

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

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DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Monday, June 5, 1961

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

Prayer by the Rev. Mr. Chester Pinkham of Augusta.

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

The journal of the previous session was read and approved.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, I move that the House recess for one-half hour for the purpose of a Republican caucus.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, moves that the House recess for one-half hour for the purpose of holding a Republican caucus, here immediately in this House. Is this the pleasure of the House?

The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. FOGG: Mr. Speaker, I would like to ask the Democrats to meet me down in Room 135 during this recess.

The SPEAKER: Is it now the pleasure of the House that the House recess as per the motion of the gentleman from Pittsfield, Mr. Baxter?

The motion prevailed and the House recessed for one-half hour.

After Recess

5:35 P. M.

Called to order by the Speaker.

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

Non-Concurrent Matter

An Act Providing for an Assistant County Attorney for York County (S. P. 21) (L. D. 46) which was passed to be enacted in the House on May 25 and passed to be engrossed on March 31.

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

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

**Emergency Measure
Amended**

An Act relating to Harness Racing Purses (H. P. 1175) (L. D. 1621)

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

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

Mr. TURNER: Mr. Speaker, perhaps in explanation, I presented this bill for the Horsemen's Association and your Race Commission and your fair associations and your race meets, and the Governor is also interested in this bill. But there has been a mistake in the way it was drawn up, so I would like to reconsider and see if I could get it started back on the right road.

I move that the rules be suspended in order that I may move to reconsider the action whereby the House passed this bill to be engrossed as amended by House Amendment "A" on May 26.

Thereupon, the House voted to suspend the rules and to reconsider its action whereby on May 26 it passed the bill to be engrossed as amended by House Amendment "A."

On further motion of Mr. Turner of Auburn, the House voted to suspend the rules and to reconsider its action whereby on May 26 it adopted House Amendment "A."

On further motion of said gentleman, House Amendment "A" was indefinitely postponed.

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

Mr. TURNER: Mr. Speaker, I now offer House Amendment "B" and move its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1175, L. D. 1621, Bill, "An Act Relating to Harness Racing Purses."

Amend said Bill by striking out in the 5th line the underlined figure "1 percent" and inserting in

place thereof the underlined figure '1/6'

Further amend said Bill by inserting before the single quotation mark at the end the following underlined sentence: 'This law shall apply for the full harness racing season of 1961 and subsequent years.'

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: There are several small items here, to be specific, items 2, 3, 5, and 7 that carry small appropriations. Because these appropriations are small, I wish to serve notice on the House I do not at this time intend to put these on the House Appropriations table; so if anyone has any feelings in regards to any of them, they will now go to the Senate for the last time.

Passed to Be Enacted

An Act Exempting Certain Machinery from Sales and Use Tax (S. P. 565) (L. D. 1618)

An Act to Create a Law Revision Commission (H. P. 15) (L. D. 34)

An Act relating to Special Deputies for All Counties (H. P. 167) (L. D. 230)

An Act Providing for Municipal Court Conferences (H. P. 321) (L. D. 473)

An Act Increasing Certain Sheriff Fees (H. P. 887) (L. D. 1267)

Finally Passed

Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court (H. P. 184) (L. D. 280)

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

Orders of the Day

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

HOUSE REPORT — Ought to Pass in New Draft under New Title of "An Act Redefining the Financial Responsibility of Children and Certain Relatives in Public Assistance." (H. P. 1179) (L. D. 1625)—Committee on Welfare on Bill "An Act Relieving Children and Certain Relatives of Financial Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled." (H. P. 5) (L. D. 24)

Tabled — June 2 by Mr. Storm of Sherman.

Pending — Acceptance of Report.

Thereupon, the Report was accepted, the New Draft read twice, and tomorrow assigned.

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

An Act Establishing a Medical Care and Services Program. (S. P. 558) (L. D. 1605) — Engrossed in Both Branches.

Tabled — June 2 by Mr. Whitman of Woodstock.

Pending — Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker, this being a companion bill to the supplemental budget, I move that it be retabled until the next legislative day.

Thereupon, the Bill was retabled pending passage to be enacted and specially assigned for tomorrow.

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

An Act Exempting Certain Aircraft from Sales Tax. (H. P. 850) (L. D. 1164)

Tabled — June 2, by Mr. Wellman of Bangor.

Pending — Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker, it is my understanding that the gentleman from South Portland, Mr. Danes, who is not in attendance here today, has an amendment to offer to this bill. So, I move that that be tabled until the next legislative day.

Thereupon, the Bill was retabled pending passage to be enacted and specially assigned for tomorrow.

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

An Act Appropriating Moneys to Effectuate Compensation for State Employees. (H. P. 565) (L. D. 785)

Tabled — June 2, by Mr. Baxter of Pittsfield.

Pending — Passage to be Enacted.

On motion of Mr. Baxter of Pittsfield, the Bill was retabled pending passage to be enacted and specially assigned for tomorrow.

House at Ease

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: To wait for further action from the other body, I move that we recess until the sound of the gong.

Thereupon, the House recessed until the sound of the gong.

After Recess 6:40 P. M.

Called to order by the Speaker.

The following matter on Supplement Number One was taken up out of order and under suspension of the rules:

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963" (H. P. 1165) (L. D. 1606) reporting that the Senate recede from its action whereby it passed the Bill to be engrossed and indefinitely postpone Senate Amendments "A", "C", "E", "F" and "H", and House Amendments "A", "D" and "F", and adopt House Amendment E; and pass the Bill to be engrossed as amended by House Amendments "E" and "J".

That the House recede from its action whereby it passed the Bill to be engrossed and indefinitely postpone House Amendments "A",

"C", "D", "F", and "G", and pass the Bill to be engrossed as amended by House Amendments "E" and "J" in concurrence.

(Signed)

DAVIS of Cumberland

NOYES of Franklin

BROWN of Hancock

— Committee on part of Senate

BRAGDON of Perham

BAXTER of Pittsfield

— Committee on part of House

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by House Amendments "E" and "J".

In the House: Reports were read.

The SPEAKER: Is it the pleasure of the House to accept the Conference Report?

The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker and Members of the House: I would move that the House accept the Conference Committee Report and merely mention to the House that this particular compromise, I believe, represents considerable sacrifice of the wishes of a great many people involved in the Conference Committee. It was not easy for those who gave in any particular area. I do believe that any attempt to adjust these amendments and trade this for that or that for this, would have been an endless task and would very likely have ended in eventual disagreement or at least leaving most everybody dissatisfied.

This, as it is presented to us now, is the bill as it originally came from the Appropriations Committee after many months of study and hearing the evidence. For that reason I hope that the House will accept the Conference Committee Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: You look at Supplement Number One and you will see that the sixth member of the committee, the name is not on it. Friday when the committee was named after we adjourned, I reviewed the program, as the sixth member of the committee, with the gentleman from

Pittsfield, Mr. Baxter and the gentleman from Perham, Mr. Bragdon. And at the time we discussed compromises wherein it involved some of these amendments, both House and Senate, and the past action we had taken on them.

Naturally it was an informal meeting and certainly no decision would or could have been arrived at. And we discussed it just very briefly — as a matter of fact I was on my way out when I turned left and went into Jack's office. Now today when we met as a Committee of Conference I was asked — I was talking with someone in another office, and I was asked if I was ready to meet as a Committee of Conference. And I said yes. I went into the room and the moment I went into the room the motion was made to go back to the original supplemental measure, and that was decided upon by a vote as you see on here, five for with one name abstaining and that is my name.

I went into the committee meeting with this book so I could make notes, I went in with these amendments. Both the House and Senate amendments and the action that was taken on them, I had on the amendment and I had on this paper. I was called somewhat unfair last week when I made a certain remark and I didn't take too much issue with the remarks when I was called unfair; possibly the gentleman from Pittsfield, Mr. Baxter, was right. But I wonder what this kind of an action would be termed.

Now I went in to this Committee of Conference, or Committees of Conference, I went in not as a Democrat, not as a member of the Appropriations Committee, I went in with the thought in mind of protecting the action of this House. That is what you should do when you go into a Committee of Conference, it is my opinion. And I submit it humbly. I went in with the idea of supporting the amendment there as presented and passed after a successful debate by a close margin I agree, wherein it concerned entomologist and other Forestry appropriations. I went in with the thought in mind of supporting the good work of the gentleman

from Bangor, Mr. Philbrick, on his amendment, which would stop the spending of some forty thousand dollars for an errand boy — or whatever you might call him—between the Governor's office and the DED.

I went in with the thought in mind, and even though I opposed it, of supporting the action on soil conservation, even though I opposed it in committee, even though I opposed it here, with my vote on the floor of the House the other day. I went in to support the Appropriations Committee wherein it involved the action of the gentleman from Washington, Mr. Finley, wherein on the Appropriations Committee we went along with the hiring of other personnel and seven guards and assistant classification and food at the Maine State Prison, after this was defeated and taken out of the budget on two occasions. I felt that was fair and I so told Mr. Finley before I went into the committee last Friday. I went in with the thought in mind of supporting all of these amendments indefinitely postponed that we had gone through into the Senate.

Now certainly one could say if I was to be called unfair for a remark I made yesterday, what is the terminology that one would use when a caucus is called immediately to discuss the Committees of Conference Report when the third member cannot come to it and the report is not even before us. I went in with my eyes wide open, I did not argue about the thing. I did state, however, that the action taken was not in my words according to Hoyle; and I didn't object too strenuously but I knew it would meet with firm and strong resistance. I wanted to state my position and my reasons very clearly and I could go on quite a while in discussing my real feelings according to this action.

The SPEAKER: The question before the House is on the acceptance of the Conference Committee Report.

The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, does the acceptance of this com-

mittee report mean that this bill will be passed to be engrossed?

The SPEAKER: If the House then recedes and concurs, it will—if it recedes and concurs following the acceptance of the committee report.

The Chair recognizes the gentleman from Bangor, Mr. Philbrick.

Mr. PHILBRICK: Mr. Speaker, what would the proper procedure be to reinstate any particular amendment or to retain any particular amendment that we might wish to do?

The SPEAKER: You could bring them up separately after the House recedes from its engrossment, after you accept the committee report.

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

Mr. JALBERT: Mr. Speaker, could this procedure be used—I am not saying I would vote for it or against it, but for those who are asking questions, could this procedure be used that the membership of the House would not accept this report and then another Committee of Conference or Committees of Conference would be made, could that be done?

The SPEAKER: That would be the procedure. It could be followed.

Is it the pleasure of the House to accept the Committee of Conference Report?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that the House recede and concur?

The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: It is my understanding that if this goes for engrossment it takes two-thirds vote to get it back, to make changes if the sales tax isn't passed?

The SPEAKER: Not if reconsideration is done with it on the same day or the next succeeding day. After this goes to engrossment, it can be reconsidered that day or the next legislative day without a two-thirds vote.

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, could you explain how anyone could vote against this measure right now, would it be possible to move indefinite postponement or—

I'm not satisfied with it. I feel like the gentleman from Bangor, Mr. Philbrick, did, that we cut out that Governor's errand boy and I've been looking in this nice little book and there are a good many errand boys over in the DED already and he has two in his office. One gets \$200 a week. I intended to say that the other morning, because he was working in the corridor that morning when I came in. And you're going to find that he will be doing a good job before this session is over.

Now those of us who don't want the sales tax should have a chance to vote on this thing, not just sit here and let it go by under the hammer.

The SPEAKER: The Chair will divide the amendments and will take them up separately.

Does the gentleman from Albion, Mr. Cooper, wish to be heard?

Mr. Cooper of Albion asked for a division.

The SPEAKER: The Chair is not going to put the motion to recede and concur on everything, he will divide the amendments and take them up separately.

Is it the pleasure of the House to recede, and that will put us back from engrossment and we can take up each amendment separately.

Is it the pleasure of the House to recede?

The motion prevailed.

The SPEAKER: Now, is it the pleasure of the House to concur with the Senate in indefinitely postponing House Amendment "A"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to concur with the Senate in indefinitely postponing House Amendment "C"?

The Chair will call for a division on the indefinite postponement of House Amendment "C." All those in favor of indefinite postponement—

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, I would just like to clear up the fact or get clear in my own mind the fact that if we turn down any of these amendments or adopt any of them, we will then be in non-

concurrence and the bill will then go back to the Senate. Is that correct?

The SPEAKER: And another Committee of Conference will be appointed. That is correct.

Mr. BAXTER: So, in other words, when we accepted the Committee of Conference Report, we actually did in total what we are doing in part. Is that correct?

The SPEAKER: Well, all that we did when we accepted the Conference Committee Report was accept the report. Now we are voting on each amendment.

The question before the House is the concurrence of the House in indefinitely postponing House Amendment "C." It is open for debate.

Mrs. SMITH of Falmouth: Mr. Speaker, would you state what the amendment was and what the yes and no vote means, please.

The SPEAKER: The Clerk will read the amendment, House Amendment "C."

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

HOUSE AMENDMENT "C" to H. P. 1165, L. D. 1606, Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962, and June 30, 1963."

Amend said Bill under the caption "EXECUTIVE DEPARTMENT" by striking out all of the paragraph entitled "Administration", which reads as follows:

"Administration

Personal Services	(1)	\$ 12,500
Personal Services	(1)	\$ 12,500
All Other		4,984
All Other		4,984
Capital Expenditures		300
Capital Expenditures		—

Provides funds for departmental liaison man with necessary general operating expense and equipment"

Further amend said Bill by correcting the totals therein affected by the adoption of this amendment.

The SPEAKER: The question before the House is on the indefinite postponement in concurrence of House Amendment "C." If you vote yes on the indefinite postponement in concurrence of House

Amendment C, then the effect of that vote would be if you voted yes, to replace the man in the supplemental budget, as reported out of committee.

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

Mr. JALBERT: Do I understand by the motion you made, Mr. Speaker, or the motion that was made a very few minutes ago to recede, that we receded from our previous action whereby we accepted this Committee of Conference in order to place these amendments before the House?

The SPEAKER: That is right. We receded from our action whereby we engrossed the bill and where we adopted the amendments.

Mr. JALBERT: In other words, we did not accept the Committee of Conference.

The SPEAKER: We did accept the Committee of Conference report, and then we receded from engrossment in order to get at the amendments.

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

Mr. BERMAN: Before you put this question to a vote, would you kindly explain which way we should vote if we wish to go along with the recommendation of the Committee of Conference. I think many of the members are confused, and I would respectfully request that the Speaker do that on each question. Tell us how you would suggest we vote —

The SPEAKER: If you wish to go along with the Committee of Conference Report, you will vote "yes" on the indefinite postponement of House Amendment "C." If you will refer to your supplement Number one, in the fifth paragraph, if you will refer to Supplement One which was placed upon your desks in the fifth paragraph and follow and that reads "That the House recede from its action whereby it passed this bill to be engrossed and indefinitely postponed House Amendment 'A.'" We have already receded where we passed this bill to be engrossed. Now the motion is to concur with the Senate in indefinitely postponing House Amendment "C." We have already concurred with the Senate in indefinite postponing House Amend-

ment "A." We will follow that paragraph along. If you wish to agree with the Conference Committee Report, you will agree with this fifth paragraph, and you will vote "yes" on the matter now before you, that House Amendment "C" be indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker, going back to my discussion of a few moments ago, I would like to turn to Rule 13 on page fifty-nine of our rules: A motion to reconsider shall take precedence of all other questions except a motion to adjourn, but if made while another question is pending, it shall not be put until the other question is disposed of, but simply entered.

I mean on that basis, I don't think that the action that we are going through now is altogether correct. If I am wrong, I stand corrected.

The SPEAKER: No one is moving to reconsider at this time.

Mr. JALBERT: Then, Mr. Speaker, I feel that from the beginning even before we took up House Amendment "A," our motion should have been to reconsider on the issue at hand and that was the committees of conference report. I would move that we reconsider the action whereby we accepted the House committee's report on Supplemental One.

The SPEAKER: Will the gentleman approach the rostrum please. The House will be at ease.

(Conference at rostrum)

The SPEAKER: The House will be in order. The motion before the House is that House Amendment "C" be indefinitely postponed in concurrence with the Senate. Any further debate?

Mr. JALBERT: Mr. Speaker, I am sorry, the other branch asked for this Committee of Conference. Going to joint rules of Rule 13, Committees of Conference shall consist of three members on the part of each House, representing its vote, and their report, if agreed to by a majority of each committee, shall be made to the branch asking the conference, and may be either accepted or rejected; but no other action shall be had, except through another committee of conference.

The SPEAKER: Will the gentleman approach the rostrum, please.

(Conference at rostrum)

The SPEAKER: The question before the House is on the indefinite postponement of House Amendment "C." If you vote to indefinitely postpone House Amendment "C," you will be going along with the Conference Committee Report, and you will be providing for an additional man in the Governor's office. Any further debate?

The Chair will request a division. All those in favor of indefinitely postponing House Amendment "C", please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Fifty-four having voted in the affirmative and sixty-six having voted in the negative, the motion did not prevail.

The SPEAKER: Is it now the pleasure of the House to insist on House Amendment "C"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to indefinitely postpone House Amendment "D", and House Amendment "F"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to indefinitely postpone House Amendment "G"?

(Cries of "No")

The SPEAKER: All those in favor of indefinitely postponing House Amendment "G," please say aye; those opposed, no.

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

The SPEAKER: Is it now the pleasure of the House to insist on House Amendment "G"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to pass this bill to be engrossed as amended by House Amendments "C," "G," "E," and "J"?

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

Mr. KENNEDY: Mr. Speaker, I challenge the decision on House Amendment "G" and request a division.

The SPEAKER: In reference to House Amendment "G," the Chair

understands the gentleman from Milbridge, Mr. Kennedy, moves that the House reconsider its action whereby it insisted on House Amendment "G." All those in favor of reconsidering our action whereby we insisted on House Amendment "G" say aye; those opposed, no.

A viva voce vote being taken, the motion did prevail.

The SPEAKER: Is it now the pleasure of the House that the House reconsider its action whereby it failed to indefinitely postpone House Amendment "G"? All those in favor say aye; those opposed, no.

A viva voce vote being taken, the motion did prevail.

The SPEAKER: Is it now the pleasure of the House that House Amendment "G" be indefinitely postponed?

Mr. PIKE: Mr. Speaker?

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

Mr. PIKE: Mr. Speaker, a count counts more than voices, I ask for a division.

The SPEAKER: A division has been requested. The question before the House is on the indefinite postponement of House Amendment "G." House Amendment "G" has to do with the guards at the state prison. That amendment was adopted in the House which struck out the guards. If you vote to indefinitely postpone House Amendment "G" you will replace the guards at the state prison. A division has been requested. Any debate? The question before the House is on indefinite postponement of House Amendment "G." All those in favor of indefinitely postponing House Amendment "G" please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Sixty-two having voted in the affirmative and fifty-four having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, Members of the House: Once today, or once this afternoon, the

House accepted the Conference Committee Report. We then just proceeded through this particular little operation that just occurred and proceeded to not accept the conference committee report. Therefore, the bill now must go back to the Senate, and I assume there has to be another conference committee and another conference committee report and so forth. That being the case, and to make sure that is what the House desires, I now move that the House reconsider its action whereby it failed to indefinitely postpone House Amendment "C."

The SPEAKER: The question now before the House is the motion of the gentleman from Pittsfield, Mr. Baxter, that the House reconsider its action whereby it failed to indefinitely postpone House Amendment "C." The Chair will order a division.

The Chair recognizes the gentleman from Bangor, Mr. Philbrick.

Mr. PHILBRICK: Mr. Speaker, I fully realize that we did not have a roll call, but I would like to ask the gentleman from Pittsfield, if he voted on the prevailing side.

The SPEAKER: The Chair will inform the gentleman from Bangor, Mr. Philbrick, that it is presumed that the gentleman from Pittsfield, Mr. Baxter, voted on the prevailing side.

The Chair recognizes the gentleman from Bangor, Mr. Philbrick.

Mr. PHILBRICK: May he not answer if he chooses?

The SPEAKER: The gentleman may answer if he chooses.

Mr. BAXTER: I choose not to answer, Mr. Speaker.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that none of us want personalities to enter into this matter; however, we do recall who made the motion for indefinite postponement of this measure.

Now I think that without question in my own mind anyway, and probably many of you, the reason that the indefinite postponement of House Amendment "G" did prevail was because of a misunderstanding, it having gone through

so many procedures before we voted upon it. It doesn't seem reasonable to me, ladies and gentlemen, that in our previous legislative weeks that we passed these amendments and today we are gradually killing them off by suppression or whatever means available, and I hope that at least we will be able to save amendment "C" so that it may go to another committee of conference and we may, I hope, come out perhaps with a better report, a report that will be more satisfactory to the members of the House. I hope when this vote is taken that you won't vote to indefinitely postpone House Amendment "C."

The SPEAKER: The question before the House is the motion of the gentleman from Pittsfield, Mr. Baxter, that the House reconsider its action whereby it failed to indefinitely postpone House Amendment "C." All those in favor of the House reconsidering its action whereby it failed to indefinitely postpone House Amendment "C" please rise and remain standing until the monitors have made and returned their count.

A division of the House was had. Fifty-four having voted in the affirmative and sixty-seven having voted in the negative, the motion to reconsider the House action whereby it failed to indefinitely postpone House Amendment "C" did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Perry.

Mr. PERRY: Mr. Speaker, I don't know if I'm the only one in the House that's confused or not, but I am. I thought we voted to accept this committee's report and since then I don't know what we voted on.

The SPEAKER: The Chair would advise the gentleman that we are voting on each individual amendment.

Is it now the pleasure of the House that the House pass this bill to be engrossed as amended by House Amendment "C," House Amendment "E," and House Amendment "J"?

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, this subject has been brought up before, but I think it's perhaps a good time to bring it up. I'm involved in several of these Committees of Conference. Now it's my understanding, perhaps I'm wrong—I thought there was a rule in the book, but perhaps it isn't, that the Conferees from the House carry out the wishes of the House the way the House voted on a certain particular bill. Do those conferees have the power to do as they see fit once they are in a Committee of Conference?

I am quite disturbed with what has gone on here, but I'm also on several of those Committees of Conference, and I assumed that a person who voted the way the House had voted was put on that Committee of Conference. I didn't realize that you broke that precedent. Why I am speaking this way, a certain bill of mine will be up for a Committee of Conference in a day or two, and I wanted to be prepared. Now I am quite disturbed about the procedure that went on here, and I would like a little information on that subject.

The SPEAKER: The Chair will advise the gentleman that the conferees on a Committee of Conference have authority to make certain adjustments which they have done here.

The motion before the House is on the engrossment of this Legislative Document as amended by House Amendment "C," House Amendment "E," and House Amendment "J."

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Could I ask one more question then. Under House Amendment "E," — House Amendment "E" was Mr. Bragdon's amendment and we as I understand it put the amounts in the DED formula as Mr. Bragdon wanted them. Well, now I understand they've come back from the Senate as they originally were in 1606. Am I correct in that?

The SPEAKER: Going back, House Amendment "E" was postponed in the Senate, however according to the Conference Report, which you have upon your desks,

House Amendment "E" was adopted in the Senate.

Mr. WINCHENPAW: House Amendment "E" is approved by this committee?

The SPEAKER: That is right.

Any further questions?

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

Mr. JALBERT: I have a further question, Am I to understand that way back when we moved to recede, we were moving to recede from our former action or reconsider whereby we had adopted this Committees of Conference Report?

If you don't, Mr. Speaker, in my opinion, if you don't move because of the fact that we've kind of amended this Committees of Conference Report, if you don't reject this Committees of Conference Report, then how can you name another Committee of Conference because you rejected—you accepted this Committees of Conference report.

The SPEAKER: When we get through engrossment, we will move to insist.

Is it now the pleasure of the House to pass this Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1962," House Paper 1165, Legislative Document 1606, to be engrossed as amended by House Amendment "C," House Amendment "E," and House Amendment "J"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to insist and request a second Committee of Conference?

The motion prevailed.

The SPEAKER: The Chair understands that the gentleman from Pittsfield, Mr. Baxter, moves that the House recess for fifteen minutes. Is this the pleasure of the House?

The motion prevailed and the House so voted to recess.

After Recess

7:30 P. M.

Called to order by the Speaker.

The SPEAKER: On the disagreeing action on Legislative Document

1606, the Chair will appoint the following conferees:

Messrs. WELLMAN of Bangor
WHITMAN of Woodstock
FOGG of Madison

The SPEAKER: Under the suspension of the rules, is there objection to taking up at this time Supplement Number Two, a Joint Resolution?

The motion prevailed.

The Joint Resolution was read by the Clerk as follows:

JOINT RESOLUTION

WHEREAS, the members of the Legislature have learned with profound sorrow of the death of James Glynn Frost, Deputy Attorney General of the State, on June 3rd; and

WHEREAS, in our work we have constantly relied on his legal ability and wise counsel;

AND WHEREAS, his deep concern for the public interest reflected sterling qualities of character and mind;

AND WHEREAS, the members of the Legislature sense in his passing a personal loss and genuine grief;

NOW, THEREFORE, BE IT RESOLVED: That the State of Maine mourns the loss of a faithful and valued public servant and the Legislature laments the departure of an esteemed and trusted friend;

AND BE IT FURTHER RESOLVED: That these Resolutions be entered in our Journals and an engrossed copy of these Resolutions be sent to his family (S. P. 578)

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

Order Out of Order

On motion of Mr. Chapman of Gardiner, it was

ORDERED, that a Committee be appointed consisting of the Speaker of the House and seven members appointed by him to attend the funeral of the late James Glynn Frost, former Deputy Attorney General, as representatives of the 100th Maine House of Representatives.

The Speaker appointed the following members from the House to represent the House:

Messrs. KNIGHT of Rockland
DAVIS of Calais
MacGREGOR of Eastport
WADE of Skowhegan
STEWART of Presque Isle
PLANTE
of Old Orchard Beach
FOGG of Madison

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker, with respect to the funeral in the offing tomorrow, I move that the House now adjourn until eleven o'clock.

Thereupon, the House voted to adjourn until eleven o'clock tomorrow morning.