

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 9, 1966

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

Prayer by Father Donald Lonsdale of St. Joseph's Church, Lewiston.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

At this point a message was received from the Senate, borne by Secretary Pert of that body, proposing a Joint Convention of both branches of the Legislature to be held at 11:30 A.M. for the purpose of extending to His Excellency Governor John H. Reed, his guest the Honorable Terry Sanford, former Governor of North Carolina, and his party an invitation to attend the Convention and address to the same such remarks as either the Governor or his guest may be pleased to make.

On motion of Mr. Levesque of Madawaska, the House voted to concur in the proposal for a Joint Convention and the Clerk was instructed to convey the message to the Senate.

The Clerk subsequently reported that he had discharged the duty assigned him.

Paper from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that free telephone service be provided after final adjournment of the Legislature, during the remainder of the biennium, for each member of the Senate and House of Representatives, to the number of 50 calls of reasonable duration from the member's home to any state department, commission or agency within the limits of the State of Maine; and that the cost of this service be paid to the New England Telephone and Telegraph Company at regular tariff rates (S. P. 736)

Came from the Senate read and passed.

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

**Messages and Documents
Tabled and Assigned**

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

February 8, 1966

To the Honorable House of Representatives of the Special Session of the 102nd Legislature
There is returned herewith, without my approval, House Paper 1300, Legislative Document 1806, "AN ACT Creating a Senatorial Apportionment Commission."

This bill proposes to create a special body to formulate plans and proposals for apportioning the Senate of Maine according to the rule of apportionment established in the Constitution of Maine and to submit a report to the 103rd Legislature no later than January 15, 1967. The composition of the Commission is set forth in the bill and need not be repeated here.

Before outlining my objections to this bill, I would remind you of prior legislative action, of which you are aware. You will recall that this Legislature, in its last regular session, created an interim study committee to propose a method of apportioning the Maine Senate in accordance with the most recent decisions of the Supreme Court of the United States. This special committee held public hearings and submitted a majority and minority report, both in the forms of resolves proposing amendments to our Constitution. Generally speaking, our two political parties each backed a different resolve. These resolves were presented to the Legislature's Screening Committee and introduced at this Special Session, and I believe that both political parties hoped that a proposal would be agreed upon which would be referred to the electorate for consideration in the general election.

No bill was ever introduced suggesting the creation of a Commission as is suggested by L. D. 1806. During this Special Session, this Legislature has seen fit to adopt

one of the foregoing resolves, and this resolve has been found to be constitutional by the Supreme Judicial Court and will be submitted to the citizens of Maine.

Both resolves presented a new and different method of apportioning the Maine Senate, and both assigned the duty of apportioning the State Senate to the 103rd Legislature, and this duty, of course, was and still is contingent upon the approval of the present resolve.

After the Legislature had approved L. D. 1630 and I had signed it into law, the Committee on State Government, by your order, was directed by the Legislature to produce a bill setting up an Apportionment Commission and L. D. 1806 is the result of that order. No public hearing has ever been held on this legislation, as is your usual practice. In fact, the bill was not available in printed form until February 1, 1966 and was placed before me for my consideration on February 2 1966.

We have in the past changed the method of apportioning the House of Representatives by assigning this duty to the next Legislature and that Legislature performed that duty. They called upon such technical assistance as they thought advisable to assist them in their task.

If there is statistical information which should be assembled and collated in advance of the next regular session, I am certain that the Legislative Research Committee is equal to the task.

Once the new method of apportioning the Senate has gained the approval of the people in referendum, I know of no group better equipped, from a standpoint of comprehensive knowledge of our State, nor one more fully representative, to apply the new method in establishment of senatorial districts than the people's representatives who are chosen to sit in the 103rd Legislature. I am confident that they will discharge this responsibility in a fair and equitable manner.

I agree that when we are studying the structure of state government there is value in turning to

the political scientist for recommendations. Indeed, it might have been helpful to have asked our academic leaders for their recommendations on the method of apportioning the Senate prior to this special session. Now, however, the method of apportioning the Senate has been established by a resolve of this Legislature, subject only to the approval of the people in referendum. Once so approved, all that remains is to follow the new method in the establishment of senatorial districts. Moreover, the task demands intimate knowledge of the people who live in all our counties, cities and towns. I have full confidence that the members of the 103rd Legislature, representing as they will every community in our state, will accomplish this objective.

I further regard L. D. 1806 as presumptuous. It comes to my desk when the resolve governing the method of apportioning the Senate has just been enacted and before such resolve has been submitted to the people in referendum. Under that resolve, full responsibility for establishment of the new senatorial districts rests with the 103rd Legislature. Why should we deny that Legislature, regardless of which political party is in control, the freedom which their predecessors have enjoyed by setting up at this time a special body to propose, in advance, the apportionment of the Senate? I believe the Legislature should be entitled to this prerogative.

While the foregoing reasons are sufficient for disapproving this legislation, there are other provisions in the bill which are disturbing. No provision is made for filling any vacancy which might occur; the appointment of four of the nine members is vested outside the elected membership of the Executive and Legislative branches of our government. The four members so appointed are compelled to serve and, further than that, to serve without compensation. Bowdoin College, I am informed, has no Department of History and Government, but two separate departments, thus leaving the President of Bowdoin in

a rather awkward situation with regard to his appointment.

For all of the above mentioned reasons, I am returning this bill unsigned.

Respectfully submitted,
(Signed) JOHN H. REED
John H. Reed
Governor

The Communication was read.

House at Ease

Called to order by the Speaker.

On motion of Mr. Levesque of Madawaska, by unanimous consent made a special order of the day to be taken up at 2:00 P.M. this afternoon.

Orders

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

Whereas, the sovereignty and jurisdiction of the State of Maine extends to all places within its boundaries, except where ceded to the United States; and

Whereas, the total area of Maine, by quadrilateral computation, is established as 32,562 square miles which includes the main land of the State, coastal and inland islands, and all inland water surfaces as well as the tidewaters of rivers and streams; and

Whereas, the legislative affairs of the State have been transacted at Augusta since the first Legislature convened there on January 4, 1832, continuously for the betterment of the people of the State; and

Whereas, the settlement and distribution of the population of Maine under the favorable influences of economic, historic and geographic factors has been multiplied in the intervening 145 years since statehood from a population of 298,269 to 969,265 inhabitants; and

Whereas, the exercise of the legislative prerogative depends upon the continuing flow of communications from throughout the State to the State Capitol at Augusta; and

Whereas, it has finally come to the attention of the House, after years of anxious waiting, that marriage has at last been consummated

between its most eligible bachelor, the Honorable Elbridge B. Davis of Calais, and his bride; and

Whereas, the belated receipt of this fact casts greivous doubt upon the effectiveness of the Legislature to operate in the face of such an obvious flaw in its communications; now, therefore be it

ORDERED, that in order to minimize the blinding confusion resulting from the lack of communications with Washington County, the distances to Washington County shall be deemed to be in conformity with those established for the other respective counties; and be it further

ORDERED, because Representative Davis' lack of continued application to the Acts and resolves of the Legislature of the State of Maine will be to the great detriment of the people of the State and call for sacrifices clearly beyond the duty of the Legislature to contemplate, that the said Representative Davis shall forthwith attend to his marital responsibilities so that based on the increased population, in the future apportionment of the Senate, the County of Washington will be entitled to one additional seat, thereby strengthening the legislative prerogative; and be it further

ORDERED, that an attested copy of this order signed by the Speaker of the House be immediately transmitted by the Clerk of the House to Representative Davis.

The Order received passage. (Prolonged Applause, the members rising)

On motion of Mr. Jalbert of Lewiston, it was

ORDERED, that Mr. Libhart of Brewer be excused from attendance today because of business.

Mr. Farrington of China presented the following Joint Resolution and moved its adoption:

WHEREAS, the Military Unit of World War II in which the State of Maine had the largest representation by reason of the 103rd Infantry Regiment, the 152nd Field Artillery Regiment and other special forces was the 43rd Infantry Division, and

WHEREAS, this Legislature at its regular session memorialized this combat division by designating the main east-west highway from Bethel to Houlton as the 43rd Infantry Division Memorial Highway, and

WHEREAS, the State has by reason of such designation erected highway markers thereon, and

WHEREAS, every member of this Legislature represents areas within the State which contributed manpower to this Division, and

WHEREAS, during the period of federal service of this Division every State in the union was represented therein, and

WHEREAS, the 43rd Infantry Division holds its Annual Convention in Portland, Maine, September 9, 10 and 11, 1966, and

WHEREAS, a member of this Honorable House is National Chairman for this Convention, and

WHEREAS, a member of the Honorable Senate served with distinction as a member of said Division, and

WHEREAS, the highlight of the 1966 Convention will be the official dedication of Route No. 2 as the 43rd Infantry Division Memorial Highway, and

WHEREAS, our sister State of Rhode Island has similarly memorialized this Division and our sister States of Vermont and Connecticut are now considering such memorialization, and

WHEREAS, said Annual Convention will host veterans and their families not only from the sister States of Vermont, Rhode Island and Connecticut, but from the national area.

NOW, THEREFORE, BE IT RESOLVED, the Senate concurring, that all agencies of the State dealing with business and recreational development be enjoined to take advantage of the presence of these guests to promote the development of our State in all areas, and that the said agencies be, and hereby are, urged to co-operate with the Convention Committee to the fullest extent in that behalf;

BE IT FURTHER RESOLVED: that copies of this Resolution attested by the Secretary of State

be forthwith forwarded to the agencies mentioned above and such others as may be designated by His Excellency the Governor of this State, the Honorable President of the Senate, the Honorable Speaker of the House, and the sponsor of this Joint Resolution. (H. P. 1305)

The Resolution was adopted and without objection sent forthwith to the Senate.

On motion of Mrs. Lincoln of Bethel, it was

ORDERED, that the House of Representatives extend its sincere best wishes to Representative Erlon Mosher for the prompt recovery from his present illness; and be it further

ORDERED, that an attested copy of this order be sent by the Clerk of the House to Representative Mosher at the Maine Medical Center.

The SPEAKER: The Chair would like to recognize in the balcony of the House thirty-eight students of the 8th Grade at China Elementary School accompanied by their teacher John Boynton, Principal James Cookson and bus driver George Oliver, and they are the guests of the gentleman from China, Mr. Farrington. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

On motion of Mr. Kennedy of Milbridge,

Resolved to the sound of the gong.

After Recess

Called to order by the Speaker.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Carlton Day Reed, Jr., in the Chair.

The Convention was called to order by the Chairman.

On motion of Senator Harding of Aroostook, it was

ORDERED that a Committee be appointed to wait upon His Excellency, John H. Reed, Governor of Maine, and inform him that the two branches of the Legislature are in convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention with his guest, the Honorable Terry Sanford, former Governor of North Carolina, and address to the Convention such remarks as either of them may be pleased to make.

The Chairman appointed:

Senators:

HARDING of Aroostook
GIRARD of Androscoggin
BROWN of Hancock

Representatives:

LEVESQUE of Madawaska
BINNETTE of Old Town
HARVEY of Windham
CARSWELL of Portland
KENNEDY of Milbridge
ROSS of Brownville
HANSON of Lebanon

Senator Harding for the Committee subsequently reported that the Committee had discharged the duties assigned it, and that the Governor and his guest would forthwith attend the Convention with their attendants.

Thereupon, the Governor and his party entered the Convention Hall amid prolonged applause, the audience rising.

GOVERNOR REED: Mr. President and Members of the 103rd Legislature — 102nd, pardon me. I'm a little ahead of myself here. (Applause). Well, I think that's a compliment.

I am delighted to be here with you once again and to have a chance to present a distinguished American and an old friend, and I want to thank the leadership of both branches for making this time available on this busy day that you have returned following your recess to process papers and so on.

Our guest, of course, is going to speak to you concerning the National Educational Compact, and he will go into detail as far as the

concept, potential value, where the movement stands in the Country and so on. I would like to mention briefly, some of the background and familiarity that I have had with this movement over the past year. At a meeting of the White House Conference on Education, which was held in Washington a year ago in the spring, Governor Sanford first outlined the details concerning this compact, and I was impressed at that time with what he had to say concerning it, especially the fact that he believed that states should continue to be the senior partner in this problem of education; that traditionally they had assumed this role, and that they were the logical level of government, if you will, to further it and promulgate it and to enlarge upon it, recognizing that our Federal Government definitely has a responsibility and that they should assist, and as more assistance is forthcoming from the Federal level of Government, it would be necessary for the states to be geared up, to be coordinated to have a unified voice in order to maintain the senior partner rating in this great mission of educating the people of our country. I was very impressed with the original presentation by Governor Sanford.

The next occasion I had to learn more about this compact was at the National Governors Conference in Minneapolis in July of 1965. At that time, Governor Sanford gave a complete detailed background and proceedings concerning what had developed on the compact. After a complete discussion, the National Governors Conference adopted unanimously the position that they felt the compact was a good idea and recommended that the individual states, through their Governors, proceed to see if they could have this ratified at the local level.

In September of 1965 there was a National Conference held in Kansas City concerning this compact. Each State Governor was invited to send six delegates to this particular session to study the compact, to help in developing it, finish writing it and so on. We in Maine were honored by having a very distinguished assemblage

attend this particular session, and at this time I would like to tell you, and to present so that you will know, some of the members from our state who represented Maine at that conference. I would first like to present a lady who has had a long and a distinguished record in education in our state, serving on the School Board, School Committee of the City of Portland for a number of years, and highly respected as a very knowledgeable person in the educational field. I would like to present Mrs. Helen Andrew. (Applause)

In my opinion, one of the real emerging educational leaders in our state, a man who has eminently qualified for a position with our academic leaders in this state, a man who I know is going on to great heights in his chosen field, and an individual who is bringing great credit to his office and to our State University, may I present Dr. Austin Peck of our University of Maine, the Vice-President. (Applause)

I am certain you share with me the very high regard that in Maine we have for the gentleman who is our Commissioner of Education. He hasn't been on the scene too long in Maine, but already he is recognized as one of the fine young men in our entire country in the field of education, doing a tremendous job for our state, and I know he is going to continue to improve on an already enviable record. Our own Commissioner of Education, William Logan, Jr. (Applause)

And I know I don't have to remind this Legislature that we are proud of the activities of our Legislative Committee on Education. The Chairman of this Legislative Committee, a man who has done a tremendous job in spearheading educational legislation through the 102nd Legislature, a man who is dedicated to the cause of education and who has done a great deal on the compact. I understand from the official report from the Kansas City conference that this gentleman was instrumental in helping form and develop the particular compact.

Of course, your own Senator, Senator Roger Snow. (Applause)

The other two members of our delegation to Kansas City were Milford Cohen of Bangor, a former President of the State Schoolboards Association, and Vernon O. Johnston of Madawaska. Both of these gentlemen are unable to be here today.

I think it is significant though that four out of the six are here, attesting to their great interest in this particular piece of legislation. And I would like to say at this time that this special meeting should not in any way be interpreted as a pressure movement to force this Legislature in any particular action. I think it is important that in reference to all measures concerning State Government in our state, particularly of course education, that we have all the facts concerning these individual measures, and I am certain that all of you recognize this, and in selecting a person to sponsor this legislation at this special session I asked Senator Snow, because I know of the high regard you hold him in in educational matters, and I am certain he shares with me that this matter is certainly not of any partisan nature; obviously, it is designed for the good of education and certainly should be viewed in this particular light.

The fact that we have Governor Sanford here today is not particularly unusual. In fact, I was talking with Democratic Governor Philip Hoff of Vermont last week, and he has extended an invitation to Republican Governor John Chafee of Rhode Island to go and address his Republican Legislature as to the merits of this particular legislation. And so I think that we are a party today to a very unique and interesting experiment in State Government to have a knowledgeable individual come from outside our state to give us some facts pertaining to a piece of legislation.

After you have heard the presentation, after you have had a chance to ask questions, and Governor Sanford has told me he is more than happy to do this, the

decision of course rests entirely with you. He is not here in any way to sell a bill of goods, to rush you into anything that you do not feel is wise. He is here as a friend, as an informer, and is someone who is dedicated to the cause of education in our Nation.

It isn't very often that an incumbent Governor gets an opportunity to introduce a colleague to the Legislature of his State. Governor Sanford has been a friend of mine from long standing. I remember very well the first time we met, it was in January of 1960, the day after President Kennedy was inaugurated in Washington, and I flew to the City of Philadelphia and presented the Society of Industrial Realtors Award to Governor Sanford because North Carolina had won their coveted trophy for having the state with the best industrial development program for 1960. The Governor gave a very spirited acceptance message and I immediately tabbed him as a man who was going to acquire a great reputation among his fellow Governors.

A year later, the State of Maine was honored to receive this same award, and I travelled to Washington to accept it from the former Governor of North Carolina, then Secretary of Commerce, Luther Hodges. I never did find out where Governor Sanford was, but probably he was working with his Legislature on some legislation, possibly working with them at that time.

Since my initial two meetings of course, I have come to know the Governor well. On one occasion I stopped at Raleigh-Durham where the Governor extended the great hospitality of his wonderful state to our party. We were travelling at that time to Miami to the National Governors Conference, and we certainly appreciated a great deal Governor Sanford's wonderful hospitality that was extended to us on that occasion.

He has, during his tenure of office, been one of the most popular members of the National Governors Conference, and I am certain that he would still be Governor of North Carolina today if it were not for the Constitutional limitation as far

as the continuous tenure of their Governors. He has worked unceasingly on behalf of education establishing a great reputation in his state while Governor, and since leaving office, working in various foundations and for foundations in developing educational programs.

I know that all of you are as pleased as I am that he is here today to talk with us in reference to this compact. I might mention that he is here practically at the risk of life and limb. He called me this morning at ten past eight saying he was in Washington. The first airline plane that he went on took twenty minutes and they found out the plane was unsafe. It was Eastern and not Northeast, thank heaven, and then he moved on to the American Airlines plane, and before they departed from the airport a truck backed into the plane and rendered that unflyable. However, the brave soul that he is, he has managed to traverse the distance up here and is here today, and I know that it is a real pleasure for me, and I know that all of us here are prepared to give a real great Maine welcome to a distinguished American, and a great Governor, Terry Sanford of North Carolina. (Prolonged Applause, the audience rising)

Whereupon, the Honorable Ex-Governor Terry Sanford of North Carolina addressed the Convention as follows:

GOVERNOR SANFORD: Thank you very much. Governor Reed, Mr. President, Mr. Speaker and distinguished Members of the Legislature: I certainly am delighted to have an excuse to come to Maine to have an opportunity to see this beautiful state at this time of year. We occasionally get a little dirty snow around my part of North Carolina and this is a very breathtaking sight for a boy from the eastern part of North Carolina. And I am glad too to have a chance to come and talk to the leaders of the state about an opportunity, I think, to reassert to some extent the traditional role of state leadership in our federal system and American government.

Certainly, though, let me say at the beginning, that I am not a lobbyist; I am not registered or

unregistered as a lobbyist, and I don't have anything to sell, and I don't think it should be my place to try to tell the Legislature of any state that this is the thing to do or that something should be done. Essentially, I am a former Governor trying to make a living practicing law and caught up in a couple of other projects that make making a living very difficult at times.

The experience that I had with your State and your Governor in terms of industrial development, I tried to learn what I could from what you were doing so I could put it to use in the industrialization of our state, where this is one of our greatest problems, and so while your Governor was getting the award, and Governor Hodges was substituting for me, I was out talking to industrial prospects. (Laughter)

When I became Governor, I looked at North Carolina in its many strengths and many weaknesses, and determined that if we were ever to be a great state and if our people were to have an opportunity equal to that of the people anywhere in the Nation, that the first thing we had to do, true, we had to get industry and we had to have jobs and we had to do a lot of things about the economic development, but the first thing we had to do, the foundation we had to lay was the kind of extensive universal education that reached everybody and sought out every talent and neglected no group or no situation anywhere, and that we would provide the kind of opportunity that the demanding times challenged us to; and so we set out to spend money and to vote new taxes for education, but more important, we wanted to find ways to make education meaningful to everybody. We looked at such advantaged groups as the talented children, the academically gifted children and we determined that we really weren't doing anything for them, that there was no additional challenge in very many schools in very many parts of the state, and we looked at the other end of the ladder and determined that we were doing

virtually nothing for retarded children.

And in order to find a way to do something for these, we spent a couple of years of not wasted time, but time that wasn't devoted to action, studying and trying to determine what to do, and then we saw that we were not doing anything at all much for those boys and girls who finished high school or maybe didn't quite finish high school and weren't going on to college, and so we spent about a year designing a system, and it was in the latter part of '63 before we could finally put together almost three years after I took office, kind of a comprehensive community college, technical institute, vocational training combination available in all parts of the state.

Just as an aside and an indication of what a void there was there before we started the study, three and one-half years ago this wasn't even a concept, and today we have 100,000 North Carolinians enrolled in this new kind of school, new for us. And we found in many other areas, particularly the disadvantaged child, that this business of getting into school was not so easy because they came from backgrounds that gave them so very little preparation. We began to do with Ford Foundation and Reynolds Foundation money some things of pre-school training and other things there that had been taken up in the OEO program.

And then about midway to the end of my term another governor asked me one time: what can I do to start moving my state forward in education? And I had to tell him that I really didn't know where we could find that answer, that I didn't think there was answer, that we had spent two years studying higher education, and how to go about the improvement of that, strengthening our universities and making our colleges more far-reaching in relation to the immediate needs of the state. And that I thought one of the greatest needs was after you had the conviction on the part of state leaders and legislators and govern-

ors, determined that the greatest need for the people was the improvement of education, and determined to do something about it, and anxious to do something about it, the greatest problem was knowing what to do.

What do you do about these special needs? How do you keep education alive and vital and inquiring and seeking out all of the people that can benefit the state and benefit themselves individually by education? And how do you keep education growing and expanding and up-to-date and always not behind, but a little ahead of the march of the people? Well, I didn't know how. But I thought that it wasn't enough just to add library books and laboratory facilities and increase teacher pay and reduce the teacher-student ratio and these other things that cost so much money; that we needed to find special ways of reaching every child and every talent.

So we set up what we called the Learning Institute of North Carolina. This was to be a research center. This was to be a clearing house. This was to be the kind of organization that would put together in partnership all of the forces that had some way to improve education in partnership with all of the forces that had some way to do something about carrying out educational improvements; and so we put our private universities and our state university and our Board of Higher Education and our Board of Education and our North Carolina Fund, which is a private organization for improving special education, we put all of these together in the support of the Learning Institute of North Carolina, joined with the teachers and the principals and the teacher college people in one organization that could gather everything that ought to be known, could seek new ways, could initiate research, could serve as a clearing house, a place for encouragement and sparking improvement.

We called it LINC for short, the Learning Institute of North Carolina, because it was the link between those who could plan and

think and seek better ways for the future and those who could use that information to the advantage of our children, and I think too it was appropriate to think of it in terms of a link from our present efforts to our future advance as we attempted to use education as the tool to lift all of the opportunities that North Carolina was facing. And parenthetically, we brought a New England man and a Yale man to North Carolina to head up LINC, and after a year and a half of heading up LINC, the President of the United States last month took him away from us to be the new U.S. Commissioner of Education, Harold Howe.

So our experience was that we wanted to do things, that our people were ready to move, that our Legislature was willing to take all the steps necessary. We needed some way to know what we should do. We put together on a state-wide basis that kind of a clearing house that would be of some help to us but still had its problems of reaching all of the resources that should be available to those who would improve education.

And so with that kind of background and that kind of an experience in one state, I was very much excited to read Dr. James Bryant Conant's latest book published in November a year ago, as I was leaving office, in which he undertook to examine just how policy for educational improvement in America was shaped, and he concluded it was not shaped; that at best it was a haphazard and accidental affair that some state got onto something that seemed to work, and maybe some other state happened onto that information and picked it up too; that some local school did a particular thing in a particular way, and maybe it got into the channels of professional life that added to the improvement somewhere else and maybe it didn't. That Congress was not in a position and not really competent in terms of background, and certainly not with available time, to be the policy-maker of all educational improvements in this country; that

the U. S. Commissioner's office was not really qualified to do this and not undertaking to do it; and that in any event, it was not probably a good public policy to have one approach to education and one central place where the plans were made and the future was examined; that we needed instead to find a device to draw on all the resources and all the best thinking and all of the people who could contribute something to the advancement of education.

And so he began to look at who are the policy-shapers and where are they, and he determined that traditionally and constitutionally and historically that the best policy, for all of its weaknesses, had come from state leadership over the life of this government, and that we could not do without this leadership and that any weakening of this leadership was a danger sign; and so how can we go about putting together something that will encourage the states to maintain a position of leadership, to broaden out their interest, to assert that it is their responsibility to do something about education and to improve it and to make it universal and all-inclusive, how could the states then play a stronger role? And he suggested that maybe some kind of a compact — of course a compact is just another word for contract — a compact between states to join in some kind of an organization which could do just what the Learning Institute was doing on a very limited basis, joining together the resources of those who could plan for education with those who could do something about putting it into effect.

Now I read that book and I didn't think that it was exactly my responsibility to put it into effect. I had started talking with Ford Foundation and Carnegie Corporation about a project that I wanted to see carried on, and that is, I wanted to set up a little office at Duke University to see if we could suggest some ways in how states might strengthen their hand and be more effective and fulfill their responsibilities in a better way than had been done, because I thought this balance

between central government and state governments in our federal system was very important to the future of America. I wanted to do something about finding ways to make state government do a better job, or to suggest ways that they could, and so it was out of this office and out of a conversation with John Gardner who is now Secretary of Health, Education and Welfare, that we said to ourselves, why don't we undertake to see if we can put into effect Dr. Conant's idea? Let's see if we can get maybe a dozen or fifteen states representative of all sections of the country to join together to create such a clearing house out of which can come the studies and the suggestions and the research which will help us take a stronger role toward the improvement of education that will indeed improve our relationship, that is, of the respective states with the National Government, the U. S. Commissioner's Office. How can we then get up the interest and see if we can put this compact into effect?

Now we didn't know what to expect. We talked to Mr. Keppel, who then was the U. S. Commissioner. He thought it was a good idea. In fact, he made a speech to some school people about that time saying that the National Government intended to take a stronger part in the support of education, but that he did not see how possibly education could be improved if the states didn't find ways to strengthen their participation in the leadership of education; that he thought this was a partnership between the National Government and the State governments and that the Federal Government at best, was a very junior partner. Well that seemed to give to me our challenge that if the states were to be the senior partners, then they needed to renew all of their activity and to look at it again if they were to be worthy of maintaining that role as senior partners in the advance of education in America.

We'll, we didn't, as I say, know exactly what to expect or how people would react. We didn't

know whether the jealousies of this particular group in the field of education would be worried about what someone else would do. We weren't at all sure that educators wanted to be drawn too closely to legislators and governors and people who were concerned with the purse strings, but we felt it was necessary. And so we called together a group of people by writing to legislative leadership, the Governors Conference and every professional organization that we could think of or find listed anywhere, that had any possible interest in education, the school board associations, those representing professionals as well as lay people in education; invited them to a conference in Washington last May, and said all right, now, here is the idea. Here is the concept. It's a concept of a partnership between educational leadership and political leadership. It is a concept of partnership among all the states, all for the purpose of finding ways and asserting the leadership for the improvement of education. What do you think about it?

We had a lot of discussion and we took it all down and we looked it all over and we concluded that the consensus was that this is a good idea, that you should dig into it deeper, and we believe both educational and political leaders will be receptive to it, and so all summer long drawing a smaller planning group from this larger group, we worked on the idea of a compact, and we looked at other compacts, and we tried to get the philosophy of what this should do, and we put down in words the kind of a compact that we thought would be about what would serve the purpose, and then we met with many other groups, the chief state school officers and the legislative leadership group when it met last spring in Portland, and the Governors Conference, the Association of State School Boards and many others, and we talked with them and we attempted to answer questions and we attempted to raise

questions and we attempted to polish up the document.

Then in late September we wrote to the Governors of all the States and said, now the tentative document that we have that we are calling the Compact for Education provides that the Governor and six representatives shall represent each state. How about just picking these people? Let's have a dry run. Pick them and send them to Kansas City and let's have a nationwide conference here to see just how this might be put together and let's let this be the body that decides now whether to go forward or whether to say well, this is a hopeless venture. And again, we didn't quite know what to expect. We thought maybe now we were getting a little optimistic, that if we had twenty-five states represented and all parts of the Nation were represented that that would be pretty good.

So I think it was remarkable when we went to Kansas City that every single state and every territory was represented, and nineteen Governors were there in person to talk over this new approach to a partnership for the improvement of education. And out of that, again came questions and changes. For one thing, we had in the original document as hammered out during the summer, that the Governor would be on the representative group, that a member of the legislative bodies would be there. One of the amendments was to have a representative from each body or two representatives of the legislative group from each state represented; so that was one of the changes, and there were numerous other changes as we talked about how we might polish this up to make it more workable.

One of the things that was decided was that we would have a smaller steering committee; that this large representative group would meet once a year and debate the big issues in education and look at the policy alternatives that were being suggested and talk about them; that we would have a smaller steering committee selected from this larger group. That steering committee would be representative of the people on

the larger group. That a governor would be the Chairman of it; that we would have one-third governors and two-thirds representing the other people, and this was to keep the leadership of the states strong in it, and we selected that steering committee at Kansas, and that steering committee now is the official body. It has received \$300,000 from the Danforth Foundation and Carnegie to get started, and that is the official body. I don't have anything to do with it. I really don't have any official position in the compact at all.

Let me tell you something about the make-up of this steering committee, because I think it helps illustrate the kind of reception that the concept of a compact for education has had across the nation. The steering committee is made up of Governor Brown of California, Governor Chafee, Governor Hatfield, Governor Kerner, Governor McNair, Governor Campbell, Governor Hansen, Governor Hughes of New Jersey, Governor McKeithen and Governor Rolvaag, the Commissioner of Education of the State of New York, ex-President of the University of Omaha, the President of the Junior College in Washington State, the Superintendent of Schools of Delaware, Chairman of the Board of Higher Education of Texas, the P.T.A. Legislative Commission President of the State of Idaho, the Superintendent of Cincinnati Schools, the Executive Secretary of the Catholic School Board of Kentucky, the Chairman of the Board of Education of the Virgin Islands, the President of the University of Tennessee, the Senator from Arkansas, the President of the University of Wisconsin, the Executive Director of the New England Board of Higher Education, the President of the Kansas Association of School Boards, the Alaska Member of the House and Chairman of that Legislative body's Committee on Health, Education and Welfare, a Senator from Hawaii, the President of West Virginia State College and a Senator from Missouri. This is the interim steering committee that is responsible for making the plans, shaping

up the organization and moving it forward.

The steering committee then met in New York in December and took action of accepting the money; there really wasn't any question on how that resolution would be voted on, but it had to be voted on. They accepted the \$300,000; adopted a budget, they set up the criteria for the determination of a site. They set up the standards and a sub-committee to select an executive director, a person that I hope will be one of the Country's distinguished educators. They took other detailed action that I'll not bother you with right now, and got the thing moving along. They will meet again in Santa Fe in a couple of months from now and then all of the states participating either formally or informally are going to meet later in the spring, in the first nationwide meeting based on this formal compact document.

Now the states presently represented are obviously the states whose Governor serves on the steering committee. Most of these are in some process of approval formally. These states have formally approved: Hawaii, New Jersey, Texas, Minnesota, Arkansas, Illinois, the Virgin Islands and New Hampshire. Again, I think, indicating a representative group of states all across the nation, states where the leadership is Democratic, states where the leadership is Republican, because I haven't gathered the first hint anywhere along the line that this kind of educational improvement is anything partisan, and most of the people have looked at it that way. Governor Hughes of New Jersey, a Democratic leader, and Governor Hatfield, a Republican leader, served as Chairman and co-Chairman of the Governors Committee to consider this proposition.

Now let me just say one or two things, and I hope, if it is appropriate, you will ask questions. I never gave my Legislature a chance to do that when I was speaking to them. I stood somewhat in awe of them anyhow, and I was anxious to have my say and get out always; but if it is appropriate, and if it is not indulging on your time too

much, I would be glad to attempt to answer any questions about this, and in fact, as I told Senator Snow, and this really explains my presence here, I don't have any official connection whatsoever. I don't have any obligation to get this thing adopted, but I told Senator Snow and the others who were at Kansas City that if there was any question about this, if they needed me to come and help explain what we were talking about, that I would be glad to come, and so if there are questions, and if that is not inappropriate, Senator, I would be delighted to attempt to answer them, but let me just say one or two things about what it is not, and one or two things about what it is.

First of all, this organization is not a policy-maker. It started out because of a concern for a lack of any place where policy could be formulated, but it is not a policy-maker and will have no authority as such; simply to make suggestions and to point the way that will be of assistance ultimately to those who make policy. That would be the legislative bodies of the states; it would be the state school boards; it would be some of the administrative officers; it would be local boards, whoever makes policy now would continue to make policy as far as this compact is concerned.

Neither is it any effort to seek uniformity. I don't know of anybody connected with education that thinks we need a uniform policy. We may need uniform goals or we may need similar goals, but we don't need uniformity in a nation as diverse as this, we need diversity. So this is no effort to gain uniformity. And it is contemplated that studies and recommendations would probably come out in the alternative. If you want technical education beyond the high school, there are a number of ways of doing it. We don't know that say North Carolina's way is the best way by any means. It might be Florida or California, but here is the best thinking, and as you policy-makers set about doing something within your state, here is the best thinking on it, there are several ways, there are

alternative ways of reaching the ultimate goal of education for this particular need.

Neither is this an attack on the Federal Government or any attempt or effort to offset the influence of the Federal Government, because I personally feel, and I think those now who have thought this thing through, believe that in a world of danger that we must have a strong central government and that we cannot afford to weaken it, but we are, and as I think the leadership now of education in Washington, by the very background, Mr. Gardner, Mr. Keppel and Mr. Howe have all had a part in some way in shaping this idea of a compact, and I think they see the wisdom of the kind of diversity that can be gained from this approach, and the kind of new strength that can be gained by the added effectiveness of state governments. So it is not; rather it is a declaration of inner dependence, inner dependence on one another, inner dependence of the political forces, the educational forces, the national government and the state governments and the local governments. And neither is this an organization to compete with any body or any organization or any institution already in the field. It is not going to do something that somebody else is already doing. If the U. S. office is collecting a particular bit of information, this compact simply would draw on that instead of duplicating it. There is no reason for duplication. This is the central instrument of state government to do its part more effectively. Because indeed, what is it? It is a partnership. A partnership with improvement of education between educational leadership, political leadership, among all the states. It is an organization that will serve as a clearing house, as a place for initiating studies, as a place for establishing, debating and discussing what policy alternatives could be taken if the policy-makers want to move in a particular direction for a particular need.

And then it is an assertion of states' responsibilities, and it is state government saying that we believe that our role can be more

effective, we can contribute more, and that we are going to take up this responsibility and do something about it.

Now the cost for this first year is not important one way or the other. Hawaii, the first state to adopt the compact, sent with it a check for the contribution of that state for the first year, but because this is difficult, sometimes causes problems of rearrangement of budgets, most of us felt that it wouldn't be necessary to pay that fee the first year, and for that reason, we asked a couple of foundations to underwrite it, so that is not a particular problem the first year, though I would think that the compact would welcome all contributions.

But I didn't come here to sell Maine on the idea of adopting this, because I think this is something that must sell itself. I would hope that you would consider very carefully that this is an opportunity as it turns out, because you are one of the Legislatures meeting and not all of them, and not even most of them are meeting, that this is an opportunity to take a position of leadership, because certainly all states can't wait. Some must go on now if this is to be put into effect legally; and so it is indeed, a chance for leadership, national leadership, as you attempt to find with other states ways to improve education.

I think states must, either by this means, or by some other means and by every other means that they can lay their hands to, need to strengthen the capacity, the capacity of the states, the capacity of the sub-divisions of the states, to meet the educational needs of today. It can't be done alone. It can't be done in Washington. It cannot be done effectively unless the states understand that they continue to have a tremendous role to play, and unless they reaffirm state government as a viable part of this Federal system of State and Federal Governments, and unless we do, and if we fail, in a sense of responsibility for our duty as a level of government, and with a degree of urgency and the demanding times, we are going to forfeit our best

chance as state leaders to shape the course of this Nation.

All educational opportunity, if we fail to do our part, will be the less, and I do not think as state leaders we can let the Nation down. Thank you, very much. (Applause)

GOVERNOR REED: Governor Sanford has indicated that he would be happy to answer some questions and I would feel this would be a great opportunity for any of you who would like to pose questions to him would rise and address him at this time.

Mrs. CARSWELL of Portland: Governor Reed.

GOVERNOR REED: Representative Carswell of Portland, Governor.

Mrs. CARSWELL: Governor Sanford, the State of Maine pays approximately \$92,000 per biennium for the operation of the New England Board of Higher Education. Do you feel that there is a duplication here in that the New England Board of Higher Education sends back to the State of Maine information and then we implement legislation accordingly? Can you answer whether or not you feel that there will be a duplication here or is there a need to continue the New England Board of Higher Education?

Mr. SANFORD: For two years I served as chairman of the Southern Regional Education Board, which is one of the three boards along with New England, and there is a Western States Association for Improvement of Higher Education. These boards have some specialized duties and these boards have all they can do in carrying out, it seems to me, their missions that they have adopted for themselves. I personally feel that a region cannot advance unless it keeps its higher education moving ahead of all the rest of the advances and I've always felt that the SREB, the Southern Regional Education Board, has been of tremendous value and well worth the money that we paid into it or that any state paid into it.

Now this was probably the most ticklish question, as we talked, from the very beginning. We re-

solved this by saying that here is a resource in a region for the improvement of education and it is the best example perhaps of how a compact can be effective. And so what we are trying to do is not in any way duplicate or compete with the regional boards for higher education. This would simply be another resource operating both on its own and I would hope participating, and I think so, in what the general compact group is doing. You might even say that the compact organization of the Southern Regional Education Board and New England, and WICE which is the western one, served as a model for the kind of a compact that involved all regions and all levels of education.

But certainly if the Southern Regional Educational Board is doing as it recently did, a study looking at all of our education in the southern region, this compact organization wouldn't want to do it. It would want to take the results of that and use it as best it could and maybe spread some of those recommendations to the rest of the nation. I think it simply would serve as a clearing house for such regional boards and I believe it would work out that way. And I would say that I have a sort of a special interest in protecting the integrity of SREB.

Mr. SULLIVAN of Portland: It takes money to make the mare go and I believe that you have to have money to operate on, and that all gets back to the basis of taxes. Could you give me the percentage of taxes that North Carolina gets from various groups? Have they a sales tax?

Mr. SANFORD: Yes, sir.

Mr. SULLIVAN: Have they an income tax?

Mr. SANFORD: Yes, sir.

Mr. SULLIVAN: They have an income tax?

Mr. SANFORD: Yes, sir.

Mr. SULLIVAN: Is it a graduated income tax?

Mr. SANFORD: Yes, sir. It is not only a graduated income tax, it has right hard, basic exemptions, so that unless you are up in the five or six thousand dollar

category you don't pay any tax to speak of.

Mr. SULLIVAN: In other words, you have got your taxes down there on ability to pay?

Mr. SANFORD: Well I hope so, I am content at that. (Laughter)

I might tell you that when I was running for office I realized just what you say, that it takes money, and I thought our people would understand that and I kind of accidentally got into it but all through my campaign I kept saying that I would recommend new taxes, and the fact that I won indicates that either they didn't believe I would do it or they were in favor of it. (Laughter)

Now in speaking, and all of you who have been out campaigning will understand some of the problems of speaking on delicate issues during the campaign, I was down in a little small county in eastern North Carolina just beginning my campaign and some lady got up and asked me, you talk about all these big things that you need to do for education, where you going to get the money? Well I looked around there right quickly, I didn't see anybody from the press, so I said, where do you think I'm going to get the money, I'm going to get it from taxes. Well they broke out in applause, the best I'd ever heard, you know, and so when I went out I told Bert Bennett who was my campaign manager, I said, listen, this is very remarkable. We got the best applause for saying we're going to raise taxes, we're going to get the money from taxes. He said yes, that's real interesting but I wouldn't be too sure, he said, from where I was sitting I think they thought you said you were going to get the money from Texas. (Laughter and applause)

I might say too, just one other thing, that unless states face the responsibility of providing the tax sources the states can't be effective. I am not getting into any local issue because I don't even know what it is. But I do know that if the states are to be strong we need to be able to support education better than generally speaking we have.

Mr. ANDERSON of Ellsworth: Governor Sanford, I think that many of us have felt that this might be setting up another bureau that would bloom and blossom into a financial headache. Now they seem to think that there would be assistant secretaries to secretaries, and assistant secretaries to assistant secretaries, and so forth. Could you give us any reassurance that this wouldn't take place?

Mr. SANFORD: The new U. S. Commissioner of Education goes to an organization where, I don't know, four — five, six, seven, eight thousand people in a bureau, they haven't counted them recently, in the U. S. Office of Education, a tremendous organization that he now directs. When he was heading our organization he had a staff of about four people and did as good a job as anybody could have been doing anywhere in the country. When we set up the North Carolina fund with private funds, and this predated the National Poverty Programs by about a year and a half, we insisted on an extremely small lean staff. I have a feeling, and we've tried to leave this philosophy, that you get far more done with a smaller group than you do with a large group. I have no way of predicting the future but I would certainly hope that we would keep this a small organization.

If we needed to look at, let's say just for example medical professional education — let's say that was important to the steering committee, I would hope we wouldn't hire a whole lot of experts to come on the staff. We simply would find some people around the country who could take this job and do it and then move on to whatever else they were doing. We have tried to set up the budget in that way. We have tried to outline the beginning philosophy is that this should be the approach and this should be a small hard-hitting organization that can operate and not get bogged down in its own bureaucracy. I sure hope so.

Mr. ROSS of Bath: Sir, have any states turned this down or indicated that they might turn it down?

Mr. SANFORD: To my knowledge, no. Two or three governors have indicated that they would rather wait and see. To my knowledge, no governor has said that he is against it. No state that I know of has turned it down, the legislative body, to the extent that a governor said well I don't believe I'm ready to move. That may be turning it down. But as for bringing it up, discussing it, debating it, for the decision, no state has turned it down. And many many states that haven't yet taken any action have indicated to us, to both legislative and gubernatorial leadership that in due time they are ready to move. Most of them, you see, don't have legislative sessions right now.

Mr. GRAHAM of Freeport: Mr. Sanford, would you tell us again what states have joined the compact, please.

Mr. SANFORD: During these first few months we've had to have a lot of people—on the interim steering committee for example we had to have one before we could do anything and before any state could adopt it. So we've got quite a few people on, then, on steering committee that are not in states that have adopted it. Most of these have indicated that they will. The states that have actually adopted the compact are Hawaii, New Jersey, Texas, Minnesota, Arkansas, Illinois, Virgin Islands, New Hampshire. And I am told that New Mexico has been through second reading and since the compact says that it would need ten states to make this legally effective that they are simply holding it in the pocket until Maine or some other state's number nine, and then they're going to cap it off by being number ten.

Mr. JALBERT of Lewiston: Governor Sanford, as you know we are in special session and as you probably know we turned this down in special session. It is the thinking of some of us that pos-

sibly a further study could be brought up at the next regular session when the Legislature might be in order. What is your thinking on that?

Mr. SANFORD: Well I certainly think that it would be inappropriate for me to comment on that. I don't think in terms of your legislative approach or how you do things would be an appropriate comment for me. I appreciate the opportunity but I believe I would be stepping over the bounds if I tried to say.

Mr. HOY of Lewiston: One of the questions that came up in our debate was the cost of this compact in future years to the State of Maine. I recognize from what you've said today that the first year is no problem, but what about the future?

Mr. SANFORD: Well the projected budgets put a relatively small burden on any state. It's based on the size and to some extent the ability, so that no state has too large a proportionate share and every state has a fair share, I think. We worked this thing out in numerous ways and finally came to a formula that seems pretty reasonable. Now again it's difficult to project into the future but in any compact organization the state always holds the ultimate veto by getting out, by declining to participate, contribute; and so to that extent the states would pretty well determine how it would be done in the future.

My own feeling is that it will never get very burdensome, for two reasons. One, the general influence of simply keeping this in reasonable bounds. The other is that a good deal of the research money let's say a study group for junior college education could possibly be financed and in all probability would be financed, not by the state contributions but by some foundation grant to help in this particular study. There is a great deal of money of that kind available, and I would hope that this organization would take advantage of it, and that some of the basic studies to keep things moving along and the basic administrative cost would be borne by the state contributions.

And there again from my own relatively limited experience, the state would save money because we spent hundreds of thousands of dollars conducting studies that were just as applicable to a number of other states, and had we done it in cooperation we wouldn't have spent anything like that much money. What we did on higher education could have applied to most any state in the south. What we did for retarded children could have applied to any state in the nation. And what we did for gifted children could have applied to any state in the nation.

So I think that in terms of not spending funds that otherwise would have been spent for limited studies, of course you don't need them, that doesn't mean that you will never need any limited study, but essentially you will have a lot of it done for you, that this probably would turn out to be an economy.

Mr. CARROLL of Limerick: Governor Sanford, should a state become dissatisfied with this compact how long would it take them to withdraw, how many months or how long a period?

Mr. SANFORD: I think that is a year's notice that you must give of the intention to withdraw, and most compact documents have something in it of that nature so that you can't get mad at a meeting and walk out and quit, that you would at least have to go back and reflect about it. We had one state withdraw from SREB after a year's notice, feeling that it no longer had anything to contribute. So you can get out, but as in most compact documents you have got to give a fair notice. I could be mistaken and it could be two years. We have debated that thing back and forth and my mind's a little vague on that one point, but it's one or the other.

Senator JACQUES of Andros-coggin: Has the Council of State Governments ever taken up this matter of compact education?

Mr. SANFORD: Oh yes, and it was an oversight on my part not to have mentioned it. The State Council furnished the legal assistance from the very beginning,

you might say they drew the document. Of course they weren't taking that as an official action. Several of the organizations within that have passed formal resolutions. The legislative—what is the exact name of the legislative group in the Council of State Governments?

Senator JACQUES: The Board of Managers on Interstate Cooperation.

Mr. SANFORD: Well, you've got the legislative group that met in Portland last year, it's the legislative leadership. It's a part of the Council of State Governments just as the Governor's Conference is. They passed a formal resolution endorsing it. I might say that there's been a long, standoff attitude between the Council of State Governments and the professional educational organizations, and this is the closest anybody has ever—I mean the closest they have ever been together, and they have cooperated all the way.

Mr. DANTON of Old Orchard Beach: How many states do you reasonably expect will have adopted this compact before the year is over?

Mr. SANFORD: My guess is in the neighborhood of twenty. And then into the following year I think it's going to begin to pick up when the regular sessions of most of the states are meeting.

Mr. HEALY of Portland: As the cost of this compact escalates, and I picked that word up yesterday, is there any formula set up based on the population of the respective states that will—the cost to the respective states based on their population?

Mr. SANFORD: Yes, sir. The formula is carefully worked out to base it on population but to put a top limit on it so that the largest states don't pay an unreasonable share for what they get out of it, and there's also a bottom limit so that the smallest state doesn't pay an exactly pro rata basis of the larger states. We debated this thing and discussed it and we have had an expert prepare on his various machines all kinds of approaches and how they would come out, and after careful dis-

cussion in Kansas City they agreed on the one that is presently in operation, which does base it on population. Incidentally along with General Jim Gavin I am against escalation.

GOVERNOR REED: I think we have time for one more, was there somebody wanted to ask a question over here?

I am sure, Governor Sanford, that I speak for everybody in this Legislature, regardless of their position on the compact, when I say that we are honored and pleased that you could take the time to make the long trek up here today to give us more information pertaining to the educational compact. I am equally certain, although you couldn't appropriately say it, that your best reward would be that this Legislature would see fit to enact this compact today. I am sure you wouldn't argue with that. However, to make certain that our distinguished guest does not go back empty-handed, I have checked and found out that he like millions of other people throughout the world is very fond of Maine lobster and so I have a certificate for a lobster feed for ten people, so that sometime when you want to entertain some of your guests back in North Carolina you can send it in and have shipped from Maine some of our world-famous Maine lobsters, of which I know you are very fond.

Terry, it's wonderful to have you here and have you accept this. (Prolonged applause, the audience rising)

At this point, the Governor, his distinguished guest and his suite then withdrew amid the prolonged applause of the Convention, the audience rising.

The purpose for which the Convention was called having been accomplished, the Chairman declared the same dissolved.

The Senate then retired to its Chamber, amid applause of the House, the members rising.

In the House

The House was called to order by Speaker Childs.

On motion of Mr. Levesque of Madawaska,

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: The Chair at this time will lay before the House for its consideration, An Act Creating a Senatorial Apportionment Commission House Paper 1300, L. D. 1806. This matter was a veto message which came before the House this morning and was tabled and specially assigned for two o'clock this afternoon. The question before the House is, shall this bill become a law notwithstanding the objections of the Governor? Is the House ready for the question?

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I didn't realize until I read in the paper today that this was to be a veto item, but since I spoke before in opposition to the bill I would beg your indulgence for a very few brief review of my remarks. I stated at that time that I had no fear of this from a partisan point of view. Albeit I did not know the political leaning of the professors involved, I knew that neither party would try to pack such an important board.

However, I cannot see the necessity of this Commission, since committees such as this are seldom successful in having legislation enacted according to their recommendations. And for examples I cited the Citizen's Survey of State Government Committee and the various studies relative to milk controls. I admitted that professors by their training and experience are more knowledgeable in many things than most of us who have not had this advantage, but I pointed out that as far as State of Maine politics go you are the persons who are as expert as any. You are not theorists sitting in

ivory towers; you are practical lawmakers, you have shown the courage of your convictions by placing your name on the ballot and facing the actual test of the voters' choice.

I added, that anyone running again who did not feel as qualified as these academicians in this particular subject, let him vote for the bill. But I stated then and I repeat today that I have more faith in your ability as far as matters affecting this Legislature go than I do in theirs, and I voted against the bill and I strongly support the Governor's veto.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: To some extent I cannot understand this — legal, I would think that anyone, anyone in the legislative process would be willing to take help and advice from any committee or commission that might be set up to aid them.

In this veto message the Governor states that no public hearing was held on L. D. 1806. And it's true, it was reported out of committee. But this fact alone should not make a reason for vetoing it, or one of the reasons. We know that very often committees report out bills that have no public hearing and we also know that many many times amendments are offered to bills already reported out with their hearing, and entire bills are changed. The entire content of them are changed. Even the titles are changed. So because of this legislation is very often passed under color of amendment that has no public hearing. And this bill in a sense did have a great deal of public hearing, because the newspapers publicized it. In fact I believe — now this may be subject to qualification, but I think that some of the papers made mention that such a thing was contemplated a day or so before it actually went through this House and through the Senate.

Also it has been stated here that the 103rd Legislature is perfectly capable of tending to the

proper reapportionment, and indeed it is. But are they immune to suggestions, to ideas from persons that would be willing to advise them, from persons that are knowledgeable in this field? From, as was mentioned in the veto message, from persons skilled in political science? I would not be adverse to accepting or even asking for such advice and I don't think that my particular political party would be either. I should hope that members of the Republican Party would not be either. It seems, to my mind, that at this point the Republican Party has taken the stand that they wish to kill this thing. Can it be that they wish to take this state and split it up according to their own wishes, to gerrymander? I should certainly hope not. I see one of my learned colleagues over there nodding his head, so perhaps my guess was correct. I certainly hope not.

As far as making recommendations to the next Legislature, we all know that the Research Committee does this continually and sometimes it isn't—probably most of the time it isn't followed, but many other interim committees are set up. To my mind this Commission would be on approximately the same line, and I see no reason in the world it should not be set up and why if they do make good recommendations they should not be accepted. Because we all know that to have the most knowledgeable people attending to any serious affair of this manner, it is the best thing that we can possibly do. It has been done in the past. We are not creating a precedent. We are only following something that has been done a number of times in the past. I believe the Constitutional Commission a few years ago made some slight recommendations as far as apportionment of the Senate was concerned. They were not followed out; the Legislature did not accept their recommendations.

I believe that is all I have to say. I sincerely hope that you will go along with me when the vote is taken and override, or seek to override the Governor's veto,

because I think it's uncalled for. I think that this, like was suggested in this House last week, I think this and not the action that the majority of the House took last week, I think this is a case of bald politics. I thank you.

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

Mr. BISHOP: Mr. Speaker and Ladies and Gentlemen of the House: For the sake of the record and in view of the debate in the House last week in which speaker after speaker challenged the constitutionality of this bill, and in view of some of the implications in the Governor's veto message, I would like to read into the record a reply to an inquiry made by the House minority leader to the office of the Attorney General, and I quote as follows: "February 1, 1966.

Honorable David J. Kennedy
House of Representatives
Augusta, Maine

Dear Mr. Kennedy:

In your letter of January 31st you have asked two questions.

1. May the 102nd Legislature, at this First Special Session, pass An Act Creating a Senatorial Apportionment Commission to formulate plans for apportioning the State Senate when the citizens of this state have not as yet approved LD 1630, which is a proposed Constitutional Amendment to change the method of apportioning and selecting State Senators?

In the Opinion of the Justices, 132 Me. @ 521, and Opinion of the Justices 137 Me. @ 353, the court stated that the Legislature may not pass a law to be effective when a proposed constitutional amendment is accepted by the people.

In the instant case the bill creating a Senatorial Apportionment Commission is quite different. This bill is not a public law which would be dependent upon an amendment to the constitution to be effective. It is at best a Private and Special Law which expires on January 15, 1967.

Also, the report of the Commission need not be accepted by the 103rd Legislature even if the constitutional amendment is accepted by the people. The acts and doings of the Commission are not law.

2. Under the proposed act may the Legislature delegate or direct or require the appointment of four members of the Commission by the Presidents of Colby, Bates, Bowdoin and the University of Maine?

I can find no constitutional prohibition against the Legislature authorizing a private citizen to appoint another private citizen to an advisory group.

It is not usual, but that in itself does not make it unconstitutional."

And I might add that the reapportionment of the Senate is not usual. Thank you.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: This discussion has again brought up the term "ivory tower." This was used in the debate on this bill in the House by the opposition a number of times. Evidently the inference is that it's wrong, or if you are an "ivory tower" type person you are in some way incompetent or not qualified to do this particular type of job. President Kennedy one time, trying to hire a Harvard economist, offered him a job and the economist said, "Mr. President, you don't want me; I'm an ivory tower economist." And President Kennedy said, "I'm an ivory tower president." I would like to think that we are an ivory tower legislature, that we respect and acknowledge the value of our professors and scholars in this state, and that we are willing to make use of this knowledge.

The Governor stated in his veto that both of these bills, both of the constitutional amendment resolves that were proposed, left the duty of apportioning the State Senate to the 103rd Legislature. This is a little inaccurate. Actually the one that passed leaves it

to the next session of the Legislature, and if a special session is called it could well be this Legislature that does the apportioning. If I were to be here and make a decision on this, I would want the advice and experience of these men.

He also points up, in the last paragraph, that at Bowdoin College the Department of History and Government are two separate departments, and then for some reason he assumes that this leaves the President of Bowdoin College in an awkward position. I have difficulty finding the logic there. I am sure that the president of Bowdoin College has handled problems that are a great deal more serious than this with dispatch.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I will continue with the remarks that were made on this bill when it was before us to the effect that it is presumptuous, it is untimely because the people have not voiced their opinion relative to this constitutional amendment. The gentleman from Presque Isle, Mr. Bishop, read a letter to the House that I directed to the Attorney General relative to the constitutionality of this measure. There is only one thing that was not in that letter and that was a subsequent interview with this gentleman, when I took issue with him and asked him what this Commission would be studying. And he informed me, as you all well know, that they would be studying the present Constitution, because the constitutional amendment is not effective until the people have spoken.

Now November till January is a short time. If this is passed by the people it will not be done until next November. I will take issue with those who say that the Republican Party does not solicit the aid, support, and scholarly knowledge of the "ivory tower" gentlemen, because we have done this on former occasions. I was the House chairman of the Reapportionment Committee when we reapportioned

the House and I think we must have done a pretty good job for both parties because there's a good number of Democrats in this House today, which testifies to the good job that we did when we reapportioned the House. I feel confident that the 103rd Legislature, whether it be dominated by the Republicans or Democrats, will be fully competent to reapportion the Senate after the people have spoken, because they will seek professional help, they will seek the advice and guidance of people who are scholars in state government. This will not be new, but this bill was not necessary. It was untimely and presumptuous, and I do trust that the Governor's veto will be sustained.

The SPEAKER: Is the House ready for the question? The question before the House is, shall this bill "An Act Creating a Senatorial Apportionment Commission," House Paper 1300, L. D. 1806, become a law notwithstanding the objections of the Governor? Under the Constitution the vote on a veto message must be taken by the yeas and nays. If you are in favor of this bill becoming a law notwithstanding the objections of the Governor, when your name is called you will answer either yea or yes; if you are opposed to this bill becoming a law when your name is called you will answer either nay or no. The Clerk will call the roll.

Roll Call

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

Searles, Starbird, Stoutamyer, Sullivan, Truman, Wheeler, Whittier, Wuori, SPEAKER.

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

ABSENT — Crommett, Dunn, Kilroy, Lane, Lent, Libhart, Mosher, Pendergast, Roy, Sawyer, Storm, Susi.

Yes, 74; No, 65; Absent, 12.

The SPEAKER: The Chair will declare the vote. Seventy-four having voted in the affirmative, sixty-five in the negative, and twelve being absent, and seventy-four not being two-thirds of one hundred and thirty-nine, the Governor's veto is sustained.

The SPEAKER: The Chair at this time would like to recognize in the rear of the House Mr. Philip Dumont, father of the gentleman from Augusta, Mr. Dumont. Mr. Dumont, like his son Richard, is a lifelong Democrat and has encouraged him to take part in state and local politics. Mr. Dumont is also the proud father of six other children.

With him in the rear of the House is Richard's wife Gemma and her mother Mrs. Henry Albert of Madawaska. On behalf of the House the Chair welcomes you and we hope that you will enjoy your visit in the House of Representatives. (Applause)

The SPEAKER: We are proceeding under Orders.

Mr. Dudley of Enfield presented the following Order and moved its passage:

ORDERED, the Senate concurring, that House Joint Order Relating to Having a Study Made of the Feasibility of an Adequate Modern Trans - Maine Highway Linking the Eastern Townships, Sherbrooke Areas of Quebec and New Brunswick (H. P. 1290) be recalled from the Legislative Files to the House (H. P. 1306)

The Order received passage and was sent up for concurrence. Without objection sent forthwith.

On motion of Mr. Rackliff of Easton, it was

ORDERED, That the Speaker of the House of Representatives appoint Representative M. Jerome Dickinson of Mars Hill to represent the House of Representatives on the Maine to Quebec Caravan for the second consecutive year.

On motion of Mr. McKinnon of South Portland, it was

ORDERED, that Mr. Pendergast of Kennebunkport be excused from attendance today because of a death in the family.

Mr. Katz of Augusta was granted unanimous consent to briefly address the House.

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: Very shortly now I presume we are going to be taking up another question of the Governor's veto. I call attention to the Clerk that this may be an historic occasion as far as he is concerned. As a young man, I think, in the 99th Legislature he attempted to get electronic equipment installed in this House so that the Clerk of the House would not have a lengthy roll call to call. This next roll call that Jerry calls may be the very last roll call ever to be called by a voice in this House.

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

ORDERED, the Senate concurring, that there is created a Senatorial Apportionment Commission to administer this Order.

The commission shall consist of 9 members, viz: The Speaker and Minority Floor Leader of the House of Representatives, the President and Minority Floor Leader of the Senate, one member each from the Department of History or Government at Colby College, Bates College, Bowdoin College and the University of Maine, appointed by the President of the respective colleges and the Dean of the University of Maine, School of Law who shall serve as chairman; and be it further

ORDERED, that the commission shall meet as often as necessary, at such times and places as the chairman may designate. Any 5 members shall constitute a quorum for the transaction of the business of the commission. The members of the commission shall serve without pay but shall be reimbursed for actual expenses incurred in the performance of their duties; and be it further

ORDERED, that the commission shall formulate plans and proposals for apportioning the Senate according to the rule of apportionment as or may be established in the Constitution of the State of Maine and submit a report no later than January 15, 1967 of such plans and proposals to the 103rd Legislature; and be it further

ORDERED, that when the Senatorial Apportionment Commission shall have performed all its duties prescribed in this Order, the powers and duties of the commission shall terminate, and said Senatorial Apportionment Commission shall be dissolved and cease to exist; and be it further

ORDERED, that there is appropriated from the Legislative Appropriation the sum of \$2,000 to the Senatorial Apportionment Commission to carry out the purposes of this Order; this appropriation shall not lapse but shall remain a continuing carrying account until the purposes of this Order have been completed. (H. P. 1307)

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

Mr. BERRY: Mr. Speaker, I move indefinite postponement of this Order.

The SPEAKER: The question before the House now is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this order be indefinitely postponed. The gentleman may proceed.

Mr. BERRY: Mr. Speaker and Members of the House: I think that this is a delightful note on which to part because we were conceived in this House on politics, we have met in politics, and we are going to separate on a political level. I think the Majority Party deserves a great deal of credit for after having swallowed their defeat, when the Governor's veto was so properly sustained, coming forth with what they had of course in the back of their mind all the time, and without being too personal about it I said it was raw, bald, street-fighting politics. This is going to pass. It stands, therefore revealed for just exactly what it is. It's too bad. The 102nd Legislature gave birth to a very good piece of legislation. It took courage, it took a great deal of thought, cooperation. It gave birth to the Senate reapportionment plan.

Let's cut the umbilical cord. Let this legislation go ahead to the 103rd Legislature on its own merits. Let's not tie ourselves to the 103rd. This issue does not need to be belabored, because it stands exactly revealed for what it is. It was said before in the debate, if the 103rd Legislature is controlled by the present majority party then they can redistrict the Senate the way they want to under the law, and if the Republican Party wins the control of the 103rd Legislature then they can redistrict the Senate under the law. This is the good way to do it. I hope you support my motion for indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: For the past few years it has been my pleasure to enjoy pleasant debates with my very good friend and col-

league from Cape Elizabeth, Mr. Berry. Now when I first got here in 1945 I presented the first change of election date bills, the first time in seven years. The bill failed of passage, and I was in tears really at the Augusta House that night; until I was told, what are you hollering about, Louie? You're in the minority. You've got to take it the way it's dealt out to you. They have given you a warm seat in a warm room and a check.

Now here we are here, in a majority for the first time in fifty years, we are giving my good friend from Cape Elizabeth, Mr. Berry, and his colleagues a warm seat in a warm room and three checks! What in H-l do you want, eggs in your beer? (Laughter)

The SPEAKER: The House will be in order. The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: The reaction from the remarks of the gentleman from Cape Elizabeth, Mr. Berry, does not move me too much, because I can recall just a few sessions ago that we were labelled with the leopards with the same spots that we have had over the last hundred and fifty years. I feel that certainly in the last three sessions that I have been here that the spots that I was labelled with in 1961 have not changed, and the same gentleman probably later on in the same session made the remark that the Democratic Party of our State of Maine was not only having leopard spots on him, but were also trying to play a shell game.

Somehow or other these things always come back to haunt us every now and then, and although we were very much in the minority then, I think the minority was forty to one hundred and eleven, certainly we felt hurt being in the minority, and as the gentleman from Lewiston, Mr. Jalbert very well pointed out, we were told that if there is any legislation to be passed with your name on it, we'll pass it for you, but without your name on it.

But those things are politics, and that was labelled last week

as bald politics. Certainly I, for one, and I feel that the people in this House here should not disregard the educators of our state. They are doing an excellent job, and I certainly feel that they can render some benefit to the 103rd Legislature, and in turn the 103rd Legislature might look at it and say well, we have got something better than that. I think probably a picture of that was in the Portland paper over the weekend. We can remember also what picture they had when they gerrymandered the House in 1961. Some were hurt, although it came back to haunt somebody in 1964.

I think we all are here today to find out and see how this can best be done, by having all available information, including those of the members of the 103rd Legislature. If they have got better ideas that are going to come before them in the 103rd, including the information gathered by our educators named in this order, I think we should feel proud of ourselves and they should be proud and feel proud to serve on this kind of a project for the better distribution of the one man, one vote theory. Thank you.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: This order certainly comes as a surprise to me, and it certainly circumvents any legislative procedure that I have ever heard of. I don't recall this ever being done before. Why in our Constitution do we have a power of veto of a Governor? Why do we have bills? Why do we have hearings? Why don't we just have joint orders put in by a majority? I certainly believe that this is taking away a basic right of the citizens of this state who voted for the members of the minority party who are now sitting in this House of Representatives.

Of course you, as the majority, have the prerogative to do this, but I believe that you should use discretion in taking such a dras-

tic move, and I don't believe that this procedure is very discreet.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from Bath, Mr. Ross. Are you suggesting that we change our rules and have just orders now instead of bills?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question of the gentleman from Bath, Mr. Ross, who may answer if he so desires.

Mr. ROSS: I believe that I answered that question in my brief remarks. I said are you proposing to do away with bills and resolves and just have joint orders.

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

Mr. CARROLL: Mr. Speaker and Members of the House: I have a very good reason for hoping this order will pass here today. In the past Sunday issue of the Portland Sunday Telegram, we had two plans. The plan offered by the Minority Party with the endorsement of Mr. Putnam, did, I don't know by error or on purpose, omit the community in which I reside, the Town of Limerick was left out, and I believe in a one man, one vote issue and I hope we have somebody looking over their shoulder if they do it because we don't want to be left out.

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say to the gentleman from Lewiston, Mr. Jalbert, that that extra check that we are enjoying this year is a direct result of the 101st Legislature. Also, a direct result of the hard work that was put in on that bill by the gentleman from Cape Elizabeth, Mr. Berry. I would also ask for a roll call when the vote is taken.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Certainly I — it was my intention of requesting a division on this order, but I think probably the gentleman from Bath, Mr. Brewer, is probably justified in requesting a roll call. And I think now that the remarks made last week that this wants to go down in history as being bald politics all the way down the line, and I certainly hope that when this comes out in the 103rd Legislature that all will be good and fine.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: As has been mentioned, I agree that there are many ways of circumventing orderly procedure, and this certainly is one of them. As my old granddaddy used to say, there is more than one way of skinning a cat. I think that this is an indiscreet order. I think that it is really a slap in the face to our Constitutional procedures. I, unlike the gentleman from Bath, Mr. Ross, suspected that we would be faced with an order like this; I wasn't surprised at all.

There is no question but what the Majority Party can pass this order, but I do have a feeling if they do, the reflection will be upon them rather than on the Minority in this case.

I would remind the former speaker while I am standing here that when he was a member of the Minority Party he took back to Androscoggin County a very juicy plum for his particular district, so certainly he wasn't sitting in the Hall of the House enjoying a warm seat as a member of the Minority Party. I think the Majority Party in those days was most generous to the minority, and this is an opportunity for the Majority to be generous — I wouldn't say generous — but I would say, perhaps polite, and politeness in this day is perhaps getting old-fashioned, but it still I think is a criterion that we can look upon and enjoy and see that our children enjoy it, in defeating

this order. This is contrary to what has just happened under our Constitutional form of government, and this is merely circumvention. I hope that the order is defeated sincerely.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I think as this argument has depicted, in the final analysis this question of reapportionment will be settled in the same vein and with such political atmosphere as we have just witnessed, regardless of any commission, and a possibility of marring the integrity of those who are on the commission by not going along, in fact, possibly going in exactly the reverse condition, because ladies and gentlemen, in the final analysis, politicians are going to settle this issue. I therefore hope you go along with the motion.

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

Mr. ERWIN: Mr. Speaker, I can't resist, now that we Republicans know our fate, in letting you all know and having the record show that we can die well and with a quip upon our lips.

I am reminded of the story that was told me by one of my friends from Biddeford who knew I had an Irish name, who wanted to tell me how many Frenchmen it took to lick an Irishman. All I can say to you today is that it takes too many Republicans to lick a Democrat, and we're whipped. Actually, it takes five Republicans to whip a Democrat, four to shake him out of the tree and one to kick the stuffing out of him.

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

Mr. SULLIVAN: Mr. Speaker, I'd like to have Mr. Erwin try that on me. (Laughter)

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

Mr. GAUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: I don't know why we are debating this at length. The Demo-

crats have not as much experience as the Minority Party in controlling the Legislature, and we will welcome the help of the commission when the Democrats of the 103rd Legislature reapportion the Senate.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of this House: I am somewhat amazed at the attitude of the Minority Party when they refuse to take into consideration recommendations from these people whom we call artists who are living in an ivory tower. I have a lot of faith in these gentlemen, and I think that many of us respect their decisions too.

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

A sufficient number arose.

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

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself for a moment to the subject of raw, bald street-fighting politics and umbilical cords.

It appears that the street fighting takes place on a two-way street, and it appears that the umbilical cord is all right if you attach it to the proper piece of legislation. It has just come to my attention that a bill that has the interest of the Chief Executive has been revived in the other body and referred to the Legislative Research Committee, which I submit is an umbilical cord to the 103rd Legislature. This is a bill that was killed three times in this

House, twice in the House and once in the other body. I just wanted to point this out so that you would realize that raw, bald, street-fighting politics and umbilical cords belong to both parties.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this order be indefinitely postponed. A roll call has been ordered. If you are in favor of this order being indefinitely postponed, when your name is called you will either answer yea or yes; if you are opposed to this order being indefinitely postponed, when your name is called you will either answer nay or no. The Clerk will call the roll.

Roll Call

YEA — Anderson, Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Hbr.; Berman, Berry, Birt, Bragdon, Brewer, Buck, Burwell, Carter, Cookson, Cornell, Cressey, Crosby, Cushing, Davis, Dickinson, Erwin, Evans, Farrington, Gifford, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Hawes, Hawkes, Haynes, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Lincoln, Littlefield, Lund, Lycette, Meisner, Millay, Norton, Payson, Peaslee, Pike, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sahagian, Scott, 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, Curran, D'Alfonso, Danton, Dostie, Doyle, Drigotas, Drouin, Dudley, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauthier, Gauvin, Gilbert, Gillan, Glazier, Graham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Healy, Hoy, Hunter, Durham; Jalbert,

Jordan, Keyte, Laberge, Lebel, Levesque, Lowery, Martin, McKinnon, Mills, Mitchell, Nadeau, O'Gara, Palmer, Poulin, Ruby, Searles, Starbird, Stoutamyer, Sullivan, Truman, Wheeler, Whittier, Wuori, The SPEAKER.

ABSENT — Crommett, Dunn, Kilroy, Lane, Lent, Libhart, Mosher, Pendergast, Roy, Sawyer, Storm, Susi.

Yes, 65; No, 74; Absent, 12.

The SPEAKER: The Chair will declare the vote. Sixty-five having—

The Chair recognizes the gentleman from Bath, Mr. Ross, and inquires for what purpose does he rise?

Mr. ROSS: Parliamentary inquiry, Mr. Speaker.

The SPEAKER: The gentleman may make his inquiry.

Mr. ROSS: Rule 20, under our rules, rejection of bills. When any measure shall be finally rejected it shall not be revived except by reconsideration. Does that apply to this?

The SPEAKER: The gentleman will restate his question.

Mr. ROSS: My question is, does that apply, does that Rule 20 apply to the question in hand now? There should be a reconsideration motion before the order was presented since it is the same law as we rejected.

The SPEAKER: The answer is in the negative, this is not the same. Does the gentleman wish to question the decision of the Chair?

The Chair will declare the vote. Sixty-five having voted in the affirmative and seventy-four in the negative, and twelve being absent, the motion to indefinitely postpone does not prevail.

The question before the House now is, is it the pleasure of the House that this order be passed?

Thereupon, the Order received passage and was sent up for concurrence. Without objection, sent forthwith to the Senate.

On motion of Mr. Dudley of Enfield, the House voted to sus-

pend the rules and to reconsider its action whereby on January 25 it passed Joint Order (H. P. 1290) relating to Having a Study Made of the Feasibility of an Adequate Modern Trans-Maine Highway Linking the Eastern Townships, Sherbrooke Areas of Quebec and New Brunswick.

The same gentleman then offered House Amendment "A" to House Joint Order House Paper 1290 and moved its adoption.

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

HOUSE AMENDMENT "A" to HOUSE JOINT ORDER (House Paper 1290) to Have Study Made of the Feasibility of an Adequate Modern Trans-Maine Highway Linking the Eastern Townships, Sherbrooke Areas of Quebec and New Brunswick.

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

'ORDERED, the Senate concurring, that a committee of seven be appointed, including one engineer from the State Highway Commission; three Senators to be appointed by the President of the Senate; and three Representatives to be appointed by the Speaker of the House, to carry out the purposes of this order.'

House Amendment "A" was adopted and the Joint Order received passage as amended in non-concurrence, and without objection sent forthwith to the Senate.

The SPEAKER: The House will stay in recess for approximately five minutes.

After Recess

Called to order by the Speaker.

The SPEAKER: Is there objection at this time to taking up papers from the Senate? The Chair hears none, the Clerk may proceed.

From the Senate: The following Communication:

THE SENATE OF MAINE
AUGUSTA

February 9, 1966

Honorable Jerome G. Plante
Clerk of the House
102nd Legislature

Sir:

The Governor of the State having returned to the Senate: An Act Creating the Investment of State Funds Law (S. P. 690) (L. D. 1773) with his objection to the same, the Senate proceeded to vote on the question: Shall this Bill become law notwithstanding the objections of the Governor? A yea and nay vote was taken, and twenty-six voted in the affirmative and five in the negative. Accordingly the veto was over-ridden by the Senate.

Respectfully,

(Signed) EDWIN H. PERT
Secretary of the Senate

The Communication was read and ordered placed on file.

Veto Message (S. P. 738) from Governor re "An Act Creating the Investment of State Funds Law" (S. P. 690) (L. D. 1773)

(See Senate Journal for contents of Veto Measure)

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Evidently today we are playing on a different set of rules. I don't mind not abiding by the Marquis of Queensbury rules, but I would like to know which set I am going on before the contest starts. You know it reminds me of one time when I was in the Army and I was playing poker with my commanding officer who was a Colonel from Texas. And a question arose as to a very complicated high hand. And I said that I thought that I could prove my point if I could refer to a book of Hoyle, and later I did get hold of that book and I showed it to the Colonel and he looked it over and he was willing to pay off his wager but he says, "I have just two questions.

Who the heck is this guy Hoyle and did he ever play poker in Texas?"

During the special session I spoke twice in opposition to the bill which is before us now, that the Governor has just vetoed, and I spoke in favor of a minority version which would have increased the percentage to be invested in common stock from ten to thirty per cent and provided for a fiduciary. The veto message details the Governor's objections. However, I believe that additional comments are now warranted.

The Legislative Research Committee employed the firm of Bowles, Andrews & Towne to make a study. Their final recommendations were not too specific, but they did feel that certain changes were in order: to provide an opportunity for more appreciation in the fund and to have better professional supervision. However, they did not at any time specifically endorse L. D. 1773 and certainly not endorse the redraft that we are talking about today. Today we are dealing with a complicated, technical law affecting the investment and management of some one hundred million dollars in state trust funds.

I doubt if many of you know exactly what this bill is and the implications contained therein. Now that is no fault of your own or any lack of wisdom on your part or ability or understanding. It is only because of the complicated and sometimes confusing legislative process that we go through, especially with the pressures and expediences of a special session. This bill was a redraft of L. D. 1564 which the Governor vetoed at the start of our special session. We unanimously concurred with this veto. It first appeared at our special session as L. D. 1773 and I am sure that many of you studied this.

But now comes the specific problem wherein I say I doubt if many of you know what we are talking about. It came out of committee with a committee amendment in the form of a legislative document L. D. 1798, and since we have all served here at

least a term now I know that you realize that it is most difficult to follow amendments without the copy of the original bill before you. The only way that you can be sure that you are talking about the right thing is to see the truly and strictly engrossed bill, which was not available to this House or Senate until February the 2nd, the day we adjourned.

I have heard talk that this is copied from model legislation, but such ideas per se are not necessarily models of perfection and our model has been doctored and re-doctored; but the proponents have tried to maintain their basic concepts while circumventing obvious objections. As a case in point, that original bill said that the finance officer would be recommended by the Treasurer of State and approved by the Governor. This was an obvious objection. So the redraft says that it will be appointed by the Governor upon request of the Investment Council. This sounds a great deal better but even here there is a flaw because under certain circumstances the Investment Council would appoint this man and not the Governor.

Throughout the doctoring process the conceivers of this bill were adamant. The proponents stuck to their one basic premise and that was that we should have an investment officer who would serve a term ad infinitum, to be relieved only for cause, which of course is most difficult to prove. And in this one superhuman financial wizard with a six-man council rests the future of a one hundred million dollar fund. I will admit that the law says that he may obtain professional advice, but not necessarily so; because it says that he shall have the specific power to make purchases, sales, exchanges, investments, or reinvestments. Now without a very sizable staff of technicians and financial specialists this task alone would appear to be impracticable if not impossible.

I have touched only the highlights. I could go through this

engrossed copy, all ten pages, item by item, and point out my several objections, but certainly I shall not tax your patience. As an aside, in a lighter vein, this might be a splendid new source of revenue. In the final analysis, not only did this bill receive gubernatorial disapproval, it was opposed by the Retirement Board, the Employees Association, investment specialists, and many other persons knowledgeable in the field of finance.

As a final point, I say only that if it is your basic desire to create a new state position, this is the proper document. But if you really want a law for the guarded protection and hopeful growth of our funds, in my opinion this is certainly heading in the wrong direction, and I trust that this House will sustain the veto and if an order miraculously appears I hope you will defeat the order.

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

Mr. MARTIN: Mr. Speaker and Members of the House: First of all may I say that I am somewhat confused at the remarks of the gentleman from Bath, Mr. Ross, in regards to the bill itself. He says that the amendments do not pertain or were not part of the bill before February 2nd. Perhaps I should point out that it does provide that the new amendments that came out of committee said that they were Legislative Document 1798, but it further said below that this is Committee Amendment "A" to Senate Paper 690, L. D. 1773, and reading both of them together it is very simple to see and understand that both of them pertain to the creation of the investment of state funds law.

Also for the benefit of the gentleman from Bath, Mr. Ross, it is my understanding that the firm of Bowles, Andrews & Towne saw the bill. Since I was a member of the committee that heard the bill it is also my understanding that they endorsed it, and I am further under the understanding that that firm okayed the amendments proposed.

Going to the veto message itself, we find that the Governor notes in

his veto message that hiring expert advice is wasteful. I find this hard to believe. I am sure that the people of Maine do not agree with this comment. He further points out that he has reviewed the bill item by item and has come out with certain items which cannot and should not be misunderstood. I was under the impression that the bill itself was quite clear. Apparently to some people it is not.

The Governor questions the facts that both political parties should be represented and he asks the question why. I will simply answer the question, or ask the other question, why not? Isn't it a heck of a lot better when both political parties are involved? He seems to imply that the people who are on the present Board of Trustees are not political. I question this, and I am sure all of you know the answer. The language of the bill is quite clear, in my opinion, and I think further that the Governor perhaps got some of his advice from so-called partisan bases.

It's also interesting to note that where it provides in Section 164 on the third page of the veto message to us, he notes that the State Investment Officer should be appointed without term but may be removed from office for cause. He says this is a most unusual practice which should be clarified so that a majority action of the Council may cause removal from office. As has been pointed out, this is the language of the model bill which is primarily to protect the bill and the people on the Council from political pressures.

It is also interesting to note that he asks the question (1) what happens when there is no reapportionment available for service charges as is in the case of the Retirement System, since it is known that no funds were appropriated. I think it is interesting to note that it is quite obvious that the bill provides that the money be taken out of the fund. The Retirement Board attempted to hire under the alleged authority and budget last summer such an individual who might be knowledgeable in this field and they provided an entire budget of

\$5200. I think we all realize that this would be somewhat too small a budget, as the so-called opponents of the bill had agreed on before.

Perhaps we should also mention that he says in Section 17 there is also some other confusion and he also says that the Maine State Retirement System was opposed to the bill. I think this is quite obvious and it was quite true at the hearing, but this was to be expected. It is also interesting to note at the hearing they said they had changed their views to even being as liberal as to change their ideas of investment from ten to thirty percent or even twenty percent probably. I then asked the question of them, would it be possible that if we waited another year that you would be in favor of the entire bill; and to this question they refused to answer of course.

The Governor also makes note that the Maine State Employees Association went on record as being opposed to the final enactment of the law. Could it be perhaps that the information provided to them was by someone who I might consider an opponent to the bill and might it give them the biased story of the entire account? I think this might be so if we checked the record.

It is my opinion that this bill and this investment program would be a sound one for the State of Maine, but of course obviously the Governor and the minority party are not willing to try it out. I am sure the people of Maine in the future might have a chance to express their views on this matter. I think it is important enough that they will and I am sure that they will show their displeasure in some manner and in some shape, at one time or another. Apparently they seem to feel that responsible groups have spoken against it. In my understanding the responsible groups have spoken for it. Apparently the Governor and the minority party is criticizing the support of such responsible groups and organizations. Perhaps it is a fruitful attempt, but I would hope that the

Governor's message would be overridden.

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

Mr. KATZ: Mr. Speaker and Ladies and Gentlemen of the House: During the regular session and during the special session I sat in committee and listened to this bill and I have learned something very important from this hearing and I think that I would like to pass along my impression of what I learned to you. We are dealing with the security of thousands of Maine people and it is my distinct impression that the thousands of Maine people who have a stake in this retirement fund do not want us to put this bill through.

You understand this bill pertains to three different types of money. We are talking about money that belongs to the state that's available for short term investment. We are talking about money that belongs to the state in various trust funds that's available for long term investment. But I think the crux of the matter, and here we are dealing with people and people's security, the crux of the matter is the basic, largest, single amount we are talking about is approximately a hundred million dollars presently in the retirement fund. This is something that is so unique that it is protected in the Constitution of the State of Maine. It is protected in the Constitution to the effect that it says to the Legislature to keep your hands off. There are constitutional protections that are unusual and which pertain to no other funds. I think before this Legislature, or hopefully succeeding Legislatures, lay their legislative hands on this fund, an attempt to commingle it with any others, that they take heed to the feeling of the retirees in particular and it is my distinct impression that the retirees do not want this commingling of money, they do not want this bill.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: Hence through a comment by Mr. Ross of Bath, he made the remark that it might be a lucrative source of revenue, or words to that effect. I read an estimate — I don't know where it came from, some months ago in the paper because the other bill they assigned on the Governor's desk was costing the state about \$1,400 a day. There have been a hundred and forty-nine days since September 3rd. If that bill had gone into effect at that time the state would have — using that estimate, would have had an extra income of \$222,600.

I wonder what the political repercussions will be in this state when the people realize what the rejection of this bill, these vetoes, have cost the State of Maine as a whole to each taxpayer as an individual.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: We have heard a great deal of discussion on this particular bill and the gentleman from Bath, Mr. Ross, pointed out that the job of being an investment officer of this large sum was no small job. He pointed out the various difficulties, technicalities involved, the large staff necessary. He failed to point out that the bill also provides for a fiduciary if the Council deems it advisable, in lieu of an investment officer.

But let's go back to this vast staff that is needed to handle this fund. How are we handling it now? Do you realize that on the present investment board we have two people who are truly qualified in the field of investments? The Banking Commissioner and one other public member of a banking firm. And the Banking Commissioner just recently attempted to resign from this board, because he can't begin to handle the duties. And this leaves one man with experience in the field. If you can possibly show me how this is good management of these funds, I would like to see it.

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

Mr. GRAHAM: Mr. Speaker and Ladies and Gentlemen of the House: I am not here to sell you this bill; don't get that idea. It would make me very happy if you would pass it over the Governor's veto. This bill, L. D. 1773, and its amendment, like the only similar bill introduced in the regular session, would, one: it would provide more flexibility in the investment of state funds by increasing the limit on stocks to twenty percent of the funds; and two, it would provide for professional management of the investments. The Republican answer to this was to claim a part of the bill, the twenty percent feature, for their own; then finally attempted to kill the whole bill. The Governor delivered the final blow.

On the second part of the bill they said, well, the authority that was needed was already in the law, that the Retirement Board could employ an officer, an investment officer. Well, let's see what happened. They voted to attempt to do this but found the salary to be placed by the Personnel Board as \$7,500, and no competent man could be found. The same men who advised this approach are now saying that the fifteen to twenty thousand dollars available in this bill is not adequate and that added authority is now needed beyond the \$21,000 appropriated in this bill for the officer and fiduciary.

The basic point of dissent here is, should this process of investment be placed with a professional investment officer and/or fiduciary or should it be on the basis of who can buy the most martinis? Opponents of the bill are talking about politics entering the picture. Who's kidding whom? Politics may never be entirely out, but under this plan it will be out in the open at least and considerably at a minimum. So opposition to this bill is becoming a farce. Arguments have been offered to extend a thirty percent authority to the present board. What good would that do, to give authority to a

board to increase their stockholdings when the percentage which they now own is steadily decreasing rather than increasing, even while they are giving lip service to an increase from ten percent to thirty percent?

Last year at this time the holdings of the fund in stocks amounted to a little over ten percent. As of January 1st the stockholdings in the fund are now 8.7 percent. The makeup of the present board is ex officio, part-time, non-salaried and essentially amateurish and ultraconservative, to the point of being radical and extravagantly wasteful of our substance.

Compare it with Baxter Trust which has shown income and growth triple that percentage shown by the Retirement Fund over the last five years. Why? Because a very prudent, dedicated citizen and competent Governor saw to it that his state got the last possible dollar in income, just as our State Treasurer is trying to do. The only thing political that the State Treasurer has done is to make it impossible to raise campaign funds through the Treasurer's office. No one will ever know how much he has shut off in patronage.

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

Mr. ROSS: Mr. Speaker and Members of the House: Since I last spoke there have been three questions raised that I would like to answer. The gentleman from Kingman, Mr. Starbird, indicates that we are not getting all the revenue that we should and had we enacted this some while ago we would have gotten a great deal of more monies. We were willing to go along with raising from ten to thirty percent the amounts in common stock. I have mentioned that.

The gentleman from Portland, Mr. Edwards, said what in the world are we doing now that we only have one man who is qualified. I would remind him that we are limited now to the ten percent and also we presently have the authority to engage a fidu-

ciary if they deemed it wise. The gentleman from Augusta, Mr. Katz, said that he didn't believe that the employees favored this bill. The employees are on record in writing as diametrically opposed to this piece of legislation.

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

Mr. BREWER: Mr. Speaker and Members of the House: I am not going to get into the merits of this bill pro and con. I think they have been pretty well debated.

This investment bill is the product of one man and we know who that gentleman is. Now I think that particular individual, as well as the Majority Party, who favor this bill, have done a very poor selling job. A week or so ago I came down the elevator at five o'clock in the other building with six or seven people on board, and they were really upset, and one of them said: the politicians over across in the other building are trying to get their finger in the investment money. Now that is the feeling of the employees in the state generally. And I know real well that they do not favor this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This is the second session actually that we have debated this bill. I, for one, am resigned to my fate and I am not going to holler about bald politics or anything like that. I mean it is perfectly all right with me, I am back where I was in 1945 and I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert moves the previous question. For the Chair to entertain the previous question it must have the 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 arose.

The SPEAKER: Obviously, more than one-third having arisen, the previous question is in order. The question before the House now is, shall the main question be put now? This is debatable by any member for no more than five minutes. All those in favor of the main question being put now will say aye; those opposed will say no.

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

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

ROLL CALL

YEA — Baldic, Beane, Bedard, Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Burnham, Bussiere, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Curran, D'Alfonso, Danton, Doyle, 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, Levesque, Lowery, Martin, McKinnon, Mills, Mitchell, Nadeau, O'Gara, Palmer, Poulin, Ruby, Searles, Starbird, Stoutamyer, Sullivan, Wheeler, Whittier, Wuori, SPEAKER.

NAY—Anderson, Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Hbr.; Berman, Berry, Birt, Bragdon, Brewer, Buck, Burwell, Carter, Cookson, Cornell, Cressey, Crosby, Cushing, Davis, Dickinson, Erwin, Evans, Farrington, Gifford, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Harvey, Wind-

ham; Hawes, Hawkes, Haynes, Healy, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Lincoln, Littlefield, Lund, Lycette, Meisner, Millay, Norton, Payson, Peaslee, Pike, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sahagian, Scott, Truman, Waltz, Ward, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

ABSENT — Benson, Mechanic Falls; Crommett, Dostie, Dunn, Gilbert, Kilroy, Lane, Lebel, Lent, Libhart, Mosher, Pendergast, Roy, Sawyer, Storm, Susi.

Yes, 67; No, 68; Absent, 16.

The SPEAKER: The Chair will announce the vote. Sixty-seven having voted in the affirmative, sixty-eight having voted in the negative with sixteen being absent, sixty-seven being less than two-thirds of one hundred and thirty-five, the Governor's veto is sustained.

The SPEAKER: Is there objection to taking up further papers from the Senate? The Chair hears none.

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of Bill "An Act relating to a Compact for Education." (L. D. 1699) introduced at the Special Session of the 102nd Legislature, to determine whether the best interest of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report the results of its study to the 103rd Legislature (S. P. 737)

Came from the Senate read and passed.

In the House the Order was read.

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

Mr. KENNEDY: Mr. Speaker and Members of the House: I do not rise to oppose the passage of this order, merely to be on record to say how sorry I am that we

couldn't recall the bill to pass it at this special session. I move that this order receive passage.

Thereupon, the order received passage in concurrence.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I hate to keep you in session any longer, but I believe it is imperative, and I do it involuntarily.

It seems as though my name has been in the press recently; I have become sort of the bad boy of the Legislature, and I would like for the record to just explain some of these things.

In certain areas I believe of the Nation and our State, the matter of rules and regulations regarding the attendance at the Legislature of a teacher has never been clarified. In my first session here in '63 the question was whether I should be granted a leave of absence or a sabbatical leave. It was finally determined after five months of more or less discussion in the press that I should have a sabbatical leave.

A sabbatical leave is one that comes every seven years to the teacher, and in this state it is based on the principle of travel or study, in the law books it is stated that way. The question was, whether or not legislative service was equal to taking a course in government which you must do if you study on your sabbatical leave. That question has been settled.

In my second session in 1965 the question again arose and there was no sabbatical leave involved, and it was to be decided whether or not it would be on a leave of absence basis or a resigning and rehiring basis. After a month and a half it was finally determined to put it on a resigning and rehiring basis.

This time, because of the uncertain length of the special session, it was decided by a conference in Principal Wiggins' office at Deering with the Superintendent that I should attend the Legislature and that we would more or less have to play it by

ear because of its uncertain length. I was here for two weeks and the next communication I received was from the Superintendent of Schools, which I received in the mail on a late Saturday afternoon, and it says: "Dear Mr. Cottrell: The Portland School Committee has instructed me to have you file for a leave of absence to cover you during this special session of the Legislature. This leave, without pay, has been granted not to exceed four weeks. I am enclosing the appropriate form for your convenience."

It was a form used that by administrative procedure and necessity is completed on our first day of our return to school, because it requires the exact dates and the total number of days. I assumed that that was what I should do. Please bear with me. I am trying to state this for the record. I have made no public comments on this matter except when I first heard of it, and I first heard of it Tuesday, the Tuesday following that Saturday, the day before the session was to close, through the press, by a telephone call here at the State House, announcing to me that I had resigned at twelve o'clock that day.

Well you know the story since. I called my Principal up immediately and he said, do not get alarmed. I tried to call the Superintendent, but that day he was at a convention in Massachusetts. And then the order came along. Perhaps I should have gotten up on my feet and stopped the whole thing then. It was an order that I did not seek or create. Essentially, the order pointed up the fact that the rules didn't seem to be clarified enough for me to attend this session without going through this sort of harrowing experience for many of us, and so the order was passed. I can authoritatively state that I have not to my knowledge, violated any administrative procedure of any rule in the rule book.

I deeply regret that this insignificant affair has reached such proportions, even to involve

the Legislature, a matter which should have been settled at any conference table, and I classify it as an unpleasant, unsought, unexpected accident which could happen to any of us and does happen to all of us. The Superintendent was not there to administer. The School Board should not be blamed for their interpretation of administration. No School Board can be blamed for not being in detailed knowledge of the administrative procedures in an extensive school system as that that we have in Portland. I know the order did not intend to degrade the ability of any member of the School Board or their integrity, but it has occurred. I know that we are interested in rules and not in personalities. The point of the order was that rules should be clarified as we did in our errors and inconsistencies bill. There is no doubt that our rules can be challenged, one or two of them on legality, many of them on their impracticality and unworkability.

I am very willing to accept the blame for any oversight in this situation. I don't want to see any further press discussion of this matter which has embarrassed so many. I think I will leave any further action in your hands.

The SPEAKER: The House will be in recess until the sounding of the gong.

After Recess

Called to order by the Speaker.

A message came from the Senate borne by Senator Harding of that body informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

On motion of Mr. Levesque of Madawaska, that gentleman was charged with and conveyed a message to the Senate informing that body that the House had acted on all matters before it and was ready to adjourn without day.

From the Senate: The following Order:

ORDERED, the House concurring, that a Committee of three on the part of the Senate with such as the House may join, be appointed to wait upon His Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them, and are ready to receive any further communication he may be pleased to make (S. P. 735)

Came from the Senate read and passed, and the following appointed as members of the Committee on the part of the Senate:

Messrs. HARDING of Aroostook
McDONALD
of Piscataquis
BROWN of Hancock

In the House: The Order was read and passed in concurrence.

The Speaker appointed the following members on the part of the House:

Mrs. CARSWELL of Portland
HARVEY of Windham
RUBY of Bangor
WHEELER of Portland
BAKER of Orrington
BAKER of Winthrop
CORNELL of Orono
HANSON of Lebanon
LINCOLN of Bethel
WHITE of Guilford

Subsequently Mrs. Carswell, for the Committee, reported that the Committee had delivered the message with which it was charged and His Excellency, Governor John H. Reed, would address the House forthwith.

The Governor and Council then entered the Hall of the House amid applause and the Governor addressed the House as follows:

Mr. Speaker and Members of the House of Representatives: On the 17th day of January this Legislature convened and undertook the largest work load of any Special Session in our state's history. I commend all of you for the degree of achievement attained during the past fourteen legislative days.

The point of adjournment has been reached and I submit herewith a tabulation of the results of your action.

There were 151 Acts approved. There were 12 Resolves approved.

There were 2 Vetoes presented. I am pleased that legislation creating the Maine Recreation Authority and expanding the powers of the Maine Industrial Building Authority has met with your approval. These measures will contribute substantially to this state's growth.

Our state employees can now look to a brighter future for themselves and their families because of the pay increases this session authorized.

By your action you have made a marked contribution toward the cause of highway safety in approving completely the four-point program I presented. This is without doubt the first time on record that a Maine Legislature has accomplished so much in such a short period to help stem the growing highway menace. An aroused public will applaud your deeds.

Maine people have been assured the retention of the Allagash Wilderness in its unspoiled natural beauty, and you have enacted a mining bill that will broaden our economic base.

Our citizens can expect more frequent and reliable air transportation in the future as a result of your action on issues involving airport improvements throughout the state. The Central Maine Airport question is finally facing resolution, and Portland Municipal Airport expansion plans are encouraging to all of us.

Through bipartisan efforts you have enacted a reapportionment measure which will allow the State Senate to conform to the requirements of such bodies as set forth by the Supreme Court of the United States.

Although Maine did not become a state until 1820, our coast, its towns, hamlets, harbors and people historically played an important role in the birth of this nation. I commend you for providing a bond issue for the construction of a library, museum and archives building to adequately protect and display the record of this state's illustrious past.

A number of other worthwhile measures were also passed such as Maine's participation at the Montreal World Exhibition, establishment of the office of Federal-State Coordinator and important advances in the educational field to name just a few.

Unfortunately, not all of the decisions made were on the positive side. I am sure a number of you share my keen disappointment that 600 deserving people will not be able to receive Old Age Assistance payments and that Maine will lose a minimum of \$500,000 per year in federal funds because my recommendation of \$802,000 for this purpose was cut to \$200,000.

A group of distinguished Maine educational leaders have been instrumental in developing a National Educational Compact. I regret you did not see fit to embrace this worthwhile concept. It is my hope that this will be done by the next Legislature.

I sincerely appreciate the spirit of cooperation which was evident throughout the days you were meeting. By working together toward the mutual goal of charting a course of progress for the future of our state a great deal has been accomplished. Now, as the year unfolds before us we can take pride in the objectives that have been achieved.

On behalf of our people I thank all of you and wish you a safe journey home.

Thereupon, Governor Reed and his Council retired from the Hall of the House, amid prolonged applause, the members rising.

SPEAKER CHILDS: If I may take this opportunity, Members of the House, seeing this will be the

last time that I will stand on this rostrum in my capacity as the Speaker, I would like to say that it has been a wonderful opportunity and a privilege in working with the members of the 102nd.

I commended you during the regular session on the outstanding job that you did as Legislators, and you so rightfully deserved it. This special session I can truthfully say to you that you probably enacted as much important legislation as has ever been enacted in some annual sessions. You were absolutely outstanding.

I think back as to the time on January 4 when the Legislature first convened and I said to you that I shall do my very best as your Presiding Officer and I request the best from you. You by far exceeded any expectations that I ever had, and I thank you from the bottom of the heart. You are all the very, very best. (Prolonged Applause, the Members rising)

The SPEAKER: The Chair recognizes the gentleman from Etna, Mr. Carter.

Mr. CARTER: Mr. Speaker and Members of the House: It becomes my prerogative to have the very last few words here, and may I commend the Speaker for the splendid job that he has done. I would also like to congratulate both of our Floor Leaders for their very outstanding job.

May I now move that the House adjourn without day.

The SPEAKER: The gentleman from Etna, Mr. Carter, now moves that the 102nd Legislature adjourn without day. Is this the pleasure of the House?

The motion prevailed and the House adjourned without day at 5:36 P.M. Eastern Standard Time.

