhart, Littlefield, Lowery, Lund, Meisner, Nadeau, O'Gara, Payson, Peaslee, Pendergast, Pike, Prince, Rackliff, Richardson, Cumberland; Ross, Bath; Ross, Brownville; Ruby, Sahagian, Scott, Stoutamyer, Susi, Waltz, Ward, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

ABSENT — Avery, D'Alfonso, Gifford, Jewell, Lane, Lang, Lent, Millay, Mosher, Norton, Richardson, Stonington; Roberts, Roy, Sawyer, Storm.

Yes, 61; No, 74; Absent, 15.

The **SPEAKER**: Sixty-one having voted in the affirmative and seventy-four in the negative, with fifteen being absent, the motion to recede and concur does not prevail.

Thereupon, on motion of Mr. Ross of Brownville, the House voted to insist.

On motion of Mr. Cote of Lewiston, the House voted to ask for a Committee of Conference.

Non-Concurrent Matter

An Act Appropriating Moneys for Relocation and Conversion of Dispensary at Maine Maritime Academy (H. P. 1280) (L. D. 1786) which was passed to be enacted in the House on January 28 and passed to be engrossed as amended by Committee Amendment "A" on January 26.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The **SPEAKER**: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. **TRUMAN**: Mr. Speaker, I move that we insist on our former action and I would speak on the motion.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Biddeford, Mr. Truman, that we insist on our former action, and the gentleman may proceed.

Mr. **TRUMAN**: Mr. Speaker and Members of the House: I proposed this legislation and if I did not think it was of an emergency nature I wouldn't have presented it at this session. This bill calls for \$8,430 and the situation that exists I am going to describe to you. They have a huge building called Dismukes Hall at the Maine Maritime Academy which at present is being renovated and within this building there is one small room called the Dispensary. From a business standpoint to keep this dispensary in this building, which is used as a classroom, when the classes are through at the end of the day they are heating this whole building for the benefit of one small dispensary. So economically it's a very poor situation.

Secondly, they have a cottage very close by, and it will take \$8,430 to complete this cottage so that it will be usable as a dispensary. Now the plans call for this room to be removed from this huge hall. If they don't remove this room from this hall they will not continue with their plans, number one. Secondly, they have

all the intentions of continuing their plans and they will do without the dispensary. Now you picture your boy at that school being treated when he is sick in a huge dormitory. I am sure that you wouldn't like to have your son there as a patient in a huge dormitory and you wouldn't like to have your son there as a person next to a patient in a huge dormitory.

This is a very insignificant amount of money. Your boys need your help now. \$8,430 is a must. Please support this motion to insist on our former action.

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

Mr. HEALY: Mr. Speaker and Members of the House: I too want to insist on our former action. I visited the Maine Maritime Academy in October I think it was and Admiral Rogers was very courteous to me and took me through this Dismukes Hall and showed me what he had there. The regular session of the Legislature appropriated some \$275,000 to restore this building. They found that with that money they couldn't take care of the roof; they needed new windows on the building, the windows leaked, and it's drafty, and there's nothing worse than leaky windows unless it's a leaky roof which they had. And they requested some \$75,000 to do these jobs and also to include—there was a sum of money there for a laboratory.

Well they have seen fit to cut that \$75,000 down to about \$24,000; they are going to allow them the money for the roof and money for a paint job, and \$12,000 for the windows. And at the committee hearing Admiral Rogers flew in here from Puerto Rico I believe—the boat was down there, to explain these things. When I talked to him, he told me about the situation there also regarding the teachers, how poorly they were paid. Well, we have provided some \$40,000 to protect him for the teachers.

Now surely, out of all of the money that has been sluiced out here in this special session of the Legislature, they can provide

\$8,000 to restore this dispensary. Incidentally, there were some very fine doctors appeared at that hearing. They took the time to come up here and explain how desperately in need they were to restore this dispensary. Surely we're not going to let them down. And incidentally, Admiral Rogers should not be responsible for what somebody has done in the past down there. I expect to hear from that but maybe I won't. And surely we can dig up \$8,000. I saw in the paper today where we had a windfall of a million and a half, and I'm sure that this House is going to go along for this \$8,000. God bless you all! Thank you.

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

Mr. BREWER: Mr. Speaker and Members of the House: We are talking about a school that has developed tremendously over the last few years. We are talking in the terms of between four and five hundred healthy boys. Now healthy boys do become ill. Epidemics do occur. They are in need of a dispensary that is isolated from the dormitories. I think we would be unwise in not providing this for the Maritime. Thank you.

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

Mr. PENDERGAST: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Biddeford, Mr. Truman. This seems like a small sum of money not to appropriate to complete this necessary dispensary. I hope you will vote to support the motion to insist. Thank you.

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

Mr. BISHOP: Mr. Speaker and Members of the House: I am not going to speak in favor of this because I understand my name has been mentioned in connection with this institution, but I am not opposed to it.

The SPEAKER: Is the House ready for the question? The question before the House is on

the motion of the gentleman from Biddeford, Mr. Truman, that we insist on our former action. All those in favor of insisting will say aye; all those opposed will say no. A viva voce vote being taken, the motion prevailed.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Appropriating Funds for Additional State Police Officers" (H. P. 1264) (L. D. 1759) the Speaker appointed the following Conferees on the part of the House:

Messrs. KENNEDY of Milbridge
ROSS of Brownville
CONLEY of Portland

On the disagreeing action of the two branches of the Legislature on Bill "An Act Appropriating Moneys for Relocation and Conversion of Dispensary at Maine Maritime Academy" (H. P. 1280) (L. D. 1786) the Speaker appointed the following Conferees on the part of the House:

Messrs. TRUMAN of Biddeford
HEALY of Portland
BREWER of Bath

Non-Concurrent Matter

Bill "An Act Establishing a State Commission on the Arts and the Humanities" (S. P. 667) (L. D. 1700) which was passed to be engrossed as amended by Senate Amendment "A" in the House on January 28.

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

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

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is hereby directed to report a Bill making additional appropriations for the expenditures of State Government for the fiscal years ending June 30, 1966 and June 30, 1967 (S. P. 730)

Came from the Senate read and passed.

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

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

Mr. LEVESQUE: Mr. Speaker, I would now ask if the House is in possession of Senate Paper 726, for the purpose of reconsideration.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, inquires whether the House has in its possession Senate Paper 726, which is an order in reference to creating a special committee of the 102nd Legislature for certain members to study the general power requirements of the State of Maine as to generation and transmission. And the Chair will state in the affirmative, the paper is in the possession of the House.

Mr. LEVESQUE: Mr. Speaker, I now move that we reconsider our action whereby this order was indefinitely postponed in the House yesterday.

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

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

Mr. PIKE: Mr. Speaker and Ladies and Gentlemen of the House: I don't know whether this is the proper point to bring up the general matter of this order or not. If it is, I would merely like to remark that we thought we had sent it to a quiet and merciful death yesterday but the scalpel has seemed to have missed a vital point and the critter is still alive.

I have real trouble, as I told you yesterday, with this order. It covers areas in which the Legislature — very few members of the Legislature are or are supposed to be expert. My principal objection is that it keeps this crowd in operation which has been shifting its stance almost continuously now for over a year. If one of its schemes is knocked off it comes up with another, and apparently it has now taken the good figures of Knox County up into a high place and shown them

the beautiful scenery below, so that they are fascinated, including Chambers of Commerce and town managers and so forth and so on.

If you were in any doubt as to who was behind or what was behind this order, but when you were sitting in the majority party in the comfortable chairs here and hearing I am sure the impassioned oratory this morning, those who were out in the corridors couldn't help but notice the almost frantic lobbying going on and having seen the boys for quite some time you knew who they represented. Now there is a legitimate room for public power, we have some of it. There is legitimate room for private power, we have quite a lot of it. I have a real question as to whether there is in this state room, legal proper room—I will leave out the word legal, the proper room for an outfit that sails under the flag of public power thereby escaping local, state and federal taxes, and if bondholders to escape all federal income taxes, if there is room — if this is for private profit, which I think is wrong with public power, it can't be public power in that sense, and it is as I read the various proposals they have put up, less amenable to the jurisdiction of this state and its Public Utilities Commission than the private power things themselves. So for my book it is phony public power.

Now there is in here a reference to a consulting firm. I am sure you have all dealt with consulting firms. Some of them you tell them what you want and you consult with them and you get the report that you want pretty well. If you are on the other side you hunt up another firm and you get that kind of a report. It is something like taking and throwing no rocks, that you know the judge you want to appear before the next morning and if your lawyer is real bright he can get you before the right judge.

I question whether there is, and I don't know whether there should be in this state, in this Legislature, the confidence to direct such a report or to really make an in-

telligent recommendation to the next Legislature on the report, and the next Legislature I will remind you is apt to be composed of quite different people. I see no reason for the passage of it. Now there is some, it has been said but I don't think there is a great deal of sense behind it, that we have got to keep a stick right close behind the private power boys. I think they have seen the stick, I think they are moving ahead, and I would suspect although I don't know, that if this order were passed it might throw a monkey wrench into the gears that are now meshing quite smoothly and actually delay the plans which the power companies in this state are carrying through with pretty good speed to get us some very much larger, more economical power plants bringing lower costs. I don't want to go over the ground that I went over yesterday, but it seems to me today that instead of using the delicate scalpel with the quiet and merciful death, we perhaps ought to bring out the traditional blunt instrument and beat it so that it won't recover. Thank you.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I am sure you all recall we first came down here an awful long time ago, and before we could even get accustomed to where our committee rooms were and that sort of thing, we received so many reports that I, for one, was dismayed. I didn't think I would ever wade through them. I did eventually, and I don't think any of it stuck, because I don't remember very much of it at this point, and towards the end of the session, I put in an order which did not pass, but it came a lot closer to passing than anyone thought it would, and I put it in half jokingly anyway, to study the studies, the point being that I felt and I still feel very strongly that we in this Legislature waste literally thousands of dollars every year in studies.

Now I am not suggesting that all studies are bad, because they are not. I am sure that out of these, some studies are made that are true studies that are done thoughtfully and intelligently by people who are vitally concerned with what they are doing; but as opposed to them, there are an awful lot of studies that are being done by people with an axe to grind, with a particular point to make, and this sort of thing, and the way you convince people that your approach is an intelligent one, you make a study report which comes out with a report that favors your biased opinion to start with.

Well I think this is what will happen with this particular order, and besides, it troubles me greatly to have this Legislature now adopt the tack that we should finance a study that rightfully, if done at all, should be done by the promoters of the project. We have seen in this very short session that it is possible when people are very much interested in a particular project, to get a great deal of mileage out of private concerns who are interested in the project. For example, the State Treasurer was able to get some very intelligent people down here, and a lot of them from New York and other places, in support of his investment officer bill, and it didn't cost a cent to get them here. I suggest that the remarks made by the gentleman from Lubec, Mr. Pike, are eminently intelligent and that in addition to what he said, it is perfectly clear that this is a complete waste of money for a partisan project that we shouldn't even be taking the time to debate this afternoon.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: My reason for the reconsideration motion this afternoon, and the record will bear this out, that I have not been in the past a supporter of the so-called projects that have been promoted by a certain group in this state in this — before this Legislature or before previous Legislatures. My

feeling is in this matter that this is an entirely different concept that we have had before us in this Legislature and certainly it is well worth a study for the benefit of all the people of our state as to just where these rates can help all the public.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Haynes.

Mr. HAYNES: Mr. Speaker and Members of the House: I would like to pose a question to any member of the House, and that is, is this study to be made by a disinterested private professional engineering firm?

The SPEAKER: The gentleman from Camden, Mr. Haynes, 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 Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps in answering the question posed by the gentleman from Camden, Mr. Haynes, the answer very definitely would be in the affirmative as I read the order.

While I am on my feet, perhaps I might as well make a few other comments. And the first comment is on a comment made by the gentleman from Brewer, Mr. Libhart. He seems to feel that this is a partisan issue or that all partisan things turn out badly. I am sure that he doesn't really mean this, because I am sure that he realizes whether if he assumes that this is a party issue, that some things sometimes work out well for the rest of the state and for the rest of the nation, regardless of whether or not they might be partisan, again assuming that this might or might not be in that manner.

I personally feel that there is a good reason for this order, and perhaps we should take a look at the order a little further. I personally had a feeling yesterday that some members of the House, including myself, didn't fully understand the order in its entirety. If you will look down on the lower portion of it, it says that the pur-

pose of the order is "to study the general power requirements of the State of Maine as to generation and transmission, and the possible methods of meeting those requirements, including an analysis of the concept of a Maine Power Authority or other state agency created for the generation and transmission of power." It does not say that we have to look or propose a bill for the so-called Maine Power Authority. It says that we look at it, and for any other proposal that might come into play, that we might look into this as well and make up our own minds. It further states that the purpose of this order is to compare public power with private and to see whether or not the people of Maine would be better served by public or private, and I am sure some people in this state are served by some public producing agencies, and I am sure that they can attest to their importance.

I would like to point out one thing that appeared in the Bangor Daily News not too long ago, and this was the fact that out of forty-eight continental states, one company in the State of Maine produces the highest rates in the Country, and at the same time, cities served by the so-called Tennessee Valley Authority provide the same amount of electricity for one-third the cost. Obviously, there must be something wrong. And I would suggest that an order such as this setting up such a committee could be a way to find out what the troubles are, if there are any, and if there are some, to make suggested changes.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This House often reverses its stands from day to day. That is our prerogative. Quite often it is on situations that have political overtones, such as the elimination of the box at the top of the ticket; normally the vote is quite close. Yesterday, we voted against this one hundred and twenty-one to twelve. If this is reversed today, all I can say is, that it is a dandy, and my hats are off to someone or

some group for a tremendous amount of work that they have done in a very short while.

I spoke yesterday on this at some length, and I will not repeat what I said then. I will only stress that notwithstanding such emotional platitudes as this will benefit all of the people of the State of Maine, I feel that any Maine Power Authority scheme will probably be of more benefit to out-of-state lawyers, bankers, investment people and engineers than the citizens of the State of Maine whom we do represent.

I wonder how many of you watched last night the Junior Senator from Maine, Senator Edmund S. Muskie, on television. During that program, he was asked what he thought about this new proposal. I only wish that I could quote him, but I do not believe that this appeared in print in any of the papers today. However, I dare say that I would not be inaccurate if I would say that at least, he was noncommittal, if not most unenthused.

Sometimes it is very difficult to grasp the subtleties that sometimes are buried behind indicated intentions. Now in theory this study, albeit, costing \$75,000 should be harmless enough, but I personally wonder exactly what the real purpose is. Is it to create commissions and salaries and corporate profits amounting to several millions of dollars? Is it to block the endeavors of a group of private enterprises, or is it to use as a lever in behalf of some other project not mentioned? But without belaboring the issue, and without repeating my specific objectives, I hope that the House stands firm in its decision of yesterday and votes against the motion.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am here as I was yesterday. I was opposed to this measure yesterday; I am also opposed to it today. I am not going to reiterate the same things that I said yesterday about it. However, let me say, I hope that some of you people in

this House that have been here as many terms as I have and lived to see the reports that we have had; the Sly Report and the Jacob's Report and we surveyed the Department of Economic Development and we surveyed the Highway Department and we have resurveyed and they have all ended up costing a lot of money. Then I saw new Legislators come in the next session, and the real good ones read the writing on the first page of the cover. Some weren't interested and didn't read that much, and they all ended up in the waste paper basket.

Now it seems to me that they are trying to tell us this costs \$75,000. I feel sure that not much of a survey today can be made for \$75,000 based on what the others cost. Now I have asked our leadership, would they please call a reliable firm and find out what the cost was. They may have done it but they didn't bring back any substantial report to me. I feel sure that this isn't enough money to make any reasonable survey, for one thing, and I saw what happened to the other surveys. I would rather spend the money I think to buy some barefoot children some shoes or something here in the state or do something for welfare or many other things that I can think of that the money could be much better spent for, and I hope that you people will understand how valueless these reports are and where they all end up eventually, and the amount of money they cost the people. This is just how I feel about it. I could say a lot more, but the time is getting late and I figure your minds are all made up anyway.

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

Mr. KENNEDY: Mr. Speaker and Members of the House: Inference might have been made here this afternoon that this is a party issue, and due to the fact that perhaps more Republicans have spoken against this order than those that have spoken for it, I want to assure every member of the House of the Republican

Party that we are disassociated as making this a party issue. I want all Republicans to vote their conscience because we are not taking any particular stand.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: I think there is an assumption being made here that is unwarranted, and that is, that the results of this study are going to favor the Maine Power Authority. Now either I am misreading the order or I am terribly naive or something, but the order does not say this at all. The order says to study the problem and recommend to the people of Maine which would be the most beneficial system.

Now while ordinarily I would defer to the experience and wisdom of the gentleman from Lubec, Mr. Pike, who is much more knowledgeable than I in this subject, while his attention may have been directed to certain lobbyists representing perhaps or associated with the Maine Power Authority, my attention was directed to other lobbyists equally active that I know to represent other interests, and I don't think it is fair to assume that this is going to be a weighted or a biased report, and I think it is information that the next Legislature and the people will find very useful.

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to direct just a comment to the great Minority Floor Leader, Mr. Kennedy from Milbridge, that myself, as a Democrat and my fellow colleagues as Democrats in this House are voting according to their own conscience too.

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

Mr. BERRY: Mr. Speaker and Members of the House: I rise a little reluctantly to speak on this matter, but having sat here and listened to the debate, and having

read the order, I feel that I would be remiss in my duty to my constituents if I did not speak on the matter.

The gentleman from Lubec, Mr. Pike, has put his finger on the heart of the matter when he pointed out that plans are already under way and actual construction is going to be halted by the passage of this order, and I would like to have this message go home to everybody here. There recently appeared in the paper, as the result of very careful deliberations and plans of an engineering, financial and legal nature, an announcement by two groups to proceed with construction which portend great things for everybody in the State of Maine, and by the passage of this order you are going to stop progress for eighteen months. The two projects were the construction of an atomic power plant somewhere on the coast from Rockland west to the New Hampshire border, the exact location to be determined quickly. There would be a transmission line as part of this first project constructed from this atomic plant to the New Hampshire border where it would tie in with the New England and National grid system; the voltage on this line would be 350,000 volts, which is far bigger than anything we have in the State of Maine now. This plant would have a capacity of 700,000 kilowatts. It will have a cost of \$70,000,000, a delightful prize for the community in which it is located. I wish it were Cape Elizabeth, but I know it won't be.

In addition, the transmission line which will run from that plant to the New Hampshire border will cost \$125,000 minimum per mile of construction. Ladies and Gentlemen of the House, this is assessable property, every bit of it, the \$70,000,000 and the \$125,000. The money that is going to pour into the community coffers from this operation will reduce school expenses, it will reduce real estate taxes, as any legitimate enterprise should do operating in the State of Maine.

I emphasize these points because if you will look in here, and

if you will listen to what has been said, particularly by the gentleman from Eagle Lake, Mr. Martin, we're talking TVA, no other name.

The second project which was announced recently, and which is actually under construction, is a project for the construction of inter - connecting transmission lines for the present electric systems in the State of Maine, a project which I would be the first to admit, long overdue. Work has started on this. The section from Bucksport north to connect with the Maine Public Service Company line is now under construction. The plans for the construction of the atomic power plant are under way. Financial and legal studies have been completed. Put yourself in the position of a Board of Directors that is currently planning to build a \$70,000,000 project, plus a \$125,000 a mile line to take the power to the New Hampshire border, and the State of Maine Legislature passes this order. What are you going to do? You're going to stop.

The construction lag on this project, Ladies and Gentlemen of the House, is five years. In 1972 we will be getting atomic power in the State of Maine. If you pass this order, Ladies and Gentlemen of the House, it will be delayed a minimum of eighteen months. In my opinion, it will be delayed more than that, because this project, if you pass this, will be kept alive in the 103rd as it has been kept alive up to now in the Legislatures which some of us have been serving in. As long as this is hanging over the head of the State of Maine, you are going to have your high cost of power. Now if you really believe you want low cost power, kill this order.

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

Mr. POULIN: Mr. Speaker and Ladies and Gentlemen of the House: Sitting here and listening to these arguments here, I am a little bit confused, because I was remembering something I had read in the papers that the power companies in the State of Maine

were shipping power out of state at a lower rate than they were selling it to our own Maine citizens. Now if this report would bring out why or how they can do it, then I am all for the report.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I don't think that this order is going to be that detrimental to an atomic power project that is now being in process. This is only for the purpose of studying the public versus private power and I don't think this should delay the project already mentioned by the gentleman from Cape Elizabeth, Mr. Berry.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I note that the Majority Floor Leader has now spoken twice on this subject, the Minority Floor Leader has indicated that my party is not taking a position; there is indication from the gentleman from Eagle Lake, Mr. Martin, that it is not partisan. If it is not partisan, then I ask why the Majority Party caucused for the length of time they did on the subject this morning. I further suggest to the gentleman from Eagle Lake, Mr. Martin, that the reason, as everybody very well knows, that the Tennessee Valley Authority sells power for the price they do is because there are so many advantages to that type of operation when you pay no taxes, you pay the lowest possible interest rate on your money invested, you avoid local PUC regulations and go under a federal regulatory authority, you get preferred treatment from all sorts of government projects and contracts. When you have got that kind of help in your pocket, you can certainly beat public power any day of the week—or private power any day of the week.

Now this is a partisan issue on the part of the Democratic Party, and to say anything other than that is a bald lie. You folks are going to vote here. Yesterday you

voted one hundred and twenty to whatever it was. Your minds are going to be changed. We are wasting our time talking about it. We might as well vote on it, but you are going to change, and when this money is spent and wasted, the blame will be on you, and when the projects that are presently under advisement in the State of Maine are delayed, the blame will also be on you. Let that stand on the record. I move the previous question.

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

A sufficient number did not arise.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: In the first place, I never knew that there was a law against caucusing. We took up several matters in our caucus, but to set the record straight, the next time we do have one, I'll extend a personal invitation to the gentleman from Brewer, Mr. Libhart, to join our caucuses; I guarantee he will learn something.

Now secondly, I would like to state right here that as far as I am concerned, it is a party issue, and I'll lay dollars to doughnuts here that there won't be three Republicans that will vote against this thing, for this order, and there won't be three Democrats that will vote against it. Let's not kid ourselves. It is a party issue. I have sat here since 1945 and I have been wagging at the door trying to get in to caucuses and trying to break up caucuses and everything else when I was a floor leader. I never beefed about it. We can have our caucuses

when we want to. We can vote on partisan issues when we want to, and believe you me, we are doing it today, notwithstanding the remarks of my very good friend from Milbridge, Mr. Kennedy.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In regards to the comments made by the gentleman from Brewer, Mr. Libhart, I would suggest to him and to the other members of the House that if it helps the people of Maine, then we should be for the order.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you here that I shall not hesitate to vote when people threaten me that they are going to stop doing what they are doing, and I accept their challenge, and I say to them and to their engineers, if you have so little confidence in the State of Maine that you will stop your atomic progress, then you do not deserve to have the control and the monopoly you have in the State of Maine, and I say to every man here, vote your conscience, but remember, that I lived down in the south and I saw homes and I saw greenhouses heated with TVA power, and I am not too proud. I'll accept public power anytime they pipe it into my home at a cheaper rate. I am in a rat race in the State of Maine trying to live, trying to educate my children with the high cost of electrical power, and I say let us look at the record, and the record is here before my eyes, and I have heard a man speak here today against this order who I think has an interest in a power plant, and I tell you one and all that I shall not hesitate to vote against any power company in the State of Maine or any individual, and I am proud to stand up and vote when they make threats to me.

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

Mr. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: If I understood the honorable member from Eagle Lake, Mr. Martin, this is just to have a look. \$75,000 is a pretty expensive look.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker and Members of the House: I sort of feel out of place. I have the doughnuts to match the gentleman from Lewiston, Mr. Jalbert's dollars. I also would like to comment a little bit on the earlier remarks of the gentleman from Brewer, Mr. Libhart on reports and studies. I too waded through a good many of them, and quite frankly when I found that I didn't agree with what I read, I thought they were very biased. When I did agree with them, I thought they were well done professional reports.

I think we have heard several statements from the Floor this afternoon that should show up for proof as evidence in this proposed study quite frankly. I have got to be very, very honest with you, what I would like to see is the proof of the statements that have been made both pro and con on this subject, and I think the people of the State of Maine deserve to have the proof, and I think you have got it laying right before you here on the desks, the way to get that proof; pass this order.

The SPEAKER: The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, that we reconsider our action whereby this order, Senate Paper 726, was indefinitely postponed. The Chair will order a division. All those in favor of reconsidering our action whereby this was indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Mr. Sahagian of Belgrade requested a roll call.

The SPEAKER: The gentleman from Belgrade, Mr. Sahagian, requests that the vote be taken by the yeas and nays. All those in favor of the vote — in order for the Chair to order the yeas and nays, it must have the expressed consent 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 did arise.

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

Mr. Pendergast of Kennebunkport was excused from voting due to personal interests.

The SPEAKER: The question before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that we reconsider our action whereby this order was indefinitely postponed. If you are in favor of reconsideration, you will answer yes or yea when your name is called. If you are opposed to reconsideration, you will answer nay or no when your name is called. The Clerk will call the roll.

Roll Call

YEA — Baldic, Beane, Bedard, Benson, Mechanic Falls; Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Bussiere, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Crommett, Curran, Danton, Davis, Dickinson, Dostie, Drigotas, Drouin, Dumont, Edwards, Evans, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gauthier, Gauvin, Gillan, Glazier, Graham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hawes, Hawkes, Haynes, Healy, Huber, Hunter, Durham; Jalbert, Jordan, Keyte, Kilroy, Kittedge, Laberge, Lang, Lebel, Levesque, Lewis, Littlefield, Martin, McKinnon, Mills, Mitchell, Nadeau, Palmer, Peaslee, Poulin, Prince, Rackliff, Ruby, Searles, Starbird, Stoutamyer, Truman, Ward, Watts, Wheeler, Wuori.

NAY — Anderson, Baker, Orrington; Baker, Winthrop; Benson,

Southwest Hbr.; Berman, Berry, Birt, Bragdon, Brewer, Buck, Burnham, Burwell, Carter, Cornell, Cressey, Crosby, Cushing, Dudley, Dunn, Erwin, Eustis, Farrington, Gifford, Gilbert, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Hoy, Hunter, Clinton; Katz, Kennedy, Libhart, Lincoln, Lowery, Lund, Lycette, Meisner, O'Gara, Payson, Pike, Richardson, Cumberland; Ross, Bath; Ross, Brownville; Sahagian, Scott, Susi, Waltz, White, Guilford; Whittier, Wight, Presque Isle; Wood, Young.

ABSENT — Avery, Cookson, D'Alfonso, Doyle, Gaudreau, Jewell, Lane, Lent, Millay, Mosher, Norton, Richardson, Stonington; Roberts, Roy, Sawyer, Storm, Sullivan.

Yes, 79; No, 53; Absent, 17; Excused, 1.

The SPEAKER: The Chair will announce the vote. Seventy-nine having voted in the affirmative, fifty-three having voted in the negative, with seventeen being absent and one excused from voting, the motion to reconsider prevails.

Thereupon, the order was adopted in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert and inquires for what purpose does he arise?

Mr. JALBERT: For the purpose of reconsideration.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves we reconsider our action whereby this order was adopted.

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

Mr. BENSON: Mr. Speaker, considering the vote of yesterday and the vote of today, I think it has already been reconsidered.

The SPEAKER: Is the gentleman making a parliamentary inquiry?

Mr. BENSON: No.

The SPEAKER: The question before the House now is the motion of the gentleman from Lewiston, Mr. Jalbert that we reconsider our action whereby this order was adopted. All those in

favor of reconsidering our action will say aye; those opposed, no.

The motion failed on a viva voce vote.

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

HOUSE JOINT ORDER Relative to Funds of the Department of Education for the Education of Indian Children and Associated Purposes.

Tabled — February 1, by Mr. Libhart of Brewer.

Pending — Passage.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: First of all, I would like to thank the gentleman from Brewer, Mr. Libhart for having this matter tabled. Last night I thought that perhaps I didn't want it tabled, but I have become all the wiser because it was tabled.

The order does not accomplish the purpose for which it was written. It is too broad and it would be detrimental if it were passed, and even though it is my order, which I presented to try to help the new department in their administering of Indian affairs, I humbly request that I have permission to withdraw this order.

I would also like to make another statement so that in the record we will have legislative intent of the changes that were made. I have a telegram here from former Senator Clyde Hichborn, who was Chairman of the 101st Legislative Interim Committee which formulated a bill to change the Department of Indian Affairs. The telegram reads:

"The Interim Committee on Indian Affairs which proposed and supported legislation removing Indians from Health and Welfare supervision did so because of gross Indian dissatisfaction and a mountain of supporting testimony. Re-hiring displaced former agent of Penobscot to look after schools appears last ditch effort to undermine Hinckley. While their action technically legal certainly is contrary to legislative intent to free

Indians of reportedly harsh despotic rule. Personally urge your intervention to correct injustice to Maine Indians. Clyde Hichborn Chairman Interim Committee of Indian Affairs."

I now ask permission to withdraw my order.

The SPEAKER: The gentlewoman does not need permission to withdraw the order. The order is withdrawn.

Mr. Cookson of Glenburn was granted unanimous consent to briefly address the House.

Mr. COOKSON: First of all, ladies and gentlemen, I would like to thank the good lady from Portland, Mrs. Carswell, for all the support that she has given in the efforts to pass the bill and also of course everyone in the House. I am sure that she meant very well when she presented this order yesterday but it just didn't answer up to what we were hoping it would. We all have any amount of letters and telegrams from people who are really and truly interested in these Indian affairs which we could read on and on but time is getting short.

I have one here from Bill Dennett which I would like to read, who was a member of the interim committee of which I was a member. It goes as follows:

"It appears that some discussion has arisen relative to the intent of the legislature in the passage of an Act creating a Department of Indian Affairs.

Originally I was the sponsor of an order in the 101st Legislature which created a committee to study this bill which, I believe, was referred to the 102nd Legislature by the 101st.

This committee met with the Tribal Councils of the two Indian Tribes and also discussed the situation with many individual members. It appeared to be the general consensus of opinion that they wished to be completely divorced from the Department of Health and Welfare, also from individuals who were then connected with it. It was certainly the intent of the committee to show this to be the fact.

At the hearing on the bill, as it was presented to the 102nd it was based almost in its entirety on the committee report. As the legislature proceeded to pass this bill into law it certainly must have been their intent to create a new department which would sever all ties with the former administrators of Indian Affairs.

It would in itself be a useless gesture to create a new department and leave the old with a finger still in the pie. The intent of this bill was to entirely establish a new department to administer Indian Affairs with entirely new personnel so that in the end the Indians of Maine would receive a fair deal and finally straighten out a problem which has existed for more than a hundred years."

And in addition to that I think that it is the intent of this Legislature and I hope that today it will go in the record that it so is, that this is the way that they feel concerning this bill. And I am sure this is what the lady from Portland, Mrs. Carswell, was attempting to show. Thank you.

Mrs. White of Guilford was granted unanimous consent to briefly address the House.

Mrs. WHITE: I concur with the statements of the gentlewoman from Portland and the gentleman from Glenburn, Mr. Cookson, and further I would mention a communication which has been received from the governor of the Penobscot Indians which indicates their standing on the intent of the special order. Naturally we all hope for the proper management of this new department which we have created and successful progress.

Mr. Palmer of Phillips was granted unanimous consent to briefly address the House.

Mr. PALMER: I can remember the deplorable condition of the Indians at Princeton and this was some thirty-five years ago. My friend Luther Whittier tells me that the condition has not in any way changed during the past thirty-five years. I am glad that this has been brought up and it will go on record. Maybe we can get an improvement in this.

Order Out of Order

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

WHEREAS, John B. Cottrell, Jr., a Teacher of History and Government at Deering High School, has ably represented the City of Portland as a member of the House of Representatives during the 101st and 102nd Legislative Sessions; and

WHEREAS, the Constitution of the State of Maine prescribes no limitation restricting the right of an otherwise qualified person to serve as a member of the Legislature because of his occupation; and

WHEREAS, the rule invoked by the School Committee of the City of Portland by which Representative Cottrell has been deemed to have technically resigned his position as Teacher at Deering High School constitutes an unreasonable and arbitrary restriction on the right of Representative Cottrell to serve as a member of this Legislature; and

WHEREAS, such rulings if unchallenged could abridge the constitutional exercise of the legislative prerogatives of this State and disenfranchise the citizens of the representative district from which Representative Cottrell was elected; now, therefore, be it

ORDERED, the Senate concurring, that it is the sense of the Legislature of the State of Maine that the rule invoked by the School Committee against Representative Cottrell constitutes an unreasonable and arbitrary restriction on his right as a citizen of this State to serve in the House of Representatives; and be it further

ORDERED, that a copy of this Order expressing the displeasure of the Legislature at this action taken by the School Committee of the City of Portland signed by the Speaker of the House and the President of the Senate, be immediately transmitted by the Clerk of the House to the Chairman of the School Committee of the City of Portland. (H. P. 1303)

The SPEAKER: Is it the pleasure of the House that this Order receive passage?

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

Mr. D'ALFONSO: Mr. Speaker and Members of the House: As a former member of the Portland school committee I heartily endorse the order.

Thereupon, the Order received passage and was sent up for concurrence.

The Chair then laid before the House, on Supplement number 2, under matters which were tabled and assigned for later in today's session, item one:

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 695) (L. D. 1781) (Committee Amendment "A" S-405) (House Amendment "A" H-505) (Senate Amendment "A" S-407) (Senate Amendment "B" S-431)

Tabled — February 2, by Mr. Baldic of Waterville.

Pending — Motion of Mr. Evans for Freedom to recede from the adoption of Senate Amendment "A".

The SPEAKER: The question before the House is that we reconsider our action whereby we adopted Senate Amendment "A". All those in favor will say aye; all those opposed will say no.

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

Fifty having voted in the affirmative and seventy-five having voted in the negative, the motion did not prevail.

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

Mr. LUND: May I make an inquiry of the Chair?

The SPEAKER: The gentleman may make his inquiry.

Mr. LUND: I would like to know what we are voting on — what we just voted on if the Chair please?

The SPEAKER: Doesn't the gentleman have a supplement?

Mr. LUND: I believe I did, but I didn't have an opportunity to look at it before the vote. I am

interested to know what the vote was upon.

The SPEAKER: The vote was in reference to reconsidering our action whereby we adopted Senate Amendment "A", which is filing Number 407. Would the gentleman like the Clerk to read Senate Amendment "A"?

Mr. LUND: No, if the Chair please, but I would appreciate knowing what the amendment has to do with, if the Clerk could advise that.

The SPEAKER: The Chair understands the gentleman requests unanimous consent to receive some information from the Clerk. Is there objection? The Chair hears none.

The CLERK: It is relative to the City of Waterville.

Mr. LUND: Is this having to do with the change in the Charter of the City of Waterville?

The SPEAKER: That is correct.

Mr. LUND: I would now like to make a parliamentary inquiry.

The SPEAKER: The gentleman may make his inquiry.

Mr. LUND: As I understand it, this has to do with a change in the Charter of Waterville, and I would like to inquire whether or not this is germane to the bill having to do with errors and inconsistencies?

The SPEAKER: The gentleman is making a parliamentary inquiry and the Chair will rule that it is germane.

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

Mr. BERMAN: Mr. Speaker, a parliamentary inquiry if I may.

The SPEAKER: The gentleman may make his inquiry.

Mr. BERMAN: What is the status of Senate Amendment "B"?

The SPEAKER: Senate Amendment "B" is now before the House and the gentleman may make his motion in reference to Senate Amendment "B", if he so desires. Does the gentleman care to make a motion in reference to Senate Amendment "B"?

Mr. BERMAN: If it is in order, Mr. Speaker, I would like to move that Senate Amendment "B" be indefinitely postponed.

The SPEAKER: The motion is in order. The question before the House now is on the motion of the gentleman from Houlton, Mr. Berman, that Senate Amendment "B" be indefinitely postponed.

Mr. BERMAN: Mr. Speaker and Members of the House: Very briefly, at this late hour, I don't think that we should be considering any controversial amendments to errors and inconsistencies in the public laws which, as I see it, L. D. 1781 is a 24-page document.

As a matter of fact, ladies and gentlemen of the House, the subject matter of this amendment was considered in the House last Friday, January 28, 1966. Quote in part:

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

Mr. BERMAN: Mr. Speaker and Members of the House: Before we vote on this measure I would simply like to inquire how Section 1258A reads as it comes from the engrossing department.

The SPEAKER: The Clerk will read the section, 1258A.

The CLERK: "Section 1285A. 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." Now this is the part I would like to have you pay particular attention to:

"Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 125 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."

And I say to you in all sincerity, ladies and gentlemen of the House, we voted 125 to nothing on this bill last Friday. Let's be consistent. Let's indefinitely postpone this Senate Amendment "B" which is the same subject matter that was before the House last week.

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

Mr. DANTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise merely to heartily concur with the gentleman from Houlton, Mr. Berman.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I am very sorry as to the lateness of the hour, but I didn't pick this time. I feel you should know what you are doing and if this is your judgment that it be done this way, it is quite all right with me, I assure you.

Under the law, the criminal law as it exists prior to last Friday or whenever this change was signed into law, a party represented by an attorney could be permitted by the presiding justice at his trial to ask questions of prospective jurors as to their qualifications to serve, and our law was, prior to Friday, in accordance with the Federal Rules, and our Rules permitted the presiding justice to curb an abuse practiced by some attorneys who like to try their cases while they are picking the jury. Under the law as it was prior to last Friday, the presiding justice in his discretion could permit questions by the attorney or he could require the attorney to submit the questions to him, that is, to the judge, and the judge would conduct the voir dire examination.

Some members of the Judiciary Committee, one of whom is my close personal friend, has been burnt by this procedure, and despite reservations, personal reservations to the contrary which were expressed to the Judiciary Committee, I went along with the change in the law drafted by my good friend from Houlton, Mr. Berman, which would take this discretionary authority away from the presiding justice at the trial and vest this, as a matter of right, with the attorney, or his client rather.

Now there were a number of things that were wrong with this. First of all, I think that I thought that there was an easier way to get our message across to the Chief Justice of the Supreme Ju-

dicial Court than to amend a bill which was not concerned with this method of conducting voir dire examination. It is called voir dire examination, these questions that are asked of jurors. But I went along, and I am living to regret it today, because I thought it would have been easier for us to simply politely tell the Chief Justice that the policy being forwarded or being followed by some of the trial courts was getting a little bit of static from us attorneys. The bill was passed, however, as Mr. Berman from Houlton says, and this has created a considerable stir among the membership of the Supreme Judicial Court, including its Chief Justice, Mr. Chief Justice Williamson, and other members of the court, including Mr. Justice Dufresne and others.

Now the problem is this. The judges have to maintain a somewhat Olympian detachment. You wouldn't want them stomping up and down the hall out here lobbying for a pay raise or a change in the law which they thought was appropriate, and I have always thought it was the duty of a lawyer in the Legislature to at least attempt to take the position that the court would take, since it cannot go to the newspapers, and you don't want it to. You don't want Judge Williamson out making speeches on the campaign stump, and neither do I. That is why today I rise and ask you to follow the virtually — I have not the record before me, but I believe virtually unanimous action of the Senate, which was taken I believe yesterday, in which our action in changing this rule of court without notice to the Chief Justice has been abandoned and we restored the law to what it was before this special session.

This is a complicated area. I apologize for not being able to express it more clearly than I have. I simply say to you that we surrender something of our common sense when we allow our sense of legislative authority to dominate every action. In this case we took this action, we invaded the rule-making province of the Supreme Judicial Court without notice to the court, and under

these circumstances, I think that we should candidly and forthrightly admit our error, repeal the change in the law, and if there is to be any further action on this matter, let it be taken by the 103rd.

I therefore, Mr. Speaker, urge all members of the House, and I certainly hope this is not a party issue, not to go along with reconsideration, and when the vote is taken, I request a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Berman, that Senate Amendment "B" be indefinitely postponed.

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

Mr. LUND: Mr. Speaker and Members of the House: As I understand it, the remarks of the gentleman from Cumberland, Mr. Richardson, are in opposition to the indefinite postponement of Senate Amendment "B" and I join and support him in his position with respect to this amendment. The gentleman spoke very briefly of the rule-making power, and if I can take you back in history for just a moment, I would like to do that.

Several years ago the Legislature delegated to the Maine Supreme Court the right to make rules in civil cases. The result of this was a series of hearings, committees met and civil rules were enacted which we have had in effect now for several years, and as changes in the civil rules are needed, the court makes those changes, because we, the Legislature, said it should.

In 1963 the same step was taken with regard to the criminal rules. We passed enabling legislation authorizing the court through its committee and through its own membership to adopt rules regulating the conduct of the procedure in criminal trials. As the result of the action that we took in '63, the court has, after having appointed a committee including Professor Glassman of the University of Maine Law School at Portland, those new rules went into effect in December of last

year. They have been in effect about two months now.

There is a procedure established for changing those rules. What we did the other day, and I am embarrassed because it got past many of us without being aware of it, what we did amounts to an affront to the Supreme Judicial Court of this State. We took a rule which the court had promulgated and said: you can't do this. I suggest to you that this is unwise action. This rule had been in effect scarcely two months, and it is the first step, and a wrong step, in the direction of encroaching upon the rule-making power of our court. In effect, the criminal rules provided that in the court's discretion an attorney may conduct voir dire. Now this means that the court can control the questions that the attorney asks and in some cases might deny the attorney the right to ask questions of the juror.

If the legislation that was hastily passed the other day goes unchanged, there will be a serious question whether the court can control the questions that are asked by the attorney, and what will be the result if questions were asked by the attorney that the court felt were improper? And I am sure if you have read the papers of criminal trials in other states you have seen where this procedure of voir dire will take a month to select a jury. I think we have an enviable record of procedure in both civil and criminal cases in this state, and I think that is partly the result of the fact that we have delegated to the court the power to make its rules, and as those rules need to be changed, they can be changed quickly and flexibly without waiting for a session of the Legislature to put it into effect.

I realize I have spoken too long on this already. I simply want to emphasize the point that I think we ought to leave the rule-making power with the court. If some people feel that these rules are not proper, there is a procedure for changing them. If, in a regular session, the Legislature felt that the court was not carrying out the correct rules, I suggest

the way to change this is not by an amendment to a bill which has had no hearing in the public, which the attorneys of the state have had no opportunity to express their opinions, but not to do it by an amendment such as was done here. If this step should be taken, it should be taken in the normal course of business as a regular legislative document. I therefore hope that you will not support the motion to indefinitely postpone this amendment.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I rise very reluctantly. I have the greatest admiration and respect for the Bench of this state. As a matter of fact, in my modest office on the walls are spread pictures of some of the great judges in this country. Judge Learned Hand, Judge Oliver Wendall Holmes, Judge Cardoza, Judge Charles Eban Hughes. I rise because I feel from the bottom of my being that something very very important is involved here, and that is our constitutional system and the integrity of the legislative process.

The measure to which I respectfully say this present grotesque amendment refers—and I looked up that word this morning in the dictionary, was thoroughly and thoroughly thrashed out in your Committee on Judiciary, and this over a period of time. Eight members of that committee including our able chairman, Mr. Danton from Old Orchard, and our able colleague, the gentleman from Cumberland, Mr. Richardson, went along with six other members and signed this report out eight to two "ought to pass". I have read you what transpired in this House when this matter was specifically called to the attention of everyone in this body, and I respectfully suggest that my able colleague Mr. Lund and my able colleague Mr. Richardson were in their seats last Friday when the Clerk read out what was involved here. There was absolutely no dissent.

On Monday last the bill became law, being signed by the Governor I say to the glory of our jurispru-

dence and in keeping with the rights and liberties of our citizens. Today we are being asked, and I say this respectfully, we are being asked to look foolish and repeal a law that went onto the statutes Monday last, a law that states plainly and simply the rights of the citizen of this great state prior to I believe December 1, 1965. Should we succumb today to non-legislative influence, however well intentioned and however distinguished, I respectfully submit we will not be keeping faith with our legislative oath. I feel that the separation of powers that were so wisely incorporated in our basic law by statesmen, whose memory we should honor and whose courage we should cherish, should remain with us today.

As my friend, the gentleman from Cape Elizabeth, said yesterday the gentleman from Houlton is a mild man. I thank the gentleman for that remark and I think that I am. But I will say very sincerely today I cannot turn my back on a report from the Committee on Judiciary which I signed in good faith and which I honor today. Loyalty I trust is still a virtue and, Mr. Speaker, when the vote is taken I respectfully request a division.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As I understand this procedure before us today, in our own system of government we have the executive, the judicial and the legislative. As I understand this document before us today, the committee of barristers on the Judiciary Committee by their action of eight to two have seen fit to send this to the halls of the House and the Senate in that form and I assume, and I am only assuming and repeat, that some pressure has been put on some of the attorneys and as was said awhile ago might have been sleeping when the vote was a hundred and twenty-five to nothing.

So again I would say to you ladies and gentlemen of the House

that we should not start repealing something that the Committee on Judiciary who has pondered over this question and has made a report of eight to two and it was their feeling that it was right at that time and because of pressures from the judicial system of our state that we should rescind it because of that pressure.

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

Mr. ERWIN: Mr. Speaker and Members of the House: The eminent majority leader has on one or two occasions, I think, lectured us and lectured us well about what we have done when we might have done something else, and I would only remind him that to err is human and to forgive divine. I was once the chairman of the Judiciary Committee and I will confess to you that in the guild to which I belong there is an enormous amount of pride with respect to the work which is done in that particular committee. But even lawyers are human and they can make mistakes and I was one who will frankly confess publicly to you that I was asleep when it occurred; and I have such faith in the Supreme Judicial Court of this state, which is completely beyond reproach, and particularly in the Chief Justice of this state, and I think that it would be a kind of arrogance on our part that has no reference whatsoever to partisan politics, a kind of arrogance on our part to say that in one narrow, highly technical instance we in this Legislature will tell the Supreme Judicial Court how to write the criminal rules but in all other respects they may do as they see fit according to our mandate of 1963, and that was the year in which the authorization was given for the supreme Judicial Court to rewrite the criminal rules of procedure.

I won't say any more than that and I hope that you will not support a motion to indefinitely postpone Senate Amendment "B" and be charitable to the lawyers who have made an error.

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

Mr. JALBERT: Mr. Speaker and Members of the House: We have heard from both sides and from the legal profession, and I move the previous question.

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

A sufficient number did not arise.

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

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: My remarks were certainly not against the distinguished barrister or any individual that belongs to the Bar Association. It was only that I thought that maybe in some areas this was either just or unjust for the House to take the corrective measures necessary to correct errors if there were some.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: First of all I know—at least I hope you won't think that I am wearing this on my sleeve if I tell you that I am perfectly willing to admit that I have made an error with respect to this legislation. I have made them in the past and I will probably continue to in the future. This important change in the criminal rules of civil procedure received no hearing. To my knowledge no member of the Supreme Judicial Court was advised that we were even considering this matter. I signed a majority report and it came on the floor and I said nothing, that's correct, when the matter was

brought up. I have tried to explain to you that I went along, with reservations which were expressed to my colleagues on Judiciary.

Since the passage of this bill and its enactment, we have had a furor. Now in my view it is by far the more adult, responsible thing for us to do, to admit our error, and I therefore ask you in all sincerity to defeat the motion to indefinitely postpone Senate Amendment "B". As I have said to you before, the members of the Court cannot possibly come down and lobby. But this not a question of pressure. No judge has spoken to me about this matter. I tell you that it is an area where I think we made a serious error and that it is somewhat childish of us to refuse to correct that error now. Thank you.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Houlton, Mr. Berman, that this amendment be indefinitely postponed. I personally resent the transgression of the legislative process by the judicial branch of the government. Thank you.

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

Mr. LIBHART: Mr. Speaker and Members of the House: I think we should label this for what it is, a non-germane amendment that got onto a perfectly good bill. And the perfectly good bill with the non-germane amendment was passed. I voted for it with everybody else here because we were hurrying too fast. Today we have a non-germane amendment to a perfectly good bill, which is attempting to undo what we did with the non-germane amendment to start with, and I think that's fairly confusing. But the fact of the matter is, that the court should have the right to make this particular rule. We have got no business attempting to tell it how to make it. And what we should do here is to allow this non-germane amendment to this perfectly good bill

we are talking about now to pass and I hope you will vote against the motion to indefinitely postpone.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I would like to see a member of the Legislature call a member of the judicial branch of government and ask the court to reverse a judicial decision which the Legislature did not agree with. I assure you it would not be with success. I suggest that this attempt of the court should meet with failure too.

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

Mr. LUND: Mr. Speaker and Members of the House: I arise with reluctance but only because I feel this is a very important point and one that should not be disposed of hastily or in passion. I would like to point out to the gentleman from Portland, Mr. Brennan, that when you do business with the court you don't usually do it over the phone. That's because there is an orderly procedure set up for doing business with the court. Likewise when we pass legislation in this House and in the Senate there is an orderly procedure set up for doing it, and the reason that we are in a bind today is because we did not follow that orderly procedure. This is a substantial departure from past legislation and it was not written up as a legislative document. It was not advertised. No hearing was held. And I would suggest that it is not an adequate answer to say that this was voted upon by a majority of a committee, because this was without hearing and without notice. And I would hope that we would take this opportunity to correct an oversight that we have done and if this idea has merit let it be drawn as a bill at the next session, let it have its hearing, and if it is worthy of passage let it then be passed.

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

Mr. DANTON: Mr. Speaker and Members of the House: I signed the majority report of the bill that has already passed this House and has been signed by the Governor and is law today. At the time that I signed it I had the sincere belief that this bill would provide certain safeguards which would go to individuals that are in a court on a criminal matter. I stand by those convictions today. I do not feel that I was asleep. I do not feel that I was in error. I feel that I did the right thing for the man who is in the courtroom and I stand by those convictions. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Houlton, Mr. Berman, that Senate Amendment "B" be indefinitely postponed and he has requested a division. All those in favor of Senate Amendment "B" 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.

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

Thereupon, Bill "An Act to Correct Errors and Inconsistencies in the Public Laws," Senate Paper 695, L. D. 1781, was passed to be engrossed as amended by Committee Amendment "A", House Amendment "A" and Senate Amendment "A" in non-concurrence and sent up for concurrence. Sent forthwith.

The Chair laid before the House the following matter which was tabled and assigned for later in today's session, item 2 on Supplemental number 2:

HOUSE ORDER Relative to Amendments and Alterations in the House Rules.

Tabled—February 2, by Mr. Jalbert of Lewiston.

Pending—Passage.

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

Mr. JALBERT: Mr. Speaker, I would like to read Rule 59, "No

rule or order of the House shall be altered or repealed, nor shall any new standing rule or order be adopted, unless one day's previous notice thereof be given in each case; and such notice shall be entered on the journal." Now in order for these rules to be discussed and voted upon, and also the ones that Mr. Kennedy of Milbridge has on the table, this rule here would have to be suspended by unanimous consent, and I ask for that now.

Thereupon, Rule 59 was suspended by unanimous consent.

The SPEAKER: The question before the House now is on the passage of the order. The Clerk will read the order again so that the members may familiarize themselves with it.

Thereupon, the Order was read again by the Clerk.

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

Mr. KATZ: Mr. Speaker and Members of the House: I have great confidence in the committee that drew these up. I am being asked I think to vote to make a change in a basic rule of this House while I am standing on one foot. Now I am perfectly willing to vote on this, but my vote is almost meaningless unless I have had a chance to study. I truly question the wisdom of trying to change House rules at this time.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: We have had rule changes in the past since I've been here and this is the logical time to change rules because we consider at this late date that all members of the House are veteran legislators now and are familiar with the rules. There are no radical changes. All there are is elimination of obsolete provisions and the orderly arrangement of related rules. As was mentioned some rules have been dropped because they are obsolete, we feel. We have allowed in the joint rules to make specific the right of the President of the Senate to vote in all cases similar to that on the

part of the House presiding officer, which is not in the Senate or joint rules at this time.

I might say that there might be exceptions to this but it seems ridiculous to me that every morning we must suspend Rule 25 which relieves the gentlewomen of the House of the responsibility for allowing members to indulge in practices which may be injurious to their health by repealing Rule 25. I think this may be a facetious statement but nevertheless I think it is a good drop in Rule 25. We are living in an age where people are smoking. I feel that it is by the persuasiveness of the presiding officer that smoking will not be permitted during the opening services, such as the prayer and the pledge to the flag. The presiding officer, and it has been my experience that it is true, can persuade the members of the House not to smoke when the Judiciary is being escorted into the House or the Governor and his suite.

We do not have any rule for joint conventions; however, it has been the practice that the presiding officer would more or less by persuasion induce this action.

Experience has proven that changes in the rules are more readily understood and adopted by seasoned legislators, and that is just what I pointed out a moment ago. You are all veterans now and this is the proper time to make changes. There are no radical changes. We are merely tidying up this disjointed and haphazard way that changes have been made in the past. I think that our Law Librarian and our committee have done a good job and I hope that you will give this your favorable consideration because the changes have been so few.

We have studied the rules of the houses of many of the state legislatures and we don't feel that ours is too far out of line; therefore the reason for so few changes. I hope there won't be any objection to this review and change.

Thereupon, the Order received passage.

The Chair laid before the House the following matter which was

tabled and assigned for later in today's session, item 3:

HOUSE JOINT ORDER Relative to Amendments and Alterations in the Joint Rules. (H. P. 1304)

Tabled—February 2, by Mr. Kennedy of Milbridge.

Pending—Passage.

Thereupon, Rule 59 was suspended by unanimous consent.

On motion of Mr. Kennedy of Milbridge, the Joint Order received passage and was sent up for concurrence.

The Chair laid before the House the following matter which was tabled and assigned for later in today's session, item 4:

HOUSE JOINT ORDER Relative to Legislative Pay While in Recess Awaiting Action by the Governor.

Tabled—February 2 by Mr. Levesque of Madawaska.

Pending—Passage.

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

Mr. KENNEDY: Mr. Speaker and Members of the House: I understand — I have the information that by statute members cannot receive pay unless they are in session. So I move the indefinite postponement of this order.

Thereupon, the Order was indefinitely postponed.

The SPEAKER: The Chair will now turn the attention of the members of the House to Supplement number 3.

Conference Committee Report

Report of the second Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Appropriating Funds for State of Maine's Participation in the 1967 World Exhibition in Canada" (H. P. 1207) (L. D. 1675) reporting that the House recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A"; recede from adoption of Committee Amendment "A"; adopt Conference Committee Amendment "A"

to Committee Amendment "A"; adopt Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto; adopt Senate Amendment "A"; and pass the Bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto, and Senate Amendment "A"; that the Senate recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A"; recede from adoption of Committee Amendment "A"; adopt Conference Committee Amendment "A" to Committee Amendment "A"; adopt Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto; and pass the Bill to be engrossed as amended in concurrence.

(Signed)

BISHOP of Presque Isle

KATZ of Augusta

COTE of Lewiston

—Committee on part of House

BOISVERT

of Androscoggin

O'LEARY of Oxford

MANUEL of Arostook

—Committee on part of Senate

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

Mr. BIRT: Mr. Speaker, I wonder if one of the members of this committee could explain just exactly what we have in the bill now.

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

Mr. BISHOP: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to pretend that I understand all of these motions but I am assured by the Clerk and the Speaker and Mrs. Johnson that the effect of this is to leave the amount at \$400,000 as proposed by the Senate but to make a change allowing the department to keep the revenue from leases and concessions at the exhibit, which we're told would be a considerable amount of money. This is a compromise. It

didn't satisfy the House conferees entirely but it was a concession and we decided to go along with it.

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

Mr. KATZ: Mr. Speaker, I want to compliment Mr. Bishop for his explanation and to express amazement that the gentleman from East Millinocket didn't understand it. I thought the report was quite clear as written. (Laughter)

Thereupon, Report was read and accepted.

The House receded from its action whereby the Bill was passed to be engrossed and receded from its action whereby Committee Amendment "A" was adopted. Conference Committee Amendment "A" to Committee Amendment "A" was read and adopted. Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto was adopted. Senate Amendment "A" was read and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto, and Senate Amendment "A" in non-concurrence and sent up for concurrence forthwith.

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Order:

ORDERED, the House concurring, that the Director of Legislative Research is directed to have printed in pamphlet form and distributed to the public the acts and resolves passed at the present special session (S. P. 731)

Came from the Senate read and passed.

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

The SPEAKER: The Chair will now call your attention to Supplement number 4.

Senate Report of Committee Ought to Pass Tabled Until Later

Report of the Committee on Appropriations and Financial Affairs, acting by authority of Joint Order (S. P. 730), reporting a Bill (S. P. 728) (L. D. 1807) under title of "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1966 and June 30, 1967" and that it "Ought to pass"

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

In the House, the Report was read.

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

Mr. BISHOP: Mr. Speaker, in view of the Committee of Conference on the bill in regard to state troopers, I am wondering if we should act finally on this at this time.

The SPEAKER: The Chair cannot be sure that the Senate will go along with the House on the Committee of Conference. The Senate may have adhered, why that would be the end of the bill. We do not know what happened in the Senate.

Thereupon, the Report was accepted in concurrence and the Bill read twice. Under suspension of the rules, the Bill was given its third reading.

The SPEAKER: The House may be at ease for a moment.

House at Ease

Called to order by the Speaker.

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

Mr. BRAGDON: Mr. Speaker, I would hope that if we let this go along that it would be — the Committee of Conference would understand that part of the state police costs were provided in here and govern themselves accordingly. I think the 20 was — in my understanding the 20 — I guess I'm not expressing myself very well. I

think that we should arrive at the 20 rather than 30.

The SPEAKER: For the members of the House I would suggest that possibly somebody table this until we find out what action takes place in the other branch, then you may want to amend this bill in order to put the 20 troopers on which you prefer.

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

The SPEAKER: The House will be in recess for approximately ten minutes.

After Recess

Called to order by the Speaker.

The SPEAKER: The Chair will take from the table Senate Paper 728, L. D. 1807, which was just tabled before the recess.

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

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

HOUSE AMENDMENT "A" to S. P. 728, L. D. 1807, Bill, "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1966, and June 30, 1967."

Amend said Bill by striking out in the 2nd line of section 1 (2nd line of L. D. 1807) the figure "\$610,795" and inserting in place thereof the figure '\$641,690'.

Further amend said Bill in section 1 by striking out the last line under the heading "CONTRIBUTIONS AND TRANSFERS" and inserting in place thereof the following line '20 Additional Troopers \$24,700 \$37,090'.

Further amend said Bill by striking out all of the last 3 lines of section 1 and inserting in place thereof the following: \$481,700 \$159,990

Amounting to \$481,700 for the fiscal year ending June 30, 1966 and \$159,990 for the fiscal year ending June 30, 1967.'

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

Mr. BISHOP: Mr. Speaker and Members of the House: Where everybody has had a chance to see this, as you know I originally favored the 20 positions in the state police and under ordinary circumstances I would still take that position, but if we amend this bill it is going to take three to four hours to reengross it and under those conditions I am going to oppose it and I ask for a division.

The SPEAKER: The gentleman from Presque Isle, Mr. Bishop, requests a division on the adoption of House Amendment "A". All those in favor of the adoption of House Amendment "A" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-six having voted in the affirmative and twenty-seven having voted in the negative, House Amendment "A" was adopted.

Thereupon, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence. Sent forthwith.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Gillan, and inquires for what purpose does he rise.

Mr. GILLAN: Mr. Speaker, I would like to make an inquiry as to the last bill. Does this mean that we have now passed legislation engaging 30 more state troopers?

The SPEAKER: No, the Senate to the best of my knowledge has adhered to the bill which we insisted on, which would mean that the bill would not come back to the House. So therefore it will be 20 instead of 10.

The SPEAKER: Will the members of the House now turn their attention to Supplement number 5, which are enactors.

Passed to Be Enacted

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

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

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.

**Emergency Measure
Tabled Until Later in Today's
Session**

An Act to Correct Errors and Inconsistencies in the Public Laws (S. P. 695) (L. D. 1781)

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

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

**Order Out of Order
Tabled Until Later in Today's
Session**

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

Mr. DUMONT: Mr. Speaker and Members of the House: I rise as a seasoned legislator, a resident of the gracious City of Augusta, a citizen with much respect for our system of state government, and as a Democrat, to present another order out of order and move its passage.

Thereupon, the Order was read by the Clerk as follows:

ORDERED, that the Majority Floor Leader, at the close of this Special Session, and on his way to the County and Northern Gateway to Maine, pack his office desk and chair to accompany him on the long journey to Madawaska.

AND BE IT FURTHER ORDERED, that the Minority Floor Leader at the close of this Special Session, and on his way to Washington County, pack his office desk and chair to accompany him on the long journey to the East Coast.

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

Mr. LEVESQUE: Mr. Speaker, Seeing that the minority floor leader is not in his seat and I do not wish to debate the merits or

demerits of this order, I would now ask that somebody place this order on the table.

Thereupon, on motion of Mr. Ross of Brownville, tabled pending passage and assigned for later in today's session.

(Off Record Remarks)

On motion of Mr. Levesque of Madawaska,

Recessed until eight o'clock in the evening.

**After Recess
8:00 P.M.**

Called to order by the Speaker.

On motion of Mr. Jalbert of Lewiston, Rule 26 was suspended in order to continue business after 9:00 P.M.

**Passed to Be Enacted
Emergency Measure**

An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1966 and June 30, 1967 (S. P. 728) (L. D. 1807)

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 forthwith to the Senate.

Emergency Measure

An Act Appropriating Funds for State of Maine's Participation in the 1967 World Exhibition in Canada (H. P. 1207) (L. D. 1675)

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. 127 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.

The Chair laid before the House the following emergency measure which was tabled earlier in the day pending enactment and assigned for later in today's session:

An Act to Correct Errors and Inconsistencies in the Public Laws (S. P. 695) (L. D. 1781)

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

Order Out of Order

Mr. Nadeau of Biddeford presented the following Order and moved its passage:

WHEREAS, Article IV, Part Third, Section 7 of the Constitution of Maine provides, in effect, that the benefits of legislative service shall not take effect during the existence of the Legislature which increased them; and

WHEREAS, the firmest forms of precedent for legislative enlightenment by force of circumstance originate in the Senate; and

WHEREAS, in providing for the well-being and comfort of its progeny, the Senate has done so only in accordance with the dictates of legislative necessity; and

WHEREAS, such measures, once established, could be no less applicable to the House which suffers by any standard of comparison with the Senate; and

WHEREAS, the need for minimizing the exposure of the Senate to the harsh discordancy of the House during Joint Convention has necessitated the renovation of the House; and

WHEREAS, such renovations, which include the installation of new desks and chairs, are constitutionally removed from the use of the 102nd Legislature; and

WHEREAS, the anticipated deficit of the State Treasury makes it imperative that the renovations authorized shall be completed before the convening of the next regular session; now, therefore, be it

ORDERED, that to prevent the obscuration and obstruction of the

Constitution of Maine and the will of the House, the desk and chair occupied by each Representative of the 102nd Legislature in the House shall become the property of such Representative who shall cause the same to be removed forthwith; and be it further

ORDERED, that, in view of the depleted condition of the State Treasury, the charges for shipping the same to the residence of such Representative shall be paid for at his own expense.

Thereupon, the Order received passage.

Mr. Healy of Portland was granted unanimous consent to briefly address the House.

Mr. HEALY: Has anybody got a saw? (Laughter)

(Off Record Remark)

The SPEAKER: The Chair at this time will take from the table an order which was tabled for later in today's session, an order presented by the gentleman from Augusta, Mr. Dumont, relative to the assignment of the office desks and chairs of the Majority and Minority Floor Leaders.

Mr. Dumont of Augusta then moved passage of the order.

The Clerk then read the order at the request of Mr. Levesque of Madawaska.

Thereupon, the Order received passage.

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet at 10 o'clock in the morning on Wednesday, February 9, 1966 (S. P. 732)

Came from the Senate read and passed.

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

Mr. Martin of Eagle Lake was granted unanimous consent to briefly address the House.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the

House: I perhaps want to make one comment in regards to straightening the record in reference to what was said this morning. This morning in criticizing the Majority Party, the gentleman from York, Mr. Erwin, made a certain statement concerning traditional appointments by President Eisenhower and President Kennedy. He said that Mr. Eisenhower offered to appoint Democrats to fifty percent of all judicial vacancies, but that the Democrats refused. Then he said that President Kennedy did not appoint a single Republican to judicial office.

Just to set the record straight I would like to point out that out of 187 judicial appointments made by President Eisenhower 8 were Democrats, or about four percent. On the other hand, President Kennedy appointed 12 Republicans out of 127 judicial appointees, or nine percent; more than twice as high a percentage as President Eisenhower. Finally as far as I can figure out, there is nothing to reveal that there was any promise or any suggestion made by President Eisenhower that there be fifty percent or that this number was offered to the Democratic Party. And this is merely to correct the record.

Mr. Erwin of York was granted unanimous consent to briefly address the House.

Mr. ERWIN: Mr. Speaker, I have no desire to correct the record but it seems to me that there is an ancient wisdom which says something about "beware a young man with a book." (Laughter and applause)

Mr. Pike of Lubec was granted unanimous consent to briefly address the House.

Mr. PIKE: Mr. Speaker and Members of the House: I would like to smooth the troubled waters of partisanship here at the moment and recall, if I may, that it's been a great pleasure to me and I think a great pleasure to a great many of us to have my old Bowdoin classmate as a Demo-

crat from Farmington, and I trust he is the only Democrat who will ever serve in the House from Farmington. He has been trying for forty years and finally made it. He probably in his first session knows more people in the House and Senate and around the State House than I after having served four years will ever know. I would like to mention that my old classmate of the class of 1913 Luther Whittier, was the Secretary of our class and he has kept files in his usual custom, and with his usual good sense has voted with his party when he had to and with his conscience when he could. (Applause)

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not a young man carrying a book but I would like, and certainly I would not want to take issue with my very, very dear friend Mr. Pike but twelve years ago we had a Democrat from Farmington and he was a good man too.

House at Ease

Called to order by the Speaker.

Paper from the Senate Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that the State Tax Assessor is hereby directed to increase the estimates of the undedicated revenue of the General Fund for the current fiscal year by the amount of \$7,400,000 (S. P. 734)

Came from the Senate read and passed.

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

On motion of Mr. Levesque of Madawaska,

Adjourned until Wednesday, February 9, at ten o'clock in the morning.