

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

SENATE

Wednesday, February 9, 1966

Senate called to order by the President.

Prayer by the Rev. Herbert L. Reid of Fairfield.

On motion by Mr. Glass of Waldo the Journal of the last Legislative day was Read and Approved.

The PRESIDENT: The Chair would like to ask if the young ladies in the back of the room might act as honorary pages. I hope they will be working pages. Mrs. Gayle MacCormick, Mrs. John McKeon, who was the former Elaine Larocque, and Mrs. Gail Guerette. I think the Senate owes these girls a vote of thanks for the fine work they have done, and if they would help us out today since we are operating with a skeleton crew, it would be greatly appreciated. (Applause, members rising)

Joint Order Out of Order

Ordered, the House concurring:

That free telephone service be provided after final adjournment of this Special Session of the Legislature during the remainder of the biennium for each member of the Senate and House of Representatives to the number of fifty 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.

Read and passed. Sent forthwith for concurrence.

Order Out of Order

Mr. Norris of Oxford presented the following order and moved its passage:

ORDERED, that the President of the Senate appoint Senator Charles Casey, Jr. of Washington to represent the Senate on the Maine to Quebec Caravan for the second consecutive year.

Read and passed.

The PRESIDENT: The Senator is so named.

The PRESIDENT: Would the Sergeant-at-Arms please escort the Senator from Hancock, Senator Brown, to the rostrum where he will act as President pro tem.

Mr. Brown of Hancock was escorted to the rostrum, President Reed retiring.

Order Out of Order

Senator Reed of Sagadahoc presented the following order out of order and moved its passage;

SENATE RESOLUTION honoring Dwight A. Brown.

WHEREAS, the members of this 102nd Maine State Senate have learned with regret that the Hon. Dwight A. Brown of Hancock county feels that it will be impossible, due to the pressures of his personal business to render further service to his County and State in the capacity of State Senator, and

WHEREAS, this Senator has given outstanding service for five consecutive legislative sessions, two in the House of Representatives and three in this Senate besides serving since 1959 on the Legislative Research Committee of which he was Chairman in 1963, and

WHEREAS, we fellow Senators have great respect for Dwight A. Brown for his exceptional grasp of parliamentary procedure and legislative acumen, the exemplary manner in which he has many times presided over this body as President pro tem, and for his honest judgment, his friendly cooperation and his dedicated service to the State and his constituents and his party.

T H E R E F O R E B E I T R E S O L V E D that under the direction of the Secretary of the Senate an engrossed copy of this Resolution be presented to Senator Dwight A. Brown with the best wishes for his health and prosperity in the years ahead.

Read and passed.

Senator Brown then retired from the rostrum amid the applause of the Senate, the members rising.

President Reed assumed the Chair.

Mr. BROWN of Hancock: The Chair would like to thank the Honorable Senate for this order and it certainly is most appreciated.

Order Out of Order

On motion by Mr. Harding of Aroostook

ORDERED, that a message be sent to the House of Representatives proposing a convention of both branches of the Legislature to be held at 11:15 a.m. today in the Hall of the House 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 official 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.

Which was Read and Passed and sent forthwith to the House for concurrence.

The PRESIDENT: The Secretary will deliver the message and the Senate may be at ease awaiting his return.

(At ease)

SECRETARY PERT: Mr. President, I have not delivered the message with which I was charged in that the House is experiencing a little delay in convening this morning.

The PRESIDENT: The Chair will reprimand the Secretary. The Senate may be at ease.

(At ease)

Called to order by the President.

SECRETARY PERT: Mr. President, I have finally delivered the message with which I was charged.

The PRESIDENT: The Chair would thank the messenger.

At this point a message was received from the House borne by Clerk of the House Plante:

Mr. PLANTE: Mr. President, it is indeed my pleasure, perhaps for the last time, to inform this honorable body that the House

concur with being with you in Joint Convention as requested.

The PRESIDENT: The Chair hears the message and thanks the messenger.

**VETO MESSAGE
COMMUNICATION**

State of Maine
Office of the Governor
Augusta

February 8, 1966

To the Honorable Senate of the Special Session of the 102nd Legislature

There is returned herewith, without approval, Senate Paper 690, Legislative Document 1773, entitled "An Act Creating the Investment of State Funds Law."

This bill does not eliminate those provisions I objected to in a similar bill I did not approve and which was returned to you at the opening of this session.

I would point out that the Board of Trustees of the Maine State Retirement System is comprised of seven members, four of whom are ex-officio, one appointive, one elected by the Maine Teachers Association, and one elected by the Employees Association. The latter two represent a large segment of the membership of the Retirement System, perhaps 20,000 persons, and are, quite naturally, vitally interested in the proper administration of the System. One of the ex-officio members is the Commissioner of Banks and Banking, who, by virtue of his capacity, should be knowledgeable in the investment field, and another, the public appointee, is president of a bank and, therefore, well versed in the investment field. I think it obvious that those persons whose training and experience make them most suited to membership on the proposed Investment Council should be so appointed, but if this is done, do we not eliminate perhaps one or both persons who represent many members? I could not, in good conscience, and I am sure no other Governor would, make three appointments to a highly professional and technical council of three persons who might not and, presumably, would not be investment

specialists when at least another two persons are available and are trained in this field. Thus, this bill could exclude forever the elected members from active participation in the functions of the Investment Council.

In my previous veto message I said that the employment of an Investment Officer would accomplish only a portion of the need, that the employment of both a fiduciary and an investment officer was wasteful and that the employment of a fiduciary would place the whole retirement investment program with professionals. This bill does not eliminate the possibility that both an investment officer and a fiduciary may be employed and, I repeat, I do not believe that employment of both are necessary or feasible and I do believe the fiduciary would accomplish the desired ends.

I have reviewed the entire bill, item by item, and have come to the conclusion that there are many cloudy areas in a bill which should be clear and concise and which cannot and should not be subject to misconstruction or misinterpretation.

Some of these points are called to your attention.

Section 155 states that, ". . . both political parties to be represented." I ask, Why? This aspect of State government has always been entirely free of politics and should remain so. The political affiliations, if any, of members of the Board of Trustees is immaterial. Why should an Investment Council be comprised of partisans rather than professionals?

Section 156 states, "Such representatives shall serve on the Investment Council during their term of office on the governing body of the fund. All members shall serve until their respective successors are appointed and have qualified."

How this can be administered is inconceivable. An ex-officio member of the retirement board who is also a member of the Council completes his term of office, his successor is appointed and is per se a member of the

retirement board, but no appointment is immediately made to the Council. This bill says that the original board member shall serve on the Council during his term of office and also says he shall serve until his successor is appointed. How can this be accomplished?

Section 163, Appointment, states that, "If within 90 days after public members of the Investment Council have been appointed and qualified, or after any vacancy, an appointment has not been made, the power of appointment shall vest in the Investment Council." This is objectionable and can be abused; if the Council by premeditation does not make recommendations to the Governor in the prescribed time the Council can grasp the right of appointment and defeat the legislative intent.

Section 164, Term, removal from office states that, "The State Investment Officer so appointed shall serve without term but may be removed from office for cause, upon notice and opportunity to be heard at a public hearing of the Governor, if a majority of the Investment Council recommends his removal." This is a most unusual procedure which should be clarified so that a majority action of the Council may cause removal from office.

Section 166 states, regarding the pro rata share of the costs, that ". . . the Treasurer of State shall bill the governing body for these funds on a pro rata basis and the amount so billed shall be deducted from the appropriations, subject to the approval of the governing authority of the funds."

Two questions arise here: One, what happens when there is no appropriation available for service charges, as is the case with the Retirement System, since it is known that no funds were appropriated to meet such costs? Two, what happens if the governing authority of the funds does not approve?

Section 167, Paragraph 2 states that, ". . . investments need

not be segregated to the separate trust funds."

Section 181 states that, "The Division of Investments shall keep, for each fund for which investments are made, a separate account, to be designated by name and number, which shall record the individual amounts and the totals of all investments belonging to such fund." Which section here prevails, since it appears one section says one thing and the other the opposite?

Section 168. Sales or exchanges of investments states that, "... that no sale or exchange shall be at a price less than the market price . . ."

What if it is prudent to make such a sale? When large lots are transacted it is often to the benefit of the seller to obtain a bid price slightly below the market and consummate the sale in one transaction rather than to sell at market and perhaps depress prices.

Section 170, Paragraph 2 states that, "The Board of Trustees of the Maine State Retirement System shall meet with the Investment Council . . . for the purpose of determining a schedule of investments which will insure the availability of funds."

This means only that the Board will advise the Council as to how much money is needed in future years to meet retirement obligations. This does not give the Board a voice in the investment program.

Section 173. Classes of securities and investments, Subsection 16 states that, "All limitations set forth in subsections 1 to 15 shall expire on September 15, 1969 and the Investment Council shall be limited in its investments by section 175."

Subsection 17 still remains and can cause confusion as it refers to "legal investments" and also refers to "subsection 14" which will in three years become non-existent.

I must also inform you that all members of the Board of Trustees of the Maine State Retirement System, with the exception of one member, have indi-

cated their protest to the final enactment of this bill.

I would also call to your attention that on the date of February 4, 1966 at a Council Meeting of the Maine State Employees Association with 76 Councilors, or Alternates, present out of a maximum of 88 entitled to vote, representing 29 of the 32 authorized Chapters the following motion was unanimously adopted:

"That the Maine State Employees Association go on record, as being opposed to the final enactment into law of the so-called 'Investment of State Funds Law,' particularly described as Senate Paper 690, Legislative Document 1773; and further that the Secretary of the Association forthwith notify Governor Reed in writing of the position of the Maine State Employees Association regarding this legislation."

In view of the fact that my earlier objections have not been entirely eliminated, and being mindful of the several ambiguities that exist in the bill and the fact that considerable opposition has been registered, it is my opinion that this bill does not forthrightly face the investment problem; nor do I feel that it can be clarified by amendment.

In comparing this vehicle with the recommendations of the consultants I can see a vague resemblance but I cannot see a clear reflection of their intent, and, therefore, I return Senate Paper 690, Legislative Document 1773, "An Act Creating the Investment of State Funds Law," without my approval.

Respectfully submitted,
JOHN H. REED
Governor

On motion by Mr. Harding of Aroostook the communication was tabled until later in today's session.

Mr. HARDING of Aroostook: Mr. President, I move that the Senate stand in recess for fifteen minutes for the purpose of a caucus of the majority party to be held in the Judiciary Room.

The motion prevailed.

(Recess)

Called to order by the President.

The PRESIDENT: The Senate at this time will form in the back of the Senate Chamber in order to proceed to the House for the purpose of a Joint Convention.

Joint Convention

In the Senate.

Called to order by the President.

Joint Resolution

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 man power 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 Con-

necticut 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 cooperate 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)

Read and adopted in concurrence.

The PRESIDENT: The Chair lays before the Senate the first tabled and assigned matter for later in today's session, by the Senator from Aroostook, Senator Harding: Communication from the Governor returning to the Senate S. P. 690, L. D. 1773, "An Act Creating the Investment of State Funds Law."

Mr. HARDING of Aroostook: Mr. President and members of the Senate: I think this is a sad day for the State of Maine. This particular bill was brought before the last session and was vetoed by the Governor. We hired the firm of Bowles, Andrews & Towne to make a study of the last bill and to suggest corrections and changes. We adopted those suggestions which were made and we have presented a model bill. This bill, if passed, will do away with the pork barrel method of handling State funds which has existed in past years and it would

bring to the State of Maine a professional and businesslike touch to the investment of our State funds which would accrue additional income to the people of our State, and most important, would provide appreciation of the funds of our State employees.

Now this model bill from which this one was drafted was drawn up by a bi-partisan committee of United States Senators and others, people who had no axe to grind. I think some things speak for themselves and I am not going to debate this whole bill again. You have seen before you the reasons which the Governor has put forth for vetoing this particular bill. I call your attention particularly, as an example of frivolous—and I say it with all due respect — are the objections which he has raised, how frivolous they are. You will notice, in regard to Section 155 he says that it states that “both political parties to be represented.” I ask, Why? “This aspect of State government has always been entirely free of politics and should remain so.”

Well, I guess it is how you look at it. Apparently all the people concerned with the investment of State funds are Republicans, and if one of those members is vice-chairman of the Republican State committee that removes politics even further from it; and you have your State Treasurer, who existed for many years under the Republican Party and who is the chief fund-raiser for the party within the State, that removes it even further from partisan politics. Let's face it, this is a good provision, because it is valuable to the people of the State to have both political parties represented in something which is as important as this is.

Now, as I say, this would have done away with the pork barrel method of handing our money. To show how the State has lost by the method which has been employed over the past years, this past year the State has made \$300,000 more on investment of funds by doing it in a businesslike manner than it has in previous years. You project it over a ten-year period and you see the

loss which the State of Maine has suffered. To show you the other aspect of it, how much the State employees could have benefitted if they had had the benefit of this bill, I cite to you the Baxter Trust Fund. This has been managed under the prudent man theory and has had the advice and the help of professionals. Since 1961 this fund has had a 35 per cent appreciation. Now the Governor, in his wisdom, has deprived the State employees of this great benefit.

Another thing which this bill would have provided is someone to collect the outstanding accounts of the State of Maine. Right now if someone does not pay a bill he owes the State it is out of the taxpayers' pockets because there is no following through. In one year alone the State lost nearly \$100,000 because of this fact.

This bill would have been vital to State government. This is going to be debated in the campaign, because this is a question of which will come first: pork barrel politics or sound government. We have been for sound government, and that is why I would ask that you vote “Yes” at this time to override the Governor's veto on this particular bill.

Mr. BROWN of Hancock: Mr. President, I believe the objections by the Governor to this bill are quite clear, as stated in the Senate calendar this morning, and for me to go over them item by item would be repetitious. I therefore hope, Mr. President and members of the Senate, that the Senate will go against the motion of the Senator from Aroostook, Senator Harding and I hope they will vote to sustain the Governor's veto.

The PRESIDENT: The question now before the Senate is: Shall this bill become law notwithstanding the objections of the Governor. According to the Constitution the vote will be taken by the yeas and nays. A vote of “Yea” will be in favor of the bill, a vote of “Nay” will be in favor of sustaining the veto of the Governor. Is the Senate now ready for the question?

Mr. HARDING of Aroostook: Mr. President, I would like to

make it clear that it is the position of our party, and I would ask the Senators of both parties to vote "Yea" when the roll call is taken.

Roll Call

YEAS: Bernard, Boisvert, Carter, Casey, Chisholm, Dunn, Duquette, Girard, Harding, Hilton, Jacques, Jutras, Letourneau, Manuel, Maxwell, McDonald, Moore, Norris, O'Leary, Reed, Shiro, Smith, Snow, Southard, Stern, Violette.

NAYS: Brown, Glass, Hoffses, Sproul, Willey.

ABSENT: Cahill, Faloon, Mendell.

The PRESIDENT: 26 Senators having voted yea and 5 nay, 3 Senators being absent, 26 being more than two-thirds of those present, this bill is now passed over the Governor's veto and will be sent down.

(At Ease)

Called to order by the President.

Mr. SNOW of Cumberland: Mr. President, under suspension of the rules, I move that we reconsider our action whereby we indefinitely postponed L. D. 1699, An Act Relating to a Compact for Education.

Mr. HARDING of Aroostook: Mr. President, I rise to oppose the motion of the Senator from Cumberland, Senator Snow, and I would like to speak briefly on it.

The leadership of this legislature took the position when we concluded our work here a week ago that the only matters that we would consider would be items that the Governor might possibly veto. Now in the meantime I have had requests from people who wanted us to reconsider the omnibus bill, they wanted us to reconsider the matter of money for the Maine Maritime Academy; I have been asked for reconsideration of the matter of a swimming pool for the Pineland institution; I have been asked for

reconsideration of the bill whereby we enlarged the definition of Aid to the Disabled, so that the mentally ill could come under it. All of these people were given the same information, and that is that the position of leadership was that none of these items which had been defeated at the special session would be reconsidered.

We have tried as best we could, and I think we have kept our word and our faith with our people and the people of the State of Maine. I do not necessarily speak against this particular compact, I just feel that we have to be consistent, and if we reconsider this item then I think we ought to open the door to these other things, and if we open the door to these other matters we are going to be here for a long time, and I do not think that is what the people of the State of Maine expect of us. I do oppose this motion, and when the vote is taken I ask that it be taken by a division.

Mr. STERN of Penobscot: Mr. President, I just want to add a threat: if you open up that bill I am going to open up that lawyers' bill on voir dire.

Mr. JACQUES of Androscoggin: Mr. President, I rise to a point of information. I would like to know which way the good Senator from Cumberland voted at the time that we indefinitely postponed that bill. Doesn't that mean that the Senator from Cumberland, Senator Snow, would have to be voting on the prevailing side to move to reconsider our action.

The PRESIDENT: The Chair would inform the Senator that in order to make a reconsideration motion the Senator has to have voted on the prevailing side. However, there was no roll call vote taken and therefore the Chair will not question the Senator.

The motion before the Senate is that we reconsider our action whereby we indefinitely postponed L. D. 1699. A division has been requested. All those in favor of the suspension of the rules in

order to reconsider our action whereby we indefinitely postponed this bill will please rise and remain standing until counted.

A division was had.

7 having voted in the affirmative and 23 in the negative the motion did not prevail.

Order Out Of Order

Mr. Snow of Cumberland, out of order and under suspension of the rules presented the following order and moved its passage.

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 interests 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)

The order was read by the Secretary.

Mr. O'LEARY of Oxford: Mr. President, in all due respect to the Senator from Cumberland, Senator Snow, and perhaps others who are interested in this type of legislation, I am going to ask for a division.

I believe the interim research committee has been given enough work and this would be just piling it on so that they could not be giving due consideration to some other matters. However, when I think of this educational compact throughout the United States I can only believe that this is the South's method of taking over education to the point where it might come down to segregation, and I want no part of it. I am opposed to it. I request a division.

Mr. HARDING of Aroostook: Mr. President, I wish to speak in favor of this order.

I realize that a lot of emotions have been raised on this particular issue because there are some

who feel that the Executive has usurped certain prerogatives of the Legislature in this particular matter. However, we have always had the courage to face these issues and not duck them. Now I cannot see any particular harm in studying this compact, whether it be good or whether it be bad.

Now I know we were criticized at the last regular session by the Chief Executive for not passing the Allagash Riverway bill. We referred it to a study committee, the study committee did an excellent job and they come back with a much improved bill, which bill we enacted and it has been signed by the Governor. Now as far as this study by the Legislative Research Committee is concerned, as Vice-Chairman of the Committee I can tell you that I have conferred with the Chairman and other members and we feel that we can handle the matter along with our other work.

Now if it develops in our study that the Senator from Oxford, Senator O'Leary's feelings are well-founded, then of course the recommendation will be that it ought not to pass and the report will be thus made to the 103rd Legislature, so I do not see how we are going to be the losers by investigating it and studying it. On the other hand if it develops that it is wise legislation and that it would benefit the State of Maine, then regardless of who may have proposed the bill and who may have backed it, that is irrelevant; if it is good for the State of Maine then it will be recommended that it pass. So I would hope that we might put our emotion aside and do as we have done on these other things, vote dispassionately on them for the best interests of the State of Maine. On that basis, I would hope that you would support the order.

Mr. SNOW of Cumberland: Mr. President, I would ask permission to speak on this order.

The PRESIDENT: The Senator may.

Mr. SNOW: Mr. President and members of the Senate: I would

like to point out that this order, as Senator Harding has mentioned, gives us the opportunity to examine further a measure which has been the subject of much controversy. From my own remarks, it has been made clear that I favor the compact. I have recognized, however, since its defeat last week in the Legislature, that there were many unanswered questions in your minds concerning the compact. You have heard Governor Sanford speak to us on the subject this morning, and I think it would be presumptuous for me to speak further on the subject of the compact. I do feel that it is important that we give it further study and I do feel it is important that we do not become the first legislature in the nation to turn down what I and many others believe to be a good idea. On the basis of this, I am asking your support on the order and I would like to say that the last few days, as I know the President of the Senate is aware, have not been pleasant ones for either of us or for many concerning this matter. My own position has been quite consistent in favoring only this action and that is the action that we either reconsider and refer it to the 103rd or that we accept this order. I hope that you will vote for the passage of this order.

The PRESIDENT: The motion before the Senate is the passage of this Joint Order. A division has been requested. All those in favor of the passage of this Joint Order will please rise and remain standing until counted; those opposed.

A division was had.

23 having voted in the affirmative and 7 in the negative, the motion prevailed and the order received passage.

Sent down for concurrence.

Mr. JUTRAS of York: Mr. President, I respectfully request unanimous consent to briefly address the Senate.

The PRESIDENT: The Senator may proceed.

Mr. JUTRAS of York: Mr. President and Ladies and Gentlemen

of the Senate: During World War II in the European Theatre of Operations, the U.S. Army Normandy Landings on the 6th day of June 1944 at Ste. Mere Eglise on the Cotentin Peninsula in the Manche Region in Normandy, France, the allied forces after a fierce battle established a foothold on the First American Bridgehead in France at Ste Mere Eglise.

The success of this operation cannot be attributed to any one individual, for an operation of this magnitude rests on the sum total efforts and sacrifices of all concerned. The allied forces, however, and especially the commanders of two U.S. Airborne Divisions, the 101st and the 82nd under the command of Generals Taylor and Gavin, were greatly assisted in their initial landing operations by a man of intrepid courage, whose help and foresight during those heroic days as the Mayor of Ste. Mere Eglise made the landing a success. His name is Alexander Renaud. He was a doctor in pharmacy, Mayor of Ste. Mere Eglise and World War I veteran from 1914 to 1918.

Mr. Alexander Renaud has been decorated by the U.S. Government for his important role in those operations. He was awarded the Croix de Guerre, the Medal of Verdun, and the Medal of Freedom U.S.A. by our grateful government. Mr. Renaud passed on on February 1, 1966.

In grateful memory of his heroic act and devotion to our cause, I move that we honor his memory with a brief pause in our senatorial deliberations today, prior to adjourning this First Special Session of the 102nd Maine Legislature.

The Senate then stood in a moment of silence.

The PRESIDENT: The Chair would also at this time like to recognize some of the wives of our Senators here, and I hope that I do not miss anyone. The wife of our Senator from Oxford, Mrs. Norris, is here. Would they please rise as I read their names. And the wife of the Senator from Penobscot, Senator Stern, is with us

today. The wife of the Senator from Penobscot, Mrs. Bernard, is here, and the wife of the Senator from Androscoggin, Mrs. Girard is here. (Applause)

On motion by Mr. Harding of Aroostook, recessed until the sound of the gong.

Recess

Called to order by the President.

The PRESIDENT: Does the Chair hear objection at this time to taking up an additional paper from the House. The Chair hears none and the Secretary will read the paper.

Additional papers from the House

A COMMUNICATION
State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine

February 9, 1966

Hon. Edwin H. Pert
Secretary of the Senate
102nd Legislature
First Special Session.

Sir:

The Governor of the State having returned to the House "An Act Creating a Senatorial Apportionment Commission," (H. P. 1300) (L. D. 1806) with his objections to same, the House proceeded to vote on the question: Shall the Bill become law notwithstanding the objections of the Governor. A yes and nay vote was taken. 74 having voted in the affirmative and 65 in the negative, and accordingly the veto was sustained, and the Bill failed to become a law.

Respectfully,
Jerome C. Plante
Clerk of the House

Which was Read and Ordered placed on file

Joint Order

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.

Came from the House, passed as amended by House Amendment "A" (Filing H-516)

On motion by Mr. Bernard of Penobscot, voted to recede and concur.

The PRESIDENT: The Chair at this time would like to recognize in the back of the Senate Chamber the wife of the Senator from Oxford, Senator O'Leary, and she is accompanied by her sister, Mrs. Muriel Venskus. Would they please stand and be recognized? (Applause)

From the House:

Joint Order

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 purpose of this Order have been completed. (H. P. 1307)

Came from the House read and passed.

Mr. GLASS of Waldo: Mr. President, I cannot recall in my experience as an attorney where I have voluntarily taken on a case knowing in advance that the outcome would be detrimental or that there was no possibility of my prevailing. However, if I may, I will proceed to tackle this particular order. I won't take the time to argue the merits of the order because I think my feelings, so far as the merits are concerned, were made plain last week before our recess. But if, members of the Senate, you had L. D. 1806 before you and were to read it and compare it with the order presently under consideration you would see that it is almost identical in content and is identical in substance. The word "order" in the second sentence of the Order has been substituted for the word "Act," the word "or" in the middle of the first paragraph has been substituted for the word "and" that appeared in the L. D. In the third paragraph the words "as" or "may be" have been substituted for other prepositions that appear in the L. D. The only other difference is the appropria-

tion, the sum of \$2000, to come from the legislative appropriation rather than the general fund. This order, or measure, if I can call it that, is identical with L. D. 1806.

This morning the motion of Senator Snow was defeated. Senator Snow moved that the Senate reconsider its action whereby the bill, I do not have the L. D. but I am referring to the Interstate Compact on Education. This was following a rule we have adopted at this special session. I am referring to Rule 20, Rejection of Bills, and I will read from it if I may:

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

In the other body this L. D. 1806 was finally rejected and the Governor's veto was sustained. I submit this order is a measure identical in content and substance and therefore, Mr. President, I question whether or not this order at the present time is properly before the Senate.

The PRESIDENT: The Senator from Waldo, Senator Glass, asks for a ruling of the Chair on this Joint Order. The Chair will rule that the Joint Order is in order and that the word "measure" would apply to the bill and the order.

Mr. GLASS: Mr. President, pursuant to the rule of the Senate, I would most respectfully appeal the decision of the Chair.

The PRESIDENT: The Senator from Waldo, Senator Glass, appeals the ruling of the Chair. The motion before the Senate is: shall the decision of the Chair stand. This is a debatable motion.

Mr. STERN of Penobscot: Mr. President, I will have to respectfully get up and disagree with my brother attorney, Senator Glass,

and say that your interpretation is correct. The rule has to be strictly considered, and I feel that this body should go along with your interpretation of the rule.

Mr. HARDING of Aroostook: Mr. President and members of the Senate: These rules are made for the interpretation and guidance of this body. I would hope that you would sustain the Chair in its judgment.

The PRESIDENT: The motion before the Senate is: shall the decision of the Chair stand as the judgment of the Senate. All those in favor will please rise and stand until counted; those opposed.

A division was had.

The PRESIDENT: 24 Senators having voted to sustain the ruling of the Chair and 5 in the negative, the decision of the Chair stands. Is it now the pleasure of the Senate that the Joint Order receive passage?

Mr. HOFFSES: Mr. President, I ask for a division.

The PRESIDENT: A division has been requested. All those in favor of the passage of this order will please rise and remain standing until counted.

A division was had.

24 having voted in the affirmative and 5 in the negative, the motion prevailed and the Order received passage in concurrence.

On motion by Mr. Harding of Aroostook,

Recessed until the sound of the gong.

Recess

Called to order by the President.

Order Out of Order

Mr. Harding of Aroostook presented the following order out of order and moved its passage.

ORDERED, that a message be sent to the House of Representatives informing that body that the Senate has transacted all the business before it and is ready to adjourn without day.

Read and passed, and the Senator from Aroostook, Senator Harding, was directed to convey the message to the House. Senator

Harding subsequently reported that he had delivered the message with which he was charged.

(At Ease)

Called to order by the President.

Message from the House

REPRESENTATIVE LEVESQUE: Mr. President and members of the Senate—or maybe I should say “this august body”—this is to inform you that the House has acted on all matters before it and is ready to adjourn without day.

The PRESIDENT: The Chair hears the message and thanks the messenger.

Order Out of Order

Mr. Harding of Aroostook presented the following order out of order and moved its passage.

ORDERED, 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 upon all matters before them and are pleased to receive any communication which he may be pleased to make. (H. P. 735)

The order was read and passed and sent forthwith to the House for concurrence.

The PRESIDENT: The Chair would name on the part of the Senate: The Senator from Aroostook, Senator Harding, the Senator from Hancock, Senator Brown, and the Senator from Piscataquis, Senator McDonald.

(At Ease)

Called to order by the President.

Mr. HARDING of Aroostook: Mr. President, the committee has delivered the message with which it was charged and is pleased to report that the Governor will be before the House to deliver his message and then will be before the Senate.

The PRESIDENT: The Chair hears the message and thanks the Senator.

(At Ease)

Called to order by the President.

Governor Reed and the Executive Council entered the Senate Chamber and the Governor addressed the Senate as follows:

GOVERNOR JOHN H. REED: Mr. President and members of the Maine Senate: 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 in-

volving airport improvements throughout the state. The Central Maine Airport question is finally facing solution, 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 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. (Applause, members rising)

On motion by Senator Dunn of Kennebec, the Senate adjourned without day at 5:48 P.M.