

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, June 26, 1975

Senate called to order by the President.

Prayer by the Honorable Walter W. Hichens of Eliot:

May we pray. Our Lord and our God, I thank Thee for the privilege of opening this 107th Legislative session with prayer, as we look forward to a productive and educational session. Now as we end this session we reflect on the past six months, knowing that there have been productive accomplishments. There have been personal disappointments with laws passed and not passed, there have been heated discussions, but we thank Thee that 99 percent of the time we have disagreed without being disagreeable, and it has been an education. Lord, we thank Thee for the dedicated leadership and the decorum maintained throughout this session. We thank Thee for the dedicated staff, secretaries, pages, assistants and all. We look back, Lord, and to a Senator can truthfully say it was good to have been here. We look ahead, Lord, and ask Thy blessing upon each one of us, realizing that the future alone is in Thine hands. For Thy presence with us each day we say thank you, Lord. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 480) (L. D. 1760)

In the Senate June 25, 1975. Passed to be Engrossed as amended by Committee Amendment "A" (S-351) as amended by Senate Amendments "A" (S-355) "B" (S-362), "E" (S-361), "F" (S-365), "H" (S-369) and by House Amendments "B" (H-823), "C" (H-828), and "G" (H-835). There to, and Senate Amendments "A" (S-352), "C" (S-356), "E" (S-368), "F" (S-370), and "G" (S-371) and House Amendments "A" (H-814), "B" (H-821), "C" (H-831), "D" (H-832) and "E" (H-836), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "A", "B", "E", "F", and "H", and House Amendments "B", "C", "G" There to, and Senate Amendments "A", "C", "E", "F" and "G", and House Amendments "A", "B", "C", "D", "E", "F" (H-840), "G" (H-842) and "H" (H-843), in non-concurrence.

Mr. Collins of Knox then moved that the Senate Recede and Concur.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President, as now before us, all that we did yesterday has been confirmed and there have been three amendments added by the other body. One adds the provision to the Howland Water District charter concerning its bonds. The second includes certain Indians under the provision for free hunting and fishing licenses, certain Indians not in established tribes with governors who were inadvertently overlooked in writing that law. The last one involves the motor vehicle licensing law; and says that horse trailers that carry not more than four horses are exempted from the new title certificate requirements. Thank you, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate to recede and concur with the House?

The Chair recognizes the Senator from Kennebec, Senator Reeves.

On motion by Mr. Reeves of Kennebec, a division was had, 24 having voted in the affirmative, and one having voted in the negative, the motion prevailed.

Thereupon, under suspension of the rules, sent forthwith to the Engrossing Department.

Joint Order

WHEREAS, the present recession has caused a level of unemployment in Maine of 10%; and

WHEREAS, the provision of unemployment benefits for this large number of unemployed workers has caused a serious depletion of the unemployment compensation fund; and

WHEREAS, hearings held before the Legislature during the regular session of the 107th Legislature have shown that serious inequities and deficiencies exist in the current statutes relating to unemployment; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council through the Joint Standing Committee on Labor, be authorized to conduct a thorough study of the unemployment statutes of this State, including but not limited to, a study of eligibility limitations for collecting unemployment compensation, the level of statutory benefits provided for those eligible for unemployment compensation, and the rates paid by employers to support unemployment compensation insurance; and be it further

ORDERED, that the Council report the results of its finding together with any proposed recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, Upon passage in concurrence, that suitable copies of this order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1775)

Comes from the House, Read and Passed.

Which was Read.
On motion by Mr. Speers of Kennebec, tabled, pending Passage.

Communications

STATE OF MAINE

One Hundred and Seventh Legislature
House of Representatives
Office of the Clerk
Augusta, Maine 04330

June 25, 1975

Honorable Harry N. Starbranch
Secretary of the Senate
107th Legislature
Augusta, Maine
Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24):

Representatives:
TIERNEY of Durham
CARPENTER of Houlton
SNOWE of Auburn

Respectfully,

Signed: EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Enactors

The Committee on Engrossed Bills report as truly and strictly engrossed the following:

Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay. (H. P. 1154) (L. D. 1448)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Joint Order — Relative to Legislative Council study of funding of Department of Inland Fisheries and Wildlife from the General Fund. (H. P. 1771)

Tabled — June 24, 1975 by Senator Speers of Kennebec.

Pending — Passage.
(In the House — Read and Passed.)

On further motion by Mr. Speers of Kennebec, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Joint Order — Relative to Joint Select Committee to be established to study subject matter of L. D. 566. (S. P. 604)

Tabled — June 24, 1975 by Senator Speers of Kennebec.

Pending — Passage.
On further motion by Mr. Speers of Kennebec, the Joint Order was Indefinitely Postponed.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,
Recessed until the sound of the bell.

After Recess

Called to order by the President.

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

**Joint Order
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mr. and Mrs. Olden D. Tapley of West Brooksville Celebrating Their 70th Wedding Anniversary on June 25, 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1777)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, there are more than 100 policy-making and policy-implementing positions in State Government below the

level of commissioner, including deputy commissioners, directors, executive directors and bureau chiefs; and

WHEREAS, at present there seem to be marked inconsistencies in the qualifications for appointments to these various positions, in the length of terms which persons holding these positions serve, in whether or not the terms of these persons overlap the terms of the commissioners under whom they serve and in whether or not these persons serve in the classified or unclassified service of the State; and

WHEREAS, it is desirable to have a consistent legislative policy to resolve the above inconsistencies; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council, through the Joint Standing Committee on State Government, be authorized to study the inconsistencies listed above and to determine a consistent policy concerning the qualifications, length of terms, time of appointment and position in the classified or unclassified service of the various deputy commissioners, directors, executive directors and bureau chiefs of State Government in order to promote efficient, responsible and responsive operation of State Government; and be it further

ORDERED, that the Council report the results of its findings together with any proposed recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1776)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Committee Reports

House

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Abolish the Defense of Sovereign Immunity in Certain Situations" (H. P. 1297) (L. D. 1568)

have had the same under consideration, and ask leave to report: That they are unable to agree.

On the part of the House:

HENDERSON of Bangor
GAUTHIER of Sanford
PERKINS of South Portland

On the part of the Senate:

MERRILL of Cumberland
BERRY of Cumberland
PRAY of Penobscot

Comes from the House, the report Read and Accepted.

Which report was Read and accepted in concurrence.

Enactors

The Committee on Engrossed Bills report as truly and strictly engrossed the following:

An Act Relating to Motor Vehicle Fees. (H. P. 730) (L. D. 907)

An Act Relating to the Dredging, Filling or otherwise Altering Coastal Wetlands. (H. P. 590) (L. D. 730)

Which were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Fails of Enactment

An Act Increasing Motor Vehicle Registration Fees. (H. P. 1692) (L. D. 1930)
Comes from the House, Fails of Enactment.

Which was Passed to be Enacted in non-concurrence.

Sent down for concurrence.

Emergency

An Act to Correct Errors and Inconsistencies in the Public Laws. (S. P. 480) (L. D. 1760)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, with one Senator voting in the negative, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Increasing the State Gasoline Tax. (H. P. 1055) (L. D. 1332)

Comes from the House, Fails of Enactment.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Enactment.

On motion by Mrs. Cummings of Penobscot,

Recessed until the sound of the bell.

After Recess

Called to order by the President.

Orders

Out of order and under suspension of the rules, on motion by Mr. Curtis of Penobscot,

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Dr. Bruce R. Poulton of Orono Upon His Acceptance of the Post of Chancellor of the University of New Hampshire After 19 Years of Dedicated Service to the University of Maine and Maine State Government.

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta; under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 607)

Which was Read and Passed.

Sent down for concurrence.

Out of order and under suspension of the rules, on motion by Mr. Speers of Kennebec,

ORDERED, the House concurring, that Joint Order S. P. 034, adopted January 1, 1975, is rescinded effective June 27, 1975. (S. P. 608)

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, would somebody identify joint order S. P. 34, for the edification of the assembly?

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a

question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: This was an order that was passed earlier in the session which provided for the Secretary of the Senate and the Clerk of the House traveling expenses and meal expenses similar to those provided for members of the legislature. It was the feeling of leadership that this should be rescinded, and probably should have been rescinded quite a bit earlier.

The PRESIDENT: Is it now the pleasure of the Senate that this joint order be passed and sent down for concurrence?

The motion prevailed.

Committee Reports House

Ought to Pass — As Amended

The Committee on Agriculture on, Bill, "An Act to Establish Uniform Standards for the Measurement of Wood." (H. P. 1758) (L. D. 1944)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-845).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence.

Thereupon, under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed in concurrence.

Committee Reports Senate

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24)

have had the same under consideration, and ask leave to report:

that the Senate recede from its action whereby it Passed the Resolution to be Engrossed, as amended by Committee Amendment "C" (H-585); recede from its action whereby it adopted Committee Amendment "C" and indefinitely postpone same; adopt Conference Committee Amendment "A" (S-381), submitted herewith; and Pass the Resolution to be Engrossed, as amended by Conference Committee Amendment "A";

that the House recede from its action whereby it Passed the Resolution to be Engrossed, as amended by Committee Amendment "A" (H-583); recede from its action whereby it adopted Committee Amendment "A" and indefinitely postpone same; adopt Conference Committee Amendment "A" (S-381), submitted herewith; and Pass the Resolution to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

On the part of the Senate:
CURTIS of Penobscot
CLIFFORD of Androscoggin
CORSON of Somerset

On the part of the House:
TIERNEY of Durham
CARPENTER of Houlton
SNOWE of Auburn

Which report was Read and Accepted.

Sent down for concurrence.

There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act to Provide Funds to Pine Tree Legal Assistance, Inc., for Continued Legal Representation for Those in Need. (S. P. 133) (L. D. 438)

On further motion by Mr. Huber of Cumberland, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-378, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act Creating the Post-Secondary Education Commission of Maine. (S. P. 344) (L. D. 1160)

On further motion by Mr. Huber of Cumberland, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-379, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act to Create the Maine Fishing Gear Damage Fund. (H. P. 1489) (L. D. 1681)

On further motion by Mr. Huber of Cumberland, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-374, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to School Dropouts and to Potential School Dropouts. (H. P. 1442) (L. D. 1702)

On further motion by Mr. Huber of Cumberland, and under suspension of the rules the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-377, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of

the rules, sent down forthwith for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act to Establish the Maine Vocational Development Commission. (H. P. 1458) (L. D. 1785)

On further motion by Mr. Huber of Cumberland, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-380, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Joint Order — H. P. 1775

Tabled — earlier in today's session by Mr. Speers of Kennebec.

Pending — Passage.

On further motion by Mr. Speers of Kennebec, the Joint Order Received Passage in concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Joint Order — Relative to Legislative Council study of standards for services and materials in the eye care industry. (H. P. 1764)

Tabled — June 24, 1975 by Senator Cummings of Penobscot.

Pending — Passage.

(In the House — Read and Passed.)

On further motion by Mr. Speers of Kennebec, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Joint Order — Relative to Legislative Council study of models and plans of health care services. (H. P. 1774)

Tabled — June 25, 1975 by Senator Speers of Kennebec.

Pending — Passage.

(In the House — Read and Passed.)

On further motion by Mr. Speers of Kennebec, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Joint Order — Relative to Legislative Council, thru Committee on Judiciary, to be authorized to study the Statute of this State relating to divorce. (S. P. 605)

Tabled — June 25, 1975 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by Mr. Speers of Kennebec, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Huber of Cumberland,

the Senate voted to take from the Special Appropriations Table the following:

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its former action whereby Conference Committee Amendment "A" was Adopted.

The same Senator then moved that Conference Committee Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: It is my understanding that Conference Committee Amendment "A" puts a requirement on the legislature to limit the sessions by statute. That is my understanding. And I understand that the maneuvering here is to further amend this constitutional amendment to put in restrictions as to the types of materials that can be submitted in the second annual session. I certainly am in accord with limitations on the type of business which can be entered in the second regular session of the legislature, but I wondered if the people involved in these amendments could indicate whether or not we would have the restriction, be it by statute, which would require the legislature to put a time limitation on the legislative session.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I certainly couldn't accept Senate Amendment "A", so I would oppose this motion.

The PRESIDENT: The pending question is the motion by the Senator from Cumberland, Senator Huber, that Conference Committee Amendment "A" to L. D. 1827 be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would oppose the postponement if in fact there is going to be no time restriction by statute. I proposed an amendment in this body which was accepted in this body, which was not accepted in the other body, which put a constitutional time limit on the length of the sessions. I understand that is not possible to pass, I accept that fact, but it seems to me that it is important to have some kind of restriction, and that statutory restriction appeared to me to be a reasonable one.

I certainly would hope that we could retain some kind of restriction because I think that has been debated in here at length before — and I don't want to go into it again — but I think the issue involved here is the citizen legislature, and I would hope that we would not postpone this amendment unless there was going to be another similar restriction offered in one of the other amendments.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and

Members of the Senate: I hope that the pending motion is successful. We debated this at some length earlier and you may recall that, at least in my opinion, it is not wise to have a specific number of days in a session of the Maine Legislature.

The amendment, Senate Amendment "E", which we would be adopting, would have the restrictions, I believe, that the previous speaker suggested. It does not have a specific restriction in terms of numbers of days but it would restrict the matters that could come before the second regular session of the Legislature to, first of all, budgetary matters; secondly, those items included in the Governor's call; thirdly, those items which would be considered emergency; fourth, those matters which were the result of committee studies; and finally, those matters which were initiated by petition of the people.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I supported quite vigorously the limitation by days on the second session, and I hope I am vigorously opposed to limiting the second session by subject matter. The amendment proposed by Senator Huber goes into the definite subjects which could be handled at the special session. If you were to look these over, I think you would admit that we could get into all kinds of arguments as to whether a piece of legislation could or could not be introduced within the purview proposed in this amendment, which I think underscores the objections to this type of limitation.

I think it is too bad at the late hour of this session to upset a Conference Committee Report. If it is intended to kill the bill, I would rather kill the bill than put on something that I consider totally unworkable. I appreciate that Senator Curtis of Penobscot says that is his opinion, and I think some of us have other opinions that are divergent. So I would share Senator Clifford's opposition, perhaps with different reasons, but just an enthusiastic, and would vote against the adoption of this amendment when presented. Also, I would urge you to vote against the rejection of the Conference Committee Amendment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I would like to clear up some confusion. Unfortunately, my amendment to this bill has been shown as Senate Amendment "E", whereas the amendment we are considering right now Senator Hichens' amendment, which is also distributed as Senate Amendment "E". This is where some of the confusion lies.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I don't believe there is any confusion as to what we are debating now. We are debating the indefinite postponement of the Conference Committee Amendment, as I understand it. And the Conference Committee Amendment does not do what the good Senator from Penobscot, Senator Curtis, implied that it does. What the Conference Committee Amendment does is merely

say and require the legislature to set limits by statute as to the length of the legislative session. There is no specific length in the amendment. It merely allows the legislature, in its wisdom, to set reasonable limits within which the legislature should work. And I would hate to see that provision eliminated from the constitution, because I think the issue which is involved here is the citizen, as opposed to the full-time legislature, and I come down in favor of the citizen legislature.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that Conference Committee Amendment "A" be indefinitely postponed.

The Chair will order a division. Will all those Senators in favor of the motion to indefinitely postpone Conference Committee Amendment "A" please rise in their places until counted.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to ask a procedural question, if I could, to anyone who may care to answer. I would like to know if the indefinite postponement of the Conference Committee Amendment is necessary in order for the other amendments circulated, one by Senator Hichens and one by Senator Huber, to be offered.

The PRESIDENT: The Chair would advise the Senator the answer to his question is yes, because the proposed amendments would be inconsistent with the present Conference Committee Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: It is my understanding that the Conference Committee proposal requires the establishment by statute of a limited number of days within which the second regular session of the legislature could meet. What I would like to suggest is that it is important and essential that we accept the pending motion to reject that Conference Committee Amendment, so that we may accept in the constitution the proposal that has been made, or will be offered, under Senate Amendment "E".

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I merely suggest that although the way the amendments are presently written there may be an inconsistency, but there is nothing inconsistent with having both of those types of restrictions in the constitution.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, if that is the case, would it not be possible to table this action until an amendment could be prepared to that effect, and then

indefinitely postpone this committee amendment?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would like to point out the fact that we are in a fairly involved situation here, and I would predict that this legislation might fall apart very quickly if we play much longer with it. I think this is a very good reason that the vote that was taken by a standing vote should be repeated at the roll call and this legislation left intact.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that the Senate indefinitely postpone Conference Committee Amendment "A". A "Yes" vote will be in favor of indefinitely postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Collins, Corson, Cummings, Curtis, Gahagan, Hichens, Huber, Merrill, Speers, Thomas, Trozky, Wyman.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Conley, Cyr, Graffam, Graham, Greeley, Johnston, McNally, O'Leary, Pray, Reeves, Roberts.

ABSENT: Senators Danton, Jackson, Katz, Marcotte.

A roll call was had. 12 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with four Senators being absent, the motion did not prevail.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: My opposition to the postponement of the Conference Committee Report was based on the narrow ground that I believe in restrictions on legislative sessions, and I certainly would not be averse to considering amendments that have been offered previously if we could get further restrictions on the sessions which I don't think would be incompatible. I understand that there are no amendments presently before the body to that effect, but it was not my intention to kill the annual sessions. I certainly would willingly support a constitutional amendment which had sufficient restrictions on the sessions because I think that is a very important issue.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to pose a gentle question to the Chair as to whether or not the Chair could not have been in error in regards to ruling that it was necessary to indefinitely postpone the Conference Committee Amendment in order for these amendments to be offered.

The PRESIDENT: The Chair has been advised by the Secretary that these amendments are inconsistent with the Conference Committee Amendment "A".

Is it now the pleasure of the Senate to adopt Conference Committee Amendment "A"?

Thereupon, Conference Committee Amendment "A" was Adopted and the Resolution, as Amended, Passed to be Engrossed.

On motion by Mr. Huber of Cumberland,

placed on the Special Appropriations Table.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following Specially Assigned matter:

An Act Increasing the State Gasoline Tax. (H. P. 1055) (L. D. 1332)

Tabled earlier in today's session by Mr. Speers of Kennebec.

Pending — Enactment.

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Enactment.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

House Report — from the Committee on Taxation — Bill, "An Act to Levy Surcharge on Alcoholic Beverages Sold at Other than State Stores" (H. P. 1429) (L. D. 1690) Leave to Withdraw.

Tabled — June 25, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently, Acceptance of Report was Reconsidered.)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

The President laid before the Senate the second tabled and Specially Assigned matter:

House Report — from the Committee on Taxation — Bill, "An Act Concerning Taxes on Alcoholic Beverages" (H. P. 1001) (L. D. 1272) Leave to Withdraw.

Tabled — June 25, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently Acceptance of Report was Reconsidered.)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

The President laid before the Senate the third tabled and Specially Assigned matter:

House Report — from the Committee on Taxation — Bill, "An Act to Impose a Tax on Tobacco Products Other than Cigarettes" (H. P. 1394) (L. D. 1799) Leave to Withdraw.

Tabled — June 25, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently Acceptance of Report was Reconsidered.)

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move this item lay on the table for one legislative day, which will be the 107th legislative day.

The PRESIDENT: The Chair would advise the Senator he is debating a tabling motion.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move that this item be tabled for the 107th legislative day.

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Cummings.

Thereupon, on motion by Mrs. Cummings of Penobscot, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act Extending Collective Bargaining Rights to University of Maine Employees. (S. P. 243) (L. D. 827)

On motion by Mr. Curtis of Penobscot, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

Mr. Curtis of Penobscot then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-383, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

On motion by Mrs. Cummings of Penobscot,

Recessed until the sound of the bell.

After Recess

Called to order by the President.

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Joint Resolution

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five

Joint Resolution Recognizing the Georges River Canal as an Historical Site

WHEREAS, as the Bicentennial of our country approaches, the people and Legislature of Maine become ever more mindful of the important heritage of our State; and

WHEREAS, the name of General Henry Knox, a famous Revolutionary War General and the first Secretary of War under George Washington, is prominently inscribed on the annals of the United States and of Maine; and

WHEREAS, the Georges River Canal, in Warren, was planned and developed by General Knox and exists today as an historical site; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature now assembled in regular legislative session, hereby recognize, and urge the people of Maine and of the United States to recognize the Georges River Canal as an historical site of the State of Maine; and be it further

RESOLVED: That upon passage, suitable copies of this Resolution be sent by the Secretary of State to the Town of Warren and to the Maine League of Historical Societies. (H. P. 1778)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Mr. Hichens of York was granted unanimous consent to address the Senate.

Mr. HICHENS: Mr. President and Members of the Senate: This request came a little late and was again written in a hurry, so you will have to excuse it for what it is.

On this the 26th of June as darkness clouds the skies

And we wearily wait further bills as sleepy grow our eyes

We must take just a moment to note this is the date

Of one of our staff's birthday — and though the greeting's late:

We pause to quote a birthday wish to one who serves us well

Day after day, month after month, he does his job real swell.

He escorts all the Chaplains and the big wigs to their place.

Up by the President each day — the platform there to grace.

He runs us errands — makes life tough for some of us like me.

And I threaten to bring my daughter that her jiu jitsu he might see.

With the Senator from Hancock gone — Frank Anderson I mean:

He treats me somewhat better than he used to I have seen.

A sign of some improvement and it will be quite a job

To match him anywhere around, this gentleman named BOB.

So on this anniversary — let's all join the glad refrain

And wish a Happy Birthday to our great pal

BOB BEAUCHAINE!

(Applause, the members rising.)

Enactors

The Committee on Engrossed Bills report as truly and strictly engrossed the following:

Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and to Reassign its Constitutional Powers to the Governor and the Legislature, to Eliminate the Office of Notary Public as a Constitutional Office and to Prohibit Appointment of Legislators to Offices Requiring Approval of the Legislature for Appointment. (H. P. 16) (L. D. 24)

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: On this, what I hope will be a very historic occasion, I would like to express my appreciation to the other members of the Conference Committee from the Senate, Senator Corson of Somerset for his spirit and dedication to trying to achieve a workable reasonable compromise, to Senator Clifford of Androscoggin whose wisdom and experience was absolutely necessary in our deliberations; to the fine appointees of the Speaker of the House of Representatives, the Chairman, Representative Tierney of Durham who was certainly hard-working and diligent in attempting to find a workable solution, and to Representatives Carpenter of Houlton and Snowe of Auburn who had labored for many months on the State Government Committee, and whose hard-working efforts on that committee and on our Conference Committee, with the assistance of a number of staff people and other people who were involved finally brought us to this compromise and, I think, workable solution. The end result, in our opinion, will mean that the Maine Legislature will take one more step towards achieving its rightful place in the operation of our state government, that there will be fewer confirmations necessary in the future, only on those truly important matters, and that the joint standing committees of the Maine

Legislature will become even closer to the operation of state government and more useful to the executive branch of government as they have an opportunity to view before confirmation the nominees that are posted by the Governor for their areas of special expertise and interest.

As you know from reading the document that we have presented to you, a recommendation by a majority of a committee will always go to the Senate for a final decision. In the terms of section 8, the committee recommendations shall be reviewed by the Senate, and upon review shall become final action of confirmation or denial unless the Senate, by vote of two-thirds of those members present and voting, overrides the committee recommendation. That means that the Senate will have an opportunity to reverse, only with a two-thirds vote of those members present and voting in the Senate, the recommendation, whether it be for confirmation or for denial of confirmation, made by the committee to which the nomination was referred.

There is a great deal left to be worked out by statute, and a provision of this amendment requires that those statutory provisions which would be adopted would require a two-thirds vote in the House and a two-thirds vote in the Senate before becoming part of the statutes.

We think that the compromise proposal that we have prepared is a satisfactory one, one that will be workable, will enable the Governor to govern more efficiently, and will enable the legislature to take a deeper and more attentive position and attention towards the activities of the executive.

I think it would be appropriate to take just a few seconds at this time to go back in history to the time when our United States Constitution was under consideration by the people, as the people of the State of Maine must consider this recommendation before voting on it on November 4th of this year. And during the debates prior to the adoption of the United States Constitution a series of federalists papers were written, and one signed by Publius and noted as number 76 now in our history books includes these phrases:

"To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. And, in addition to this, it would be an efficacious source of stability in the administration."

And a little bit further the writer notes that,

"Though it might therefore be allowable to suppose that the executive might occasionally influence some individuals in the Senate, yet the supposition that he could in general purchase the integrity of the whole body would be forced and improbable. A man disposed to view human nature as it is, without either flattering its virtues or exaggerating its vices, will see sufficient ground of confidence in the probity of the Senate to rest satisfied, not only that it will be impracticable to the executive to corrupt or seduce a majority of its members, but that the necessity of its co-operation in the business of appointments will be a

considerable and salutary restraint upon the conduct of that magistrate."

So, as we plan for the future and recommend to the people that they approve what I hope will be the adoption of the Senate today, I think we must hope that our successors in this chamber are very careful in the exercise of the authority that we are about to give them and to their colleagues in the House of Representatives through the joint committees.

I think it is possible, Mr. President, that this legislature, having improved or recommended improvements in the referendum and initiative provisions of our constitution, having recommended that single member districts for all House seats be established in the constitution, having recommended provisions for gubernatorial succession in the constitution; may through this final action that I hope we take at this time become known as a legislature that was deeply concerned about the future of our state and was noted for its reform, its constitutional reform. When the vote is taken, Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: This is indeed I think a very historic moment in the State of Maine and, as with all historic moments, it has come through the efforts of a great many individuals and over a great many years. The action that I hope we take here this evening will see a constitutional amendment being proposed to the people of this state that will indeed strengthen the legislature of the State of Maine.

There have been a great many years that have passed since this idea first surfaced, since it was first proposed, and a great many individuals have put a great degree of effort into coming to this moment here this evening. Many of them are here tonight. Many of them have not been even members of this legislature but have been members in previous legislatures who have attempted to accomplish what I hope we accomplish here this evening.

I wish to extend very sincere congratulations to the Committee on State Government, to the conference committees which worked very hard and long on this particular matter, and also to another Senator in this body, the Senator from Cumberland, Senator Merrill, who worked very hard in writing this legislation as well, and the legislative staff, particularly Mrs. Suzanne Havens, who worked very hard in putting this legislation together. Countless others, of course, have been involved in this effort as well.

I think the good Senator from Penobscot, Senator Curtis, put it very well when he said that this is one more item that I hope the people of the State of Maine will regard as contributing to a constitutional reform legislature.

As a last comment, Mr. President, I would like to also extend very hearty congratulations to the other body of this legislature for working with great difficulty with many questions but ultimately resolving that, although all of these questions may not be answered, it is very difficult to write indeed any kind of perfect legislation. And I feel that the action that has recently been taken, if I may, has been in a very statesmanlike manner. I would urge the members of this body to concur

with the other branch in finally passing this constitutional resolution.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I agree with all the comments that have been made here this evening up to this time, certainly the remarks made by the two previous speakers. I, for one, have been a member of the legislature over a number of years now, dating back anyway to the 102nd Legislature, and I can recall and would have to give credit to members who had served on the State Government Committee back in those days, because I am sure that their thoughts were exactly the thoughts of the present State Government Committee.

I look back to January 1st when we first came to these chambers, and I am sure that all of us had the thought in mind as to what was going to happen during this session of the legislature. Were we going to be able to work together? Would we be able to put our partisan feelings aside? Would we really be able to pass constitutional amendments such as the ones we have passed to date, doing away with the multi-member districts in the House, abolishing the Executive Council, as to whether or not we would be able to put another constitutional amendment for annual sessions before the people? I honestly in my heart say this could not have been done unless we had an independent Governor. Because of that fact, I think we finally recognized, each and every one of us, what our responsibility finally was to the citizens of this state. And I commend everyone, not only here but in the other branch as well, for working so hard and so cooperatively with one another.

I recall that when Governor Curtis was the Chief Executive of this state and he had the Executive Council, they were often referred to as Snow White and the Seven Dwarfs. No longer will we hear that. I can remember again when a great Republican House Member during the 102nd, by the name of Wayne Libhart, was asked — or the question was put to the House — what would it cost to replace the Executive Council, and Mr. Libhart stood up and said "The price of seven rubber stamps."

There is no question in anyone's mind here tonight, if we want to be honest and open about it, that the Governor's Council has been a millstone around every chief executive's neck since he has been the chief executive, whether it was an all-Republican Legislature with a Republican Governor — and we haven't had the luxury in my day to have an all-Democratic Legislature with a Democratic Governor — but aside from that, I am sure that each of those fellows who served in that corner office, whether it was on the third floor or the second floor, certainly had their woes.

I think the winners tonight are the citizens of this state, and I have to take my hat off to every one of you who served not only in this branch but the branch at the other end of the hall.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: This has been a year, I think, that has been characterized by a great deal of criticism, some with merit and some I think without merit, of politics and politicians. And as

someone who has newly become a politician, it has been a matter of interest and concern to start, hopefully start and not end, a career in politics in that sort of an atmosphere.

Politics has been referred to as the art of compromise, and at its best, I think that is so. And what we see here tonight I think is that art exercised at its best. And what we see here tonight represents a compromise between the people of pride and ability in the House of Representatives and the people who serve in the Senate with pride. And it is a compromise between the legislature and a governor, a compromise in a time when feelings have at times been strained between this branch of government and the coequal branch of government that resides downstairs. And it represents a compromise between the great Democratic Party, of which I am proud to be a member, and the Grand Old Party, which dominates this Senate.

I think the compromise that we have worked out speaks well for politics and politicians, when they look up and not down or back, and I think it is something that the members of this legislature can be proud of. And we can be even prouder because the statesmanship that is represented in this compromise in this amendment is not atypical for this session but it is typical of it. And whatever grades we are given by the press and by the people at the end of the session, I think for the most part — and we would all probably name different exceptions, but agree, I think, for the most part the interests of the state have come first in this legislature. I would congratulate the leadership of the other branch, the leadership of this branch, and the members for accomplishing that. And I think that because we have accomplished this in this amendment here tonight, and in the other things which we have done, we can leave here with a renewed sense of confidence in our system of government, and I think a renewed sense that the art of politics and being a politician at its best is not something to deny or to shrink from but to be proud of. And tonight I am proud to say that I am a politician. I am proud of the compromise that has been worked out, and I think the people of Maine are the true beneficiaries. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I agree with all of the previous speakers that this is an historical moment in the history of the State of Maine. I only hope in the future that we can look back on it and say that it is an achievement which we can be proud of, but I have my serious doubts. In past years in the legislature I have seen other times of rejoicing because things have been accomplished, and we have looked back on them and have wondered just how great an accomplishment we had.

I listened to the applause over in the other body as the vote was recorded, I saw all of the handshaking and the clapping of the backs as different ones approached each other in the corridors tonight, and I can't help but think a few months ago how in this same body across the hall which voted tonight to abolish the council, a great many of them were also in favor of abolishing the Senate and having a unicameral legislature. Maybe that is something we can look forward to in the future.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President and

Members of the Senate: A roll call has been requested and in a few moments I will be the first one that is called. I will cast my vote and I will cast it in favor of this legislation, and I have no doubt in my mind as to the outcome of the vote that will be taken here, but I think this is a vote that will be heard loud and clear across the State of Maine. When I cast this vote, I am sure that many others will join me in casting this vote for the people of this great state.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I don't have any doubt about the outcome of this vote but, as a signer of the Minority Report, I do want to make a few comments.

I think there is one reason, and one only, that causes a problem with the council, and that is their method of selection, but I think that can be very easily changed. I think what we are coming up with is a very costly procedure when we involve the Senate, the House, and all the committees. I think it is going to cost the taxpayers a great deal more, and I would like to see a price tag on this.

Finally, we have been here 107 days to adopt a measure which will give us more government, when the people are asking for less government. And I think if the people realized we are going to give them more government and more time in Augusta and more expense, I am sure they would vote this down. But they probably won't realize it when it comes up for a referendum and I suspect it may pass. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, may I just take a moment to respond to the suggestions made about the price tag involved by reminding the Senate that we are doing one of those things that so many people in the State of Maine would like to have us do, abolishing part of state government. We are thereby, of course, eliminating some jobs, saving some money, and I think that as we act on the statutory obligations which will be placed upon us, if this amendment is adopted — and frankly, there is little doubt in my mind that it will be approved by the people of the state — then we should find that we are drastically reducing the number of appointments that need to be confirmed; that we will be left with major department heads, with members of the important semijudicial commissions, such as the Public Utilities Commission, and with a few other really major appointments that should have the approval of another body.

Most of those appointments, I would suggest, will be coterminous with the governor's office, and when the governor comes into office, that is in January when the legislature is ordinarily in session, therefore, there will not be any additional cost to the matter of appointments for most of these positions. I think it would be a rare occasion when the full Senate would have to be called into session for a decision upon a recommendation of a committee regarding an appointment for confirmation.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I would like to ask a question of the good Senator

from Cumberland, Senator Conley, if he considers the present council is a rubber stamp?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I hardly think the chief executive thinks so.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question is Passage of L. D. 24. A "Yes" vote will be in favor of passage of the resolution; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Graham, Huber, Johnston, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Sewall.

NAYS: Senators Greeley, Hichens, Wyman.

ABSENT: Senators Danton, Jackson, Katz, Marcotte.

A roll call was had. 26 Senators having voted in the affirmative, and three Senators having voted in the negative, with four Senators being absent, the Resolution was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State.

On motion by Mrs. Cummings of Penobscot.

Adjourned until 10 o'clock tomorrow morning.