

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 12 - JUNE 17, 1961

and

SPECIAL SESSION

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DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Wednesday, June 14, 1961

Senate called to order by the President.

Prayer by Rev. Ernenst D. Smith of Strong.

On motion by Mr. Stanley of Penobscot Journal of yesterday was Read and Approved.

The PRESIDENT: The Chair welcomes back to the Senate Chambers, the Senator from Aroostook, Senator Cyr, and the Senator from Penobscot, Senator Bates. We missed them for two days.

COMMUNICATION

State of Maine
House of Representatives
Office of the Clerk
Augusta

June 13, 1961

Honorable Chester T. Winslow
Secretary of the Senate
100th Legislature
Sir:

The Speaker of the House today appointed the following members of the House to serve on the Interim Joint Committee to study the functions of the Department of Economic Development, and report to the 101st Maine Legislature. This Committee was created by Joint Order, S. P. No. 588.

Messrs. GARDNER of Orono, TYNDALE of Kennebunkport, SCHULTEN of Woolwich, KIMBALL of Mount Desert, BURNS of Westbrook.

Respectfully,

HARVEY R. PEASE
Clerk of the House

Which was Read and Ordered Placed on File.

Mr. Boardman of Washington presented a Senate Resolution and moved its adoption.

The Secretary read the Resolution:

STATE OF MAINE
100th LEGISLATURE

Senate Resolution of Recognition

Be it hereby recognized that this date, June 14, 1961, is Flag Day and also the 186 birthday of the United States Army.

On that date, in 1777, the Continental Congress resolved: "That the flag of the 13 United States be 13 striped, alternate red and white: that the union be 13 stars, white in a blue field, representing a new constellation."

General Washington, when the Star Spangled Banner was first flown by the Continental Army, is said to have described its symbolism as follows:

"We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty."

June 14th is also the 186th birthday of the United States Army.

Since its founding on 14 June 1775, the United States Army has always been faced with some kind of challenge, and it has met each challenge steadfastly and bravely.

The history of the United States Army from 1775 to the present is full of glorious and courageous achievements in war and peace. The Army record in war is long and inspiring. But there are also places and persons in this heritage that mark a record of proud achievements and vast contributions to the civilian economy and well-being in periods of peace.

This record, too seldom recalled when the Army is honored, has left indelible entries in America's history.

Which was read and adopted.

On motion by Mr. Noyes of Franklin,

Recessed to the sound of the gong.

After Recess

Senate called to order by the President.

On motion by Mr. Noyes of Franklin Recessed until 1:30 this afternoon.

After Recess

Senate called to order by the President.

Papers From the House Non-concurrent Matter

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)

In Senate, June 6, that body Receded and Concurred with the House action, whereby the Bill was Passed to be Engrossed, As Amended by House Amendments: "C" (Filing No. H-321), "E" (Filing No. H-324), "J" (Filing No. H-330) pursuant to the report of the Committee of Conference.

In House, on June 14, Passed to be Engrossed, As Amended by House Amendments: "C" (Filing No. H-321) and House Amendment "O" (Filing No. H-397) in Non-concurrence.

Mr. NOYES of Franklin: Mr. President, I move that the Senate insist on its former action.

Mr. FARRIS of Kennebec: Mr. President, it seems now that we do have before us an amendment which certainly is not pleasing to a great many legislators in both branches, but the other Body has taken a compromise action which they were not in favor of doing two or three weeks ago, and in this body two or three weeks ago, similar cuts were proposed in the supplemental budget and at that time the cuts even went deeper than the cuts that are proposed in House Amendment O which is now before us, and at that time in this body there were fifteen Senators who were in favor of even deeper cuts, and also I might add, we who did favor those cuts did it with great reluctance but at that time we could foresee what could well happen toward delay of adjournment of this 100th legislative session, and we have seen for the past couple of days that we are going to have a long session unless there are some compromise propositions which can be worked out.

This, I feel, members of the Senate is at least an opportunity for us to make a start toward breaking this log jam and the only way which we can make a start toward breaking the log jam is to recede and concur. We have had the insisting action, we have had Committees of Conference and they have been a complete failure at the present time. One thing in particular that I wish to point out at this time is this: That we who have been opposed to the sales tax have been called obstructionists and I just want it to be known for the record that in the entire legislature at the present time, there are approximately eighty opposed to a sales tax and approximately sixty in favor of a sales tax, and if the Republican Party is to start operating by the will of the majority, then I think it is time that we do have some Committees of Conference between members of both bodies so that we can come up with some sort of a solution.

So, at this time, I sincerely urge that in order to start making some progress toward adjournment this week, that we recede and concur.

Mr. NOYES of Franklin: Mr. President, I think we've been over the supplemental budget many times and I think we all understand what is in it. If we are going to cut the supplemental budget by House Amendment O, we are merely chipping away at it, and who knows what is coming next. I stated, both as the Senator from Franklin and as the majority leader, several weeks ago that the supplemental budget at most is a moderate proposition and a meagre proposition and most certainly it is conservative progress. I arise to say that if we start chipping away at this budget as presented and after all these hours and months of work that we are going to continue to chip until we have nothing.

Therefore I hope that my motion will prevail and I will ask for a division.

Mr. PORTEOUS of Cumberland: Mr. President I feel that the other body has done a remarkably fine

and equitable piece of work in turning out Amendment O. I feel that if any agreement is to be reached, it can be reached on this basis. It reduces the supplemental budget by \$2,195,000. Not a very deep cut. I would ask any member who is opposed to the cutting of this supplemental budget, this question: How many L. D.'s come out on the floor of either Body and are not cut in some way or turned down completely. Is it not fair that after these measures have been proposed, after the Appropriations Committee has gone over them, that the two bodies of the legislature, the general court of the State of Maine should not have the right and should it not be its duty to carefully go over this and to make cuts with, having in mind the amount of money available to pay for that which is proposed.

We have been deliberating over these matters for many hours now, and for many days. There have been many various alternative programs which have been proposed. We have proposed other taxes; we have proposed some cuts here and some cuts there; we have proposed to bond some capital improvements as a way. However, in the face of this majority which the Senator from Kennebec, Senator Farris refers to, so many in the in the face of this majority, our House and so many in the Senate, leadership stands firm. They stand firm for one thing primarily. Not the supplemental budget so much, not the L. D.'s that are in the offing, but they stand firm for the sales tax, an increase of one half of one per cent in the sales tax which affects all the people in the State of Maine. I would submit to these fine Senators here who stand so solidly for it, and I would submit to the Governor, that I have never heard in all the time that I was campaigning, anybody campaign in favor of a sales tax, but the work that has been going on in the corridors and behind the doors of this legislature in the past few days and the past few weeks, has been primarily to attain the passage of a sales tax increase. I

think we have come up with a compromise but when two parties are at odds, it takes two parties to compromise. One party will not compromise, and this is a stalemate. The only way to break the stalemate in my book is to pass House Amendment O.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the Senate recede and concur.

Mr. NOYES of Franklin: Mr. President, I request a division.

Mr. MAYO of Sagadahoc: Mr. President, I request the Yeas and Nays.

Mr. ERWIN of York: Mr. President, I rise in support of the motion of the Senator from Kennebec, Senator Farris, that the Senate recede and concur in the matter of the supplemental budget. Let the record show, Mr. President, that we who oppose the sales tax have offered not one but several compromises. Let the record show that one by one these compromises have been rejected. Let the record show that many of the people who reject these compromises are people who aided and abetted and encouraged their promulgation. Let the record show that we stand at a point which is nothing more or less than a stalemate. It now becomes the burden of those who oppose this compromise to offer to present something else. But until that something else is offered, and nothing has appeared that I have seen, I wish the record to show that I support the motion to recede and concur with the House.

Mr. COUTURE of Androscoggin: Mr. President, I rise to oppose a future sales tax of a half of one percent, although I am to vote against this Amendment O. I do feel that this Amendment O is striking out and cutting the most important things that we have in this supplemental budget that we should support, for our needy people in the State of Maine. That is under Health and Welfare. All of us are aware of the obligation we have toward the needy people and I still believe that this Amendment O could be defeated and

still do without a half of one per cent sales tax, if the proper steps are taken.

Again I repeat that never will I take a stand to cut any welfare appropriation, especially in the critical year we are facing today with so many unemployed now and the previous action of this Senate disqualifying these people from receiving minor pay each week under unemployment compensation. We have taken a stand and a vote here on these people who are unemployed and through no fault of their own whatsoever — just consider what we see in the city of Lewiston of a mill closing down and laying off people by the thousand and other mills closing down and people are facing having to leave their family and go out of state because of an act of the Senate here, or else be left with no revenue whatsoever even under unemployment that this Session attacked. We have penalized them enough now; even under pregnancy and I do believe —

Mr. MAYO of Sagadahoc: Mr. President, a point of order.

The PRESIDENT: The Senator may state his point of order.

Mr. MAYO: Mr. President, we are not at this time debating the employment security law.

The PRESIDENT: The Chair will entertain the point of order. Will the Senator continue on the subject.

Mr. COUTURE: Mr. President, if I am in order. I am speaking directly on the cut of appropriations on health and medical care. I think I am in order.

The PRESIDENT: The Senator may proceed.

Mr. COUTURE: In remembering the past that now this cut is forcing me to go along to defeat Amendment O. Again, these unfortunate people on pension, unemployed have been penalized enough without penalizing them in such an amendment.

Mr. LOVELL of York: Mr. President and members of the Senate, I suppose there is very little I can say that would change the vote that is coming up before you now but I would like to remind you again that in Maine if we buy

a sales tax at this time we are hurting our state not only in the future industrial and recreational development but we are adding to the burden of the citizens of Maine who are now paying the highest tax per capita of any state in New England and also have the lowest income per capita of any state in New England, something which if you go home this week-end — and I doubt very much if the opponents of the sales tax are going to give in — as the good Senator from York, Senator Erwin has stated, we have offered many compromises and nothing is acceptable to the leadership. There comes a time when for the good of our own county and the good of the State of Maine, that we must stick to our guns, and I assure you we will stick to our guns. There is a certain group in this Senate that will not change their vote and vote for the sales tax. When you go home this week-end and face your people, and I don't know if your counties are as bad as York County is, twenty-two of our twenty-eight towns are labor distressed areas but I can assure you when you go back to your homes the people aren't going to like the idea of an increase in the sales tax when, for example we have already voted over four million dollars as an emergency program from the surplus, we have increased our current services by ten million, there's fourteen and a half million increase over the last biennium and certainly that is well over ten per cent. How fast can we progress?

I will agree that the supplemental budget is fine but we must now at this time accept this cut. I want to see Maine progress but we must progress gradually and with prudence and we cannot progress with a three and a half per cent sales tax when so many of our citizens will be burdened so highly.

Although I know that this won't change any votes, I want you Senators to stop and reflect and think very carefully and I hope you go along with the motion of the Senator from Kennebec, Senator Farris, to recede and concur.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the Senate recede and concur. The Senator from Sagadahoc, Senator Mayo, has requested a yea and nay vote. In order for the Chair to entertain the request of the Senator from Sagadahoc, Senator Mayo, it will be necessary for one-fifth of the Senators in attendance to vote in the affirmative. All those in favor of the request of the Senator from Sagadahoc, Senator Mayo, will rise and stand in their places until counted.

A division was had.

The PRESIDENT: Obviously more than one-fifth of the Senators present have voted for the request of the Senator from Sagadahoc, Senator Mayo, and the roll call is in order.

Mr. CHASE of Lincoln: Mr. President, I ask consent of the Senate to be excused from voting because of the fact I have paired my vote with that of the Senator from Knox, Senator Stilphen, who is unavoidably absent today. If Senator Stilphen were here he would vote "No" and I would vote "Yes".

The PRESIDENT: Is the request of the Senator from Lincoln, Senator Chase, granted? The Senator may be excused from voting.

Mrs. LORD of Cumberland: Mr. President, I am not familiar with House Amendment "C".

The PRESIDENT: House Amendment "C" strikes out all of the paragraph "Administration". That is the Governor's DED executive. Is that clear to the Senator?

Mrs. LORD: Yes, Mr. President.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the Senate recede and concur.

The Secretary will call the roll.

The Senators responded as follows:

YEA: Brewster, Brown, Cole, Cyr, Erwin, Farris, Ferguson, Lovell, Mayo, Pike, Porteous — 11.

NAY: Bates, Boardman, Boisvert, Brooks, Carpenter, Christie, Couture, Davis, Edgar, Edmunds, Gil-

bert, Hillman, Jacques, Lord, Marden, Noyes, Parker, Stanley, Wyman — 19.

The PRESIDENT: Eleven having voted in the affirmative and nineteen in the negative the motion does not prevail.

The question now before the Senate is the motion of the Senator from Franklin, Senator Noyes that the Senate insist upon its former action.

The motion prevailed.

House Committee Reports

Committee on Conference on Bill, "An Act Relating to Uniforms for Deputy Sheriffs." (H. P. 723) (L. D. 790) reported that they are Unable to Agree.

Which report was Read and Accepted.

Committee of Conference on Bill, "An Act Amending Charter of City of Waterville." (H. P. 825) (L. D. 1140) reported that they are Unable to Agree.

Which report was Read and Accepted.

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table the 5th tabled matter, (S. P. 272) (L. D. 873) Senate Report, "Ought to pass as amended by Committee Amendment A" from the Committee on Appropriations and Financial Affairs on "Resolve, in Favor of Development of State Park on Rangeley Lake," which was tabled on June 7th by that Senator pending acceptance of report.

Mr. NOYES of Franklin: Mr. President, I have prepared Senate Amendment "A" which I think you all have on your desks, and, if not, it is filing No. S-279, and before I present that I would first move that the resolve be substituted for the report so that I can present Senate Amendment "A".

The motion prevailed and the resolve was substituted for the report of the committee.

Mr. NOYES: Mr. President, I now rise to speak on Senate Amendment "A".

As you will recall, the bill which I am about to amend by Senate Amendment "A" was a resolve

which I put into the legislature, calling for the development of a State Park on Rangeley Lake. Those of you who were here several years ago know that we appropriated some \$800,000 for the development of state parks in other sections of the State, and I am glad to say that I went along with that program. At the time of the hearing before the Appropriations Committee I went before the committee and said, "I think it is about time that we have a statewide package."

Not only am I interested in Rangeley State Park, of course, but I am interested in all the state parks in the State of Maine, and I think my record here in the legislature has shown that impartially and fairly I have been for a statewide park program.

I will go over Senate Amendment "A" with you shortly. What this calls for is a self-liquidating bond issue for capital improvements and extension of a park program. As you go down through it you will see how the various other parks in the State are affected, and I will get into that further. But, without taking too much time, I think it is necessary to review for you folks what is going on in Maine under the present State park program, and I am sure that at one time or another you have had this report of 1959 on the Camp Use of the State Parks. Very generally, I will just give you some of the facts, and they are all found on Page 5. Furthermore, we have another study from which I can give you more facts and figures on the tenting and camping and the use of state parks in the State of Maine.

Now, generally speaking, in 1959 198,192 people used our state parks. Also, in the same year over 200,000 people were not allowed to use our state parks because we did not have the facilities. Before our Committee on Industrial and Recreational Development Commissioner Wilkens testified that over 42,000 people were turned away from Baxter State Park alone. I am sure that in your section you are familiar with the

number of people that we are not able to accommodate each summer.

Now all the expectation and the report is that in the year 1961 in America one million people will go camping. Think of it — one million people. And within a 450-mile radius of any state park in the State of Maine 26 per cent of the population of America resides, and therefore you have a potential use of 26,000,000 people coming into the State.

We have got to develop our facilities, and it is a very necessary thing and it is a two-pointed proposition because, No. 1, we have a lot of people in our state in our large cities who like to get out in the great outdoors, and, secondly, as an economic proposition we are turning down millions of dollars of revenue. If you accept these figures I have given you and if you accept this report which cost us \$18,000 and this one cost us \$2000, and you have got other reports — if you accept the report and the figures, you will find that if 200,000 additional people can use our accommodations for one day, using the figure of seven dollars per day which they spend in the area and in the state, you will readily see that beyond the dollar or two dollars which they are going to turn into the Park Commission that they will contribute \$1,400,000 per day to the general economy of the State of Maine.

Now there is not an accurate figure on just how many days they stay, but it seems to be the consensus of opinion, taking Acadia National Park and state parks we know and the general figures, that the average stay is five days. You multiply that per person and you come up with a whopping figure of over \$7,000,000 per day.

A lot of people in this state are opposed to campers because, No. 1, they say they are a cheap crowd. The 1959 survey indicated that the average annual salary of the campers in Maine was \$7000. I submit to you to get an average of \$7000 you have got to have a lot of people in a much higher bracket to hold that average up.

There are many other things with which I am sure you are acquainted in regard to the potential, but we are talking about an investment, and while this legislature would not appropriate one million dollars perhaps for this state park program, I have offered to you a solution through a self-liquidating bond issue. Now it has been said that we do not like bond issues. We like bond issues if they are for capital construction, and this is for capital construction, and if they are self-liquidating we like them. I think if you will turn for a minute to the sheet which I have prepared or look at the amendment you will see that this million dollar bond issue is a ten-year proposition, and, very obviously, talking about principal, that would mean that we would have to pay back a hundred thousand a year on the principal and of course in the first year the interest would be \$50,000.

Now, as outlined and as submitted in Senate Amendment "A" it calls for the best use of this money which in the judgment of the Park Commission and the Bureau of Public Improvements would be the place to spend it, and they have both indicated that with this capital improvement and with putting the money to use as indicated in the amendment, that this will increase our capacity 250,000 people. Now if the State Park Commission can net a dollar per head there is \$250,000 — and they can — and therefore you have more than enough to pay the principal and interest on this self-liquidating bond issue.

I could go on and tell you what they are doing in the State of New Hampshire. They have just come up with a ten million dollar bond issue for state parks alone. I could go and tell you that the legislature in Wisconsin just enacted and put through a bond issue for fifty million dollars, and I am sure you know what Massachusetts and the other New England States are doing in this activity.

Now this is an investment and it is a self-liquidating proposition.

We are talking about taxes and we are talking about revenues in the future, and it is about time that we talked about things which are self-liquidating and an investment which not only brings money into the State of Maine, into the coffers, but also brings in additional taxes and also brings in a lot of revenue to the people of the State of Maine. That applies to every filling-station, to every restaurant and even to the hotel and motel owners, because it is estimated that 25 per cent of the time that these so-called campers are in the State of Maine they will stay at cabins or hotels or motels.

I hope that this Senate will give this their very earnest consideration.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate: I am in sympathy with what the Senator from Franklin, Senator Noyes, is attempting to accomplish, especially if this is a self-liquidating bond issue as he has told us. But I am a little confused in reading the amendment as to just how this is going to be self-liquidating.

I would remind the Senate that I believe the legislature of two years ago undedicated the park revenue, it now being in the general fund. It seems to me that if we pass this amendment that is now drafted we will simply be making a million dollar appropriation from the general fund. I would suggest to the Senator from Franklin that he table this and perhaps amend his amendment in some way to clarify the payment of the bond issue.

Mr. NOYES of Franklin: Mr. President, I would be glad to table it if that seems to be the question. This was prepared in exactly the same manner as the self-liquidating capital construction for the normal schools and I think the language is similar and I think it follows that if and when this goes out to referendum and if and when it is favorably acted upon by the people of the State there is no question but what when the bonds are issued it would be turned into the general fund. Perhaps I am wrong but that is the way I understand it.

Mr. LOVELL of York: Mr. President, I heartily concur with the Senator from Franklin, Senator Noyes, upon this bond issue because the State of Maine certainly needs to progress in its parks, and, as Senator Noyes has stated, this is a very fine step forward. It is something that is not new, it has been done by many other states, and the figures just roughly would mean an increase in the tourist business in the State of Maine of nearly a hundred million a year. Now that is taking probably an optimistic figure, but let's cut it to fifty million dollars a year, let's cut it in half, let's be pessimistic because we are generally pretty pessimistic in Maine, let's cut it in half, and that would mean in direct taxes to the state a million and a half a year which would go into the general fund or the surplus, and certainly that is a good deal more than enough to pay the interest and the retirement of the bonds as Senator Noyes has suggested. I wholeheartedly concur with him and I hope the Senate will see fit to pass this bill.

The PRESIDENT: The Senate may be in recess for two or three minutes.

After Recess

The Senate was called to order by the President.

The PRESIDENT: Will Senator Brown of Hancock please act as Senator pro tem for a few minutes?

(At ease)

The Senate was called to order by the President pro tem.

The PRESIDENT pro tem: We will now recess until the gong.

After Recess

Senate called to order by the President.

The PRESIDENT: The pending question when we recessed was on Resolve in Favor of Development of a State Park on Rangeley Lake" (S. P. 272) (L. D. 873) which we would like to finish before we go to the House.

Thereupon, the bill had its first reading, and on motion by Mr.

Noyes of Franklin, Senate Amendment A was read and adopted.

Mr. Davis of Cumberland presented Senate Amendment A to Senate Amendment A and moved its adoption.

Thereupon, the Senate voted to reconsider its action just taken whereby it adopted Senate Amendment A.

Senate Amendment A to Senate Amendment A was read.

Mr. MAYO of Sagadahoc: Mr. President, there seems to be confusion here with Senate Amendment A to Senate Amendment A. One was introduced by Senator Davis of Cumberland and another by Senator Lovell of York, and one has been reproduced.

Thereupon, on motion by Mr. Noyes of Franklin, the resolve was retabled.

Mr. NOYES of Franklin presented the following order and moved its adoption:

ORDERED, that a message be sent to the House of Representatives, proposing a convention of both branches of the Legislature to be held forthwith in the Hall of the House for the purpose of extending an invitation to His Excellency, Governor John H. Reed to appear before the convention and make such remarks as he may be pleased to make.

Read and passed.

The Secretary delivered the message and subsequently reported that he had delivered the message with which he was charged.

A message was received from the House of Representatives, through Harvey Pease, its Clerk, that the House concurred in the recent proposal for a convention to be held forthwith in the Hall of the House for the purpose set forth in the message.

The Senate retired to the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

In the Senate

Senate called to order by the President.

**Paper From the House
Non-concurrent Matter**

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)

In Senate, June 14, that body voted to Insist on its former action whereby the Bill was Passed to be Engrossed, As Amended by House Amendments "C", "E" and "J."

Comes from the House, that body having Insisted on its former action whereby the Bill was Passed to be Engrossed As Amended by House Amendments "C" and "O", in Non-concurrence.

Mr. NOYES of Franklin: Mr. President, I move that the Senate further insist on its previous action and ask for a Committee of Conference.

Mr. PORTEOUS of Cumberland: Mr. President, I ask for a division.

Mr. MAYO of Sagadahoc: Mr. President, I would like to ask the Chair a point of order. It is my opinion, not my opinion, but my understanding, that when a bill has gone through the process this one had, it would take two-thirds at this time to reconsider and agree to a committee of conference. Originally we did not agree. Now do we have to have two-thirds at this time?

The PRESIDENT: The Chair will inform the Senator from Sagadahoc, Senator Mayo, that a majority vote is all that is necessary.

The question is on the motion of the Senator from Franklin that the Senate further insist and ask for a Committee of Conference; a division has been requested by the Senator from Cumberland, Senator Porteous.

A division of the Senate was had.

Twenty-eight having voted in the affirmative and two opposed, the motion prevailed.

The Chair appointed as Senate conferees, Senators Davis of Cumberland, Stanley of Penobscot and Marden of Kennebec.

On motion by Mr. Noyes of Franklin Recessed until eight o'clock tonight.

After Recess

Senate called to order by the President.

Report of the Committee of Conference 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) reported that they are Unable to Agree.

(Signed) ROBERT A. MARDEN, EARL W. DAVIS, JAMES S. STANLEY.

Committee on part of Senate.

DAVID H. WESTERFIELD, DAVID J. KENNEDY, W. H. HARDY.

Committee on part of House.

Mr. NOYES of Franklin: Mr. President, I move that the Senate reject the report of the Committee of Conference.

The motion prevailed.

Mr. NOYES: Mr. President, I now move that the Senate further insist and ask for a new Committee of Conference.

The motion prevailed and the President appointed as Senate conferees on the new Committee of Conference: Senators: Marden of Kennebec, Davis of Cumberland and Stanley of Penobscot.

Mr. PORTEOUS of Cumberland: Mr. President, may I ask the Chair a question?

The PRESIDENT: The Senator may ask the question.

Mr. PORTEOUS: Mr. President, would it do any good to appoint the same Committee all over again and have them disagree all over again?

The PRESIDENT: The Chair has named the Committee of Conference.

Mr. LOVELL of York: Mr. President, would it be possible to get a little larger committee of conference, representing the different interests of the House and the Senate?

The PRESIDENT: The Chair will inform the Senator from York, Senator Lovell, that the Senate tried to do just that but the House refused.

Mr. Mayo of Sagadahoc was granted unanimous consent to address the Senate.

Mr. MAYO: Mr. President and members of the Senate, I did not rise in opposition to the appointment of this second Committee of Conference, but I am very upset that the first committee did not arrive at an equitable solution. I would just like to briefly say that if this situation which we are in is going to continue for many hours, I think that the Senate and the rest of the Legislature is going to receive tremendous criticism not only from our constituents but from many other avenues.

I very reluctantly would want to be here on the 4th of July but we are definitely heading towards that, and I would like to inquire if it is going to be possible to adjourn the Senate while its Committee of Conference is in session, and come back tomorrow morning possibly with a little clearer mind, a little more awakened body and try to resolve this problem we are all in. I am not being facetious. I am not in any way trying to condemn the leadership. I am trying to be realistic and realize that we have been hanging around these corridors hour after hour, waiting for conferences, and caucuses in the various branches, and personally I will admit I am tired. My mind is not clear and I think that is true of a lot of other Senators here. I would hope that our leadership would realize that we are leading toward very poor judgment and we should possibly adjourn some time and come back tomorrow morning.

The PRESIDENT: The Chair will inform the Senator from Sagadahoc, Senator Mayo, that there is no intention of operating all night. I appreciate the remarks.

Mr. COUTURE of Androscoggin was granted unanimous consent to address the Senate.

Mr. COUTURE: Mr. President, I do feel that a Committee of five possibly would have better results. Of course I know that the House has disagreed with us in the past, but in the meantime,

maybe this time they would agree. We appointed a Committee of Conference and they didn't agree. Would it possibly be better to hold back here five or ten minutes to see if the House would accept a Committee of five and see possibly a better chance for a solution? If they reject it, then we could send a Committee of three and we wouldn't be in any worse position that we are now.

The President laid before the Senate the 7th tabled item (S. P. 580) (L. D. 1634) bill, "An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for Fiscal Years Ending June 30, 1962 and June 30, 1963" tabled on June 9 by Senator Lovell of York pending consideration.

Mr. LOVELL of York: Mr. President and members of the Senate, it would seem to me that certain bonding could well be the solution to this difficulty that we are in at present. I didn't expect this to be taken from the table at this time. I think that we should leave it until we hear the results of the Committee of Conference. I know that in the legislature two years ago there was certain bonding done on capital improvements and I think that this bill should wait until we have resolved in some manner just what we are going to do on the supplemental budget, and after that, then we can remove this bill from the table and see what we want to do on capital improvements, whether we want to bond them or take it from the surplus.

The PRESIDENT: The Chair will inform the Senator from York, Senator Lovell, that we have an order passed in the Senate, we have a House that is waiting without any action, this has not been debated in the House and if you choose you may table it until later but I feel that we should send this bill along to the House tonight.

Mr. LOVELL: Mr. President, I move that the Senate insist on its former action whereby the bill was passed to be engrossed.

The PRESIDENT: Would the Senator from Hancock, Senator Edgar please approach the rostrum? The Chair is asking the Senator from Hancock, Senator Edgar to act as President pro tem for a short time.

Mr. Edgar of Hancock assumed the Chair.

Mr. EDMUNDS of Aroostook: Mr. President, I assume the motion by Senator Lovell of York would mean that we would be insisting upon our former action whereby we adopted Senate Amendment A which as I recall converted the capital construction program to a bond issue program? Is that correct, Mr. President?

The PRESIDENT pro tem: That is correct, Senator.

Mr. EDMUNDS: Mr. President, when the vote is taken, I would request a division and I would hope that this motion would be defeated.

The PRESIDENT: The question before the Senate is the motion of the Senator from York, Senator Lovell, that the Senate insist on its former action whereby this bill was passed to be engrossed as amended by Senate Amendment A. A division has been requested.

Mr. FARRIS of Kennebec: Mr. President, may I inquire as to when this measure was originally tabled, is it not in the record that this was to lie upon the Special Appropriations Table until other matters were to be taken up? I am not positive, but would the Senator from York, Senator Lovell recall?

The PRESIDENT: The Chair would advise the Senator from Kennebec, Senator Farris, that the records do not show that it was placed on the Special Appropriations Table.

The question before the Senate is the motion of the Senator from York —

Mr. PARKER of Piscataquis: Mr. President, I rise to inquire, is there a filing number on Senate Amendment A and may we have time to read it?

The Secretary gave the filing number of the amendment and the President pro tem declared a short recess.

Mr. DAVIS of Cumberland: Mr. President, I move that this be tabled pending adoption of the motion of the Senator from York, Senator Lovell that we insist.

The PRESIDENT: The question now before the Senate is the motion of the Senator from Cumberland, Senator Davis that this item be retabled pending the motion of the Senator from York, Senator Lovell, that the Senate insist.

Mr. FARRIS: Mr. President —
The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Farris, and would remind the gentleman that a motion to table is not debatable.

Mr. FARRIS: Mr. President, may I inquire if it is amendable, to place it upon the appropriations table pending the motion of Senator Lovell.

The PRESIDENT pro tem: The motion is a motion to table. There was no mention of the appropriations table and a motion to table is not debatable.

The question before the Senate is the motion of the Senator from Cumberland, Senator Davis, that this bill be tabled pending the motion of the Senator from York, Senator Lovell, that the Senate insist on its former action whereby it passed this bill to be engrossed as amended by Senate Amendment A.

The motion prevailed.

Mr. HILLMAN of Penobscot: Mr. President, I move that the Senate adjourn until 9:30 tomorrow morning.

Mr. BOISVERT of Androscoggin: Mr. President —

The PRESIDENT pro tem: The Chair recognizes the Senator from Androscoggin, Senator Boisvert but reminds him that the adjournment motion is not debatable.

Mr. BOISVERT: Mr. President, may I request the Senator who just made the motion, if he would withdraw his motion for a moment?

The PRESIDENT pro tem: The Senator from Androscoggin, Senator Boisvert, addresses a question to the Senator from Penobscot, Senator Hillman, who may answer if he chooses.

Mr. HILLMAN: I certainly will withdraw my motion, Mr. President.

The PRESIDENT pro tem: The Senator from Penobscot withdraws his motion to adjourn and the Chair now recognizes the Senator from Androscoggin, Senator Boisvert.

Mr. BOISVERT: Mr. President and members of the Senate, I would move, out of order, that the Senate reconsider its action whereby H. P. 468, L. D. 668 was passed to be engrossed. This is An Act to Create the School Administrative District in the Town of Orrington.

The PRESIDENT pro tem: The Chair would inquire of the Senator from Androscoggin, Senator Boisvert whether he voted on the prevailing side.

Mr. BOISVERT: I did, Mr. President.

The PRESIDENT pro tem: The Senator from Androscoggin did vote on the prevailing side.

The Chair will declare a very brief recess, and would ask the Senator from Penobscot, Senator Hillman, to approach the rostrum.

Thereupon, President Hillman resumed the Chair, Senator Edgar of Hancock retiring.

Mr. PORTEOUS of Cumberland: Mr. President, I move that we adjourn until 9:30 tomorrow morning.

On motion by Mr. Edmunds of Aroostook a division of the Senate was had.

Eleven having voted in the affirmative and sixteen opposed, the motion did not prevail.

Mr. EDMUNDS: Mr. President, the motion now before the Senate is that we reconsider the action whereby the Orrington bill was passed to be engrossed.

The PRESIDENT: The Senator is correct.

Mr. EDMUNDS: Mr. President, could I keep alive the motion to reconsider if I made a motion to table this at this time? Would the Senator still have the privilege of reconsidering on a majority vote tomorrow if we tabled to a time certain?

The PRESIDENT: The Chair will inform the Senator from Aroostook, Senator Edmunds, you would not be in order. The question before the Senate is on the motion of the Senator from Androscoggin — would the Senator from Aroostook approach the rostrum?

(Conference at rostrum)

Mr. EDGAR of Hancock: Mr. President, on the motion to reconsider, I request that I be excused from voting, in view of the fact that I have agreed with the Senator from Penobscot, Senator Bates, to pair my vote with him. If he were present, he would vote for the motion to reconsider and I would vote against it.

The Senator from Hancock, Senator Edgar was excused from voting.

Mr. ERWIN of York: Mr. President, if I am in order, I would ask for a division when the vote is taken on the motion to reconsider.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Boisvert, that the Senate reconsider its action whereby this bill was passed to be engrossed.

A division of the Senate was had.

Thirteen having voted in the affirmative and fifteen opposed, the motion did not prevail.

On motion by Mr. Noyes of Franklin Adjourned until tomorrow morning at nine-thirty o'clock.