

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

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DAILY KENNEBEC JOURNAL  
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**HOUSE**

Friday, June 21, 1963

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

Prayer by the Rev. Mr. Arthur Christopher of Augusta.

The journal of yesterday was read and approved.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I ask unanimous consent that unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized today to send to the Senate, thirty minutes after the House recesses for lunch and also thirty minutes after the House adjourns for the day, all matters passed to be engrossed in concurrence, and all matters that require Senate concurrence; and that after such matters have been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

The SPEAKER: The House has heard the gentleman from Bangor. Is there objection?

Mr. CROCKETT of Freeport: I would like to have the Order produced and put on our desks. It is pretty deep for my brain this morning to get the entirety of the whole of it.

The SPEAKER: Does the gentleman object?

Mr. CROCKETT: I do.

The SPEAKER: For what purpose does the gentleman arise?

Mr. RUST of York: Would it be possible to suspend that rule whereby reproduction is required so we could accept this House Order?

The SPEAKER: The Chair suggests that we proceed with Papers from the Senate and through the regular order of business, and take up such matters under orders.

**Papers from the Senate  
Conference Committees Report**

Report of the Committees of Conference on the disagreeing ac-

tion of the two branches of the Legislature on

Bill "An Act relating to the Admission of Attorneys to the Bar of the State of Maine" (S. P. 62) (L. D. 112) reporting that the Senate accept the Report and recede from its action whereby the Bill was passed to be engrossed. Adopt Conference Committee Amendment "A" and pass the Bill to be engrossed; that the House accept the Report and recede from its action whereby the Bill was indefinitely postponed. Adopt Conference Committee Amendment "A" and pass the Bill to be engrossed in concurrence with the Senate.

(Signed)

CAMPBELL

of Kennebec

FARRIS of Kennebec

STITHAM of Somerset

—Committee on part of Senate.

RUST of York

MINSKY of Bangor

KNIGHT of Rockland

—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 Conference Committee Amendment "A".

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, Members of the House: I never intended to speak on this bill, but after seeing the report of the Conference Committee, I feel that I must. Now this House, in its good judgment, overwhelmingly defeated this bill, and now it comes back with a conference committee report with the bill practically in its original form. Now I love my profession and I try very hard to study and keep up. Now some of us had the great good fortune to get through college, law school by scholarships, and work, and the G.I. Bill. Now the G.I. Bill, as I know it, probably is gone forever, and if you accept this conference committee report what you are doing, in effect, is denying the poor boy a chance to study in a law office. I say that we should go along with

what the House decided previously, and not slam the door in the face of these ambitious boys who want to devote their time to studying law.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely hope that the House will see fit to go along with the unanimous report of the six conferees because the report is a compromise and it satisfies those members of the House who most violently objected to this bill originally. They are satisfied with the compromise, and I hope that you will support the report.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I rise in support of the conference committee report. As indicated by the gentleman from York, Mr. Rust, this is a compromise, and it permits, if you will read your amendment, it permits the taking of the Bar examination by a student who has completed only two-thirds of his law school education; the remaining one-third may be completed by studying in a law office.

It raises the standards for admission to the Bar, and I feel that it is in the interest of the State of Maine that those standards be raised in this manner.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members: I would be inclined to go along with Mr. Berman on this deal because I can still see a vision of Abraham Lincoln sittin' side of a fireplace studying law, and he did rather well in the law business, and I can see no reason for shutting the door in the face of another poor boy, that perhaps he wouldn't want to sit by the fireplace, but at least he should be able to read law if he so desires.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, Ladies

and Gentlemen of the House: After listening to some of the very lengthy debates relative to points of law that we have had on the floor of this House, my opinion as a layman is that perhaps regardless of the type of education, it's still insufficient. As the members of the Judiciary Committee who are unable to agree on many points of law, perhaps they should go back to some institution of learning, higher learning that is, so that when they come to and are able to take a Bar examination, that the qualifications should be raised so that we have a better quality of persons at the legal level, and I'm very much in favor of the motion of the gentleman from York, Mr. Rust.

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

Mr. RUST: Mr. Speaker, I thank the gentleman from Skowhegan, Mr. Wade, for his remarks, and I heartily concur with him. In answer to the remarks of the gentleman from Hodgdon, Mr. Williams, I would remind him that in Abraham Lincoln's day no one had to go to school, and today we do require our children to attend school to get an education. It is very important.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Karkos.

Mr. KARKOS: Mr. Speaker, now according to this amendment if you have completed two-thirds of college, law school, then you can spend, as I see, at least one year in the office; but I can't see any reason for this particular amendment. The Bar Association itself admits membership, now why bother with anything like that? If there's any qualified student anywhere, if he's qualified, naturally, they'll accept him in their own rights. I therefore oppose this. It was fully debated the other day, and it was beaten about two and a half or three to one. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members: I would wonder that if in Abraham Lincoln's day

the type of lawyers turned out wouldn't be able to compare it with the present setup of education.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, could I have this Resolve tabled until later today?

The SPEAKER: The gentleman from Orono, Mr. Anderson, moves that item one be tabled until later in today's session pending the acceptance of the report. Is that the pleasure of the House? All those in favor will say aye; those opposed, no.

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

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

Mr. Rust of York then requested a division.

The SPEAKER: A division has been requested. All of those in favor of accepting the committee report, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty having voted in the affirmative and forty-seven having voted in the negative, the motion to accept the Conference Committees Report did prevail.

Thereupon, the House receded from its action whereby the Bill was indefinitely postponed.

Conference Committee Amendment "A" was read by the Clerk as follows:

CONFERENCE COMMITTEE AMENDMENT "A" to S. P. 62, L. D. 112, Bill, "An Act Relating to the Admission of Attorneys to the Bar of the State of Maine."

Amend said Bill in the 17th line of section 3 by adding after the underlined word "years" the underlined words "or he has successfully completed 2/3 of the requirement for graduation from a law school approved by said board, and thereafter has pursued the study of law in the office of

**some attorney within the State of Maine for at least one year'**

Conference Committee Amendment "A" was adopted and the Bill passed to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

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

**Non-Concurrent Matter**

Bill "An Act Providing for State Support of Education Foundation Program and the Financing Thereof" (H. P. 1067) (L. D. 1532) which was indefinitely postponed in the House on June 18.

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

In the House: On motion of Mr. Easton of Winterport, the House voted to insist on its former action and request a Committee of Conference.

The Speaker appointed on the part of the House the following Conferees on the disagreeing action of the two branches:

Messrs: EASTON of Winterport  
TREWORGY of Gorham  
SNOW of Jonesboro

**Non-Concurrent Matter**

Bill "An Act to Pay School Subsidies on the Basis of Uniform Local Effort" (S. P. 629) (L. D. 1593) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on June 20.

Came from the Senate with that body voting to insist on its former action whereby the Minority "Ought not to pass" Report of the Committee on Education was accepted and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. BROOKS of Cumberland  
HICHBORN of Piscataquis  
WHITTAKER of Penobscot

In the House: On motion of Mr. Snow of Jonesboro, the House voted

to insist and join in the Committee of Conference.

The Speaker appointed on the part of the House the following Confereres on the disagreeing action of the two branches:

Messrs. CURTIS of Bowdoinham  
EASTON of Winterport  
SNOW of Jonesboro

**Non-Concurrent Matter  
Tabled until Later in Today's Session**

Bill "An Act relating to the Education Foundation Program Allowances" (H. P. 862) (L. D. 1249) which was passed to be engrossed as amended by House Amendments "A" and "B" in the House on June 18.

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

In the House:

Mr. Easton of Winterport offered House Amendment "A" to Senate Amendment "A" to House Amendment "B" and moved its adoption.

The SPEAKER: The Chair would advise the gentleman that the bill is not in a position to be amended, and inasmuch as he is offering an amendment to an amendment to an amendment, it is not in order.

The Chair recognizes the same gentleman.

Thereupon, on motion of Mr. Easton of Winterport, tabled until later in today's session pending further consideration.

**Non-Concurrent Matter  
Tabled until Later in Today's Session**

Bill "An Act relating to Operating Business on Sundays and Certain Holidays" (H. P. 930) (L. D. 1364) which was indefinitely postponed in non-concurrence in the House on June 18.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "E" thereto, and Senate Amendments "E", "F" and "G" in non-concurrence.

In the House: On motion of Mr. Wellman of Bangor, tabled until later in today's session pending further consideration.

**Orders**

(Off Record Remarks)

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, I move that the House reconsider its action whereby this Bill was passed and engrossed on June 20 for the purpose of offering an amendment, L. D. 1591.

The SPEAKER: The gentleman from Belgrade, Mr. Sahagian, moves the House reconsider its action on L. D. 1591, "An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Years Ending June 30, 1964 and June 30, 1965" for the purpose of offering an amendment. Is this the pleasure of the House?

(Cries of "No")

All those in favor will say yes; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Fifty-two having voted in the affirmative and forty having voted in the negative, the motion to reconsider did prevail.

Mr. Sahagian of Belgrade offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to H.P. 1109, L. D. 1591, Bill, "An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Years Ending June 30, 1964 and June 30, 1965."

Amend said Bill under the caption "FINANCE AND ADMINISTRATION, DEPARTMENT OF" by striking out from the paragraph entitled "Bureau of Public Improvements" the lines:

"Acquisition and Renovation of Internal Revenue Building	475,500 —
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Total Finance and Adminis- tration, Department of	493,000 —"
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Further amend said Bill by correcting the totals therein affected

by the adoption of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: You all know how I feel about this amendment, and to further enlighten you, I'll explain again, that the building is just below the State House on the left, the Internal Revenue building. Now the State of Maine is desirous of purchasing this building, and frankly I don't think we need it. It will just mean putting another department in there, over-staffed, with expensive furnishing equipment, and I certainly believe that in the State House or the new office building there is plenty of room, or adequate room, for any new state programs. I certainly hope that you will go along with this amendment. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: As you know, this again deletes the Internal Revenue building which is down on the other side of the street. You may not need this building now, but I do predict that you will need it, and you will spend several times this amount when you build one like it. You will also have the problem of finding land to put it on. Land in this vicinity is very hard to obtain. When you move buildings farther away from these buildings, it means transportation and extra staffing. This is one of the problems when you have to seek locations. As a good business person, I think you ought to think twice before you turn this building down because it's going to be a very expensive proposition to you in a few years from now. Now many of us buy things or do things in our business that we don't want to do right at that moment, but we realize that we have to look a little bit ahead, and I strongly urge the indefinite postponement of this amendment, and I so move.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I have several questions that I wonder if anybody on the Appropriations Committee could answer on this. The first one, does anybody know what the true valuation of this building would be, and also is the building going to be available in the immediate future? There was some talk back a while ago of consolidating all the Internal Revenue services in the eastern part of the country in Massachusetts, but I understand that the Secretary-Treasurer has come out and said that they are not going to do that now. Is this building going to be available in the immediate future, and also what might be the evaluation of this building?

The SPEAKER: The gentleman from Millinocket, Mr. Birt, poses a question through the Chair to any member of the Appropriations Committee who may answer if they choose.

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

Mr. JALBERT: Mr. Speaker, I'll yield to the gentleman from Presque Isle, Mr. Wight.

The SPEAKER: The gentleman from Presque Isle, Mr. Wight, may answer the gentleman's question.

Mr. WIGHT: Mr. Speaker, Ladies and Gentlemen: This building is located diagonally across the street from the State House on the corner of State and Union Streets in Augusta. The federal government plans to construct a new federal building in Augusta including office space for this Bureau of Internal Revenue.

The terms of the option provide that a notice of election to purchase shall be given in writing within 90 days after the adjournment of the 101st Legislature, providing funds for this purpose are appropriated, and the Corporation shall pass a good and sufficient deed to the State on or before March 31, 1964. The price of the option will be a part of the purchase price.

The expansion of the State Department continues each biennium. At the present time office space in the Capitol building is at a premium with many departments so crowded that working conditions are poor and insufficient. Several departments have contemplated

requesting authority to build their own office building or have a wing or floor added to the State Office Building.

Now the subject, the property comprises a lot of land located at State and Union on Columbia Street, with frontage on State Street of 300 feet, on Union Street 250 feet, and on Columbia Street of 294 feet. The lot is improved with a two-story and basement brick office building, a two-story and attic three-apartment dwelling, a one and one-half story frame garage building with two lean-tos, and approximately 37,000 square feet of hard-top parking area.

The report of the appraisers set the reproduction cost of this building at \$654,000. This was reduced for depreciation and obsolescence to \$447,420. To this value was added the value of the site, apartment building and garage to arrive at the appraised value of \$600,000. The option price for the entire property is \$475,000 or \$2,420 less than the appraised value of the office building alone.

Considering the needs for the additional office space in Augusta, the present buildings are crowded in many areas, and the state is renting office space outside of the State Building, it would be very unfortunate if this state does not take advantage of this new opportunity to acquire an office building at a little more than half the reproduction cost.

I hope that answers the question.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen: It was pointed out here a few minutes ago by the gentlewoman from Cumberland, Mrs. Smith, that we should be good business people. Now when I heard that, I thought perhaps I might be interested. When I look into a proposition of this kind, it's always rather interesting to know who owns the building. Evidently the government doesn't. Evidently it's a corporation, and I would inquire who the principal stockholders are. Another thing that rather interests me, we apparently have an option on it

and I would like to know how much the option, how much money is involved in the option on this.

The SPEAKER: The gentleman from Hope, Mr. Hardy, poses a question through the Chair to anyone who may answer if they choose.

The Chair recognizes the gentleman from Augusta, Mr. Humphrey.

Mr. HUMPHREY: Mr. Speaker and Ladies and Gentlemen of the House: I understand from a councilman that there's \$5,000 involved in these buildings in the option, and I would like to mention to the Members of the House that Augusta has lost a lot of taxable property by the state's taking, and this particular building will cost the City of Augusta \$12,000 in tax revenue. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how many of you have been in this building, but I know that it has not been built too many years, and as has been brought out here, that it was originally built by a private corporation and then leased to the federal government, and apparently the federal government is now going to build other quarters and it is to be vacated. Now I don't know whether you know it or not, but there's been a great deal of thought given to a plan here around the State House in regard to this Capitol Park in front of the State House and the building of new buildings around that park. Now the Employment Security Building was built down there in that plan, and it cost somewhere, I believe, over half a million dollars. I don't have just the right figures. It's a beautiful building, and this building that is now on the corner here of State Street and Union Street is definitely in that plan, and I'm going to vote against this amendment because I feel it's good business for the state to acquire this property now while it's available. Because it's directly in the plans of the future buildings of the state here in Augusta around this Capitol Park, and the land is available. If we let it go, we are going to have something in there



maybe that we don't want in that plan, and I'm going to vote against this amendment to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I rise in support of the motion to indefinitely postpone this amendment. We have a Governor's Council. One of its functions is to investigate matters of this kind. It has investigated. It has exercised its judgment. It has taken an option. We have an Appropriations Committee. The Appropriations Committee has investigated this matter. It has given its judgment. I believe it's to the interest of the state if the Legislature accepts and abides by the judgment of these two bodies.

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

Mr. TURNER: Mr. Speaker, it seems funny to me when the state, - - - somebody has got something to sell on the building line, and they want hundreds of thousands of dollars for it, but the state gets loaded up with buildings they don't know what to do with. They talk about selling them for a dollar. Now we've got a wing down there in Fort Fairfield for a hospital, that's been built a few years. They don't know what to do with it, and a lot of them advise us to sell that for a dollar. We've got this Hebron set-up over there, a lot of money invested, and we can't get anything for that. So I think if real estate isn't worth anything, I don't know why we want to go jump in and buy something more to give away.

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

Mr. BERRY: Mr. Speaker and Members of the House: I've had occasion several times during this session to go down to the Vickery Hill Building, and I'm certainly ashamed to think that it is owned and operated, and staffed with personnel and departments of the State of Maine. This building would certainly relieve this situation. If any of you people in the House have any question as to whether we need

this office building, I would suggest you go down to the Vickery Hill Building and wander around. If you don't get lost, why you'd be all right, you can come out, but I almost got lost. It's a real fire trap.

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

Mr. TURNER: Mr. Speaker, speaking of coming down and looking around, after this session of the Legislature is over, you come down and walk around this office building here and you'll think you're going to a funeral. There's nobody there, the desks all empty, and there's a lot of room if they were amind to snuggle up a little and go kind of easy.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, my seatmate has raised an interesting question. I think before I would like to vote on that, I'm interested in at least the name of the corporation. I'd be interested to know who the principal stockholders are, and I'm wondering if this amount of money isn't approximately the same amount of money that's going to be needed on the Appropriations Table bill which would provide for a vocational school up in the northern part of the state. I wonder if we could compare, and make some comparative values here.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentlewoman from Falmouth, Mrs. Smith, that House Amendment "C" be indefinitely postponed.

All those in favor of indefinite postponement of House Amendment "C" will rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had. Sixty having voted in the affirmative and forty-two having voted in the negative, the motion to indefinitely postpone House Amendment "C" prevailed.

Thereupon, Bill "An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnish-

ings for the Fiscal Years Ending June 30, 1964 and June 30, 1965," House Paper 1109, L. D. 1591, was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

On motion of Mr. Mower of Bangor, it was

ORDERED, that Mr. Ross of Brownville be excused from attendance for the duration of his illness.

Mrs. Shaw of Chelsea presented the following Order and moved its passage:

Whereas, Miss Eleanor Kent, daughter of Representative Charles C. Kent, Jr., of Clinton, was recently elected and served as a Representative to Girls State following in the tradition of public service established by her father, uncle and grandfather who each served as Representatives to the Maine House of Representatives; now, therefore, be it

ORDERED, that the House of Representatives of the State of Maine extend congratulations to Miss Kent for this achievement with the hope that her interests and activities will eventually extend to a political career as a member of the Maine House of Representatives; and be it further

ORDERED, that an attested copy of this order be immediately transmitted by the Clerk of the House of Representatives to Miss Kent.

The Order received passage.

The SPEAKER: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, I would inquire if the House has in its possession L. D. 1589, "An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders?"

The SPEAKER: The Chair would inform the gentlewoman that Legislative Document 1589 is in the possession of the House.

Mrs. SHAW: Mr. Speaker, I would move that we reconsider our action of yesterday whereby we insisted and joined a Committee of Conference, and I do hope that the House will vote to recon-

sider this bill. It is of vital concern to each and every county in the state and our differences which we have aired on the Floor are minor. I believe that these can be resolved and I would hope that the House would reconsider so that we could recede and concur with the Senate.

The SPEAKER: The gentlewoman from Chelsea, Mrs. Shaw, moves that the House reconsider its action of yesterday whereby it insisted and voted to join a Committee of Conference.

The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentleman of the House: Frankly, I am getting sick and tired of talking on this measure. I am mindful of the courtesy shown me by the majority of this House in my endeavor to reach a compromise. This House voted, the majority, when I asked for a Committee of Conference. I oppose the motion of the gentlewoman from Chelsea, Mrs. Shaw, in all due respect, and admire her tenacity of purpose but I certainly do not agree with her.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, I thoroughly agree with my good friend from Millinocket, Mr. Crommett. We've reconsidered, we've reconsidered, and then reconsidered again. Personally, we've discussed this bill long and hard enough and it now is in a Committee of Conference and I certainly hope that this House will not reconsider again.

The SPEAKER: The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: Mr. Speaker and Members of the House: Being the owner of the third amendment that was lopped off in the Senate, it is very minor in money. To me it is very important in principle, and I hope that we do not vote to reconsider again.

The SPEAKER: The question before the House is the motion of the gentlewoman from Chelsea, Mrs. Shaw, that the House recon-

sider its action whereby it insisted on Bill "An Act relating to Salaries of County Officials and Municipal Court Judges and Recorders," Senate Paper 682, Legislative Document 1589.

Mr. Benson of Southwest Harbor requested a division.

The SPEAKER: A division has been requested on the motion to reconsider. All those in favor of reconsidering, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty having voted in the affirmative and sixty-three having voted in the negative, the motion to reconsider did not prevail.

#### Indefinitely Postponed

Mr. Taylor of South Portland presented the following Order and moved its passage:

ORDERED, the Senate concurring that the House of Representatives and the Senate adjourn without day.

The SPEAKER: Does the gentleman wish to be heard on the Order?

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: It seems that we are continuing and accomplishing nothing at the moment. I believe many of the members are under undue hardship as to finances and to adjourn without order will create the necessity of a special session; and I so move.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I move that this Order be indefinitely postponed.

Thereupon, on a viva voce vote, the Order was indefinitely postponed.

#### Finally Passed Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House (H. P. 1110) (L. D. 1592)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had. 94 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act relating to the Organization of the Maine State Guard (S. P. 85) (L. D. 192)

An Act Directing Review of Maine Criminal Statutes and Model Penal Code (S. P. 273) (L. D. 787)

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

An Act Creating an Allagash River Authority for State of Maine (S. P. 581) (L. D. 1534)

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

The SPEAKER: The Chair recognizes the gentleman from Oakfield, Mr. Prince.

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to vote for indefinite postponement of this L. D. 1534 and would like permission to speak on the matter.

The SPEAKER: The gentleman from Oakfield, Mr. Prince, moves the indefinite postponement of item four, L. D. 1534. The gentleman may proceed.

Mr. PRINCE: Mr. Speaker, Members of the House: I am rather hoping that the furor that existed at the last appearance of this bill will have passed away and that the members will have shaken off the grip of the power lobbies and the presages of party ruin should this bill be defeated. I realize that never was more pressure put on from the land and power companies than was used at that time to defeat a bill more for political prestige than for the welfare of the people of the state, than was done at that

time. I cannot conceive of any advantage to be gained by denying the people of our state the right to power development by the Federal Government should that government see fit to do so, the alternative being to continue along with the land and power companies which will never do anything for the people of the state only so much as it benefits themselves; and this Commission that it would set up would have as much effect on our prosperity as would a dog's barking affect the moon.

I am in hopes that the Members of this House will today defeat this procrastination bill once and for all; and although I am for the prosperity of the territory from which I come first, I still realize that no greater donation toward the success of the Democratic Party in the next national and state election than the passing of this so-called Allagash Authority Bill would have toward guaranteeing of victory for the said Democratic Party.

Mr. Rand of Yarmouth requested a division.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members: We discussed this thing pretty thoroughly the other day, and I haven't actually anything more to say except rehash some of the other stuff. The only new thing I have is a letter here that was put out by the Department of Economic Development, and I will just take time enough to read the last paragraph. It says, I certainly would not oppose the Allagash Authority Bill as it is an attempt to retain control of this area within the state, which is an attempt in a highly commendable direction. Now here a few days ago, we passed this by quite a good majority on a roll call vote. I would most certainly hope that at this stage, we wouldn't reverse ourselves again. Thank you.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I think all of you have pretty well been doctrinated into the Allagash Area by now, and if not, it would only be by accident. I read in an article in the paper yesterday which I thought might be of some interest to those people that are planning a trip into the Allagash either now or in the future. The article is written by a gentleman by the name of Letourneau in the Bangor Daily News which refers to an article that was written in Life Magazine as to the cost of the trip for fourteen days up in the Allagash of anywhere's from \$1400 to \$2,000, for a man, his wife and two of his children. The summary of the article is that the trip could possibly be made for approximately \$690.

And I found one paragraph of quite a bit of interest for those people that are interested in the canoeing process of the Allagash, and I will read briefly.

"Almost anyone can afford this trip. I consider \$490 clear to be very good two weeks' trips for two persons.

"While on the subject of the Allagash trip, Stacy says he's got another beef which involves water conditions.

"Nearly all lakes are dammed," he continues, "and instead of letting a little water run, the gates either are closed tight until the lake threatens to run over, then opened wide for a day or two, the water drawn, then the gates closed again. Result no water for canoeing. Last year I took a party to Oxbow for a trip to Millimagassett Lake. Before we got out of the landing we were poling. Soon after we were in the river wading and dragging. This was mid-June when there should have been plenty of water in the river. When we got above Mooseleuk Stream we ran out of water entirely. I feel something could be done to improve conditions for canoe travel."

"Stacy also feels that the brochure on Maine canoe trips is 'out of date.' On the big circle Allagash trip, it doesn't mention

the carry between Round Pond and Allagash Lake. Nor does it mention that the gates at Caucomgomac are usually closed, and no water in the Horseshoe below.

"No mention is made that Frank Cowan no longer is with us to haul us over the Mud Pond Carry. If the State of Maine wants the non-resident business, it seems to me that some agency should bring about better conditions all around," he declares at this point.

"Stacy points out that water and other conditions seem to get poorer each year on the famous Allagash trip. There's one exception, in his opinion. The fishing is as good as it ever was, except perhaps for togue (lake trout) in Chamberlain Lake, he contends."

If this is the great Allagash that we want to preserve for the fishermen and for the canoeists, I think we are having a poor show. I think probably a little bit of development in the area would bring the water level to suit the canoeists and also the fishermen. I thank you, and I hope that you will indefinitely postpone this bill.

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

Mr. BERRY: Mr. Speaker and Members of the House: I note with interest once again that I am stepping into a procession of members of the Democratic Party. I find myself in disagreement with them on this particular issue as I explained before to the House. I would invite to the attention of these gentlemen that the illustrious Justice William O. Douglas, who I think originally was appointed by a Democratic President and is a very capable Justice of the Supreme Court and is a member of the Democratic Party, is spearheading the effort to preserve the Allagash. I would suggest that they read some of the things that Justice Douglas has said about the Allagash in recent issues of the paper.

A recent editorial of the Lewiston Daily Sun starts right off this way: "If the federal government moves into the Allagash Region

after the U. S. Department of the Interior report this month, it will be Maine's own fault. This state stands to suffer a severe economic blow by the loss of the vast wilderness area as a productive timberland for the basic pulp and paper industry, as well as its loss for recreational use, present and future."

I would be the first to agree with the gentleman from Enfield, Mr. Dudley, that this is not a perfect bill and that the Allagash perhaps has been studied too much. I would hope that the provisions of this bill are followed in the spirit as well as the letter of the commission which has been set up to enforce it. I would hope that this commission returns to the 102nd Legislature with a concrete plan with definite boundaries for the Allagash, with a plan to implement it worked out with the landowners so that the Allagash, by action of the 102nd Legislature, will come a reality for the good of the State of Maine. I hope the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of indefinite postponement of this Authority bill by the gentleman from Oakfield, Mr. Prince. You all know my feelings on the bill. I don't care whether the bill is sponsored by a Democrat, the Democratic Party, or the Federal Government, we need development in the State of Maine, and I have waited sixty-five years and the State of Maine hasn't done anything but try to prevent the federal government from coming in here. Now we are sending our money down to the Tennessee Valley project and out to the Columbia River, and on the Missouri for development. It is our money, and they are getting all the business out there. I think that this bill is only a block in the way of progress for development to the State of Maine, and I want to go on record as support-

ing the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as we know, has been debated in the House at great length several times. I have not as yet, until now, had a remark to offer relative to my thinking of the Allagash and its potentials.

I have a great deal of respect for the knowledge of the gentleman from Madawaska, Mr. Levesque, and I assume that he has made many trips up or down the Allagash as the case may be. The gentleman from Enfield, Mr. Dudley, I know is an outdoorsman, how many trips he has made on the Allagash, of course, I do not know. I know that he has spent considerable time in Newfoundland moose hunting, etc., but how many trips on the Allagash, I would have to ask the gentleman, I don't know.

Now the gentleman from Hampden, Mr. Littlefield, has made comparison with the Tennessee Valley project, and there isn't any question that when that program was set up some years ago, it was of a necessity for a certain privilege. And today, it is a well known or established fact, that if you want to fish catfish or as they term them down there "rough fish," like a large mouth bass up to a small mouth that you may get them in the Valley Authority. The gentleman has also made references to the Columbia River. He did not elaborate on his point on the Columbia River, and I am hesitant to take issue because I don't know what his points would be on the Columbia. I think it is an established fact that the salmon fishery which has been developed on the Frazer River and not the Columbia, has been something that has been undertaken by both governments, Canadian and United States, with a great deal of success.

I am not opposed to development at the power level in the State of Maine. If I thought for one minute that that would boost the economy of the state, I certainly would be greatly in favor of it. But when

people who, in my thinking, are not familiar with what the Allagash offers as a recreational thing to the State of Maine, I am hesitant to question their knowledge. I am not going to make a personal remark relative to experiences with the Allagash on it and over it, but it would just seem to me that with the federal government as of now asking for, I believe it is, one billion dollars to set aside recreational areas in the United States of America, what their thinking would be relative to some of the thoughts relative to this area that we have.

Now we are all familiar with the great tracts of land that have been given to the State of Maine by the generosity of our former Governor, Governor Baxter. We accepted them here through the Legislature, and I think everybody is very happy and very proud to know that the State of Maine owns the Mt. Katahdin area. Now if it is the thinking of a few people that the Allagash should be destroyed as a beauty and recreational spot, then I think it is their prerogative to go along with that vein. But it would seem a goldarn shame to me, as a former conservationist, to see anything done that would detract from the beauty and the fishing quality which the gentleman, Mr. Levesque, has mentioned, I think it would be a goldarn shame. So I hope that you will take that into consideration when you vote whether or not you want this Allagash Authority. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: First let me point out to you that I have been the whole length of the Allagash, and I thought it was beautiful. I agree with that. I enjoyed it very much. However, I do think it is way oversold, away oversold, and let me say the fishing was very poor. Hadn't I taken some canned sardines with me, I wouldn't have had any fish to eat on the entire trip. But that is beside the point. I think I made it quite plain in trying to explain, as a member of this Committee, I have absolutely no axe to grind except to try to inform this House

my exact feelings on the Allagash Bill and what it does and how many different elements are involved. Now I don't intend to stand here and talk a long time this morning on the Allagash Bill because I certainly have made my views very plain to this House, and I think everybody can understand me, nobody complained about not being able to hear me at least.

Now about newspapers, in regard to newspapers that have been mentioned here, it certainly would depend on which newspaper you read. Someone referred to a certain newspaper in Lewiston that had a certain article and the same day in another newspaper in the same town the article was a different point of view, an opposite point of view let's say. But now there are just two things I want to point out further to this House. This bill, as I have said before, is absolutely no good, and I still think so, and I can tell you basically two reasons why. My first reason would be this. If the Federal Government does do something they will do it in the month of July, that is very soon now, this is the 21st day of June, and if they do something, it is my understanding that this bill in its present form goes into effect in ninety days, so this bill without an emergency accomplishes nothing. And secondly, the part of it that is absolutely no good which I tried to amend, perhaps my amendment was no good, but the intent was there, and section 3 of the bill when it puts just one group of people on to tell what you are going to do with a piece of ground that is bigger than a fourth of the State of Maine, it is more than one-fourth of the State of Maine, quite a little bit more in acres than one-fourth of the entire size of the State of Maine, so we are not only talking about the Allagash, we are talking about the Allagash region. Now section 3 of the bill puts in this commission, this five-member commission. Mind you this, it puts people that are only interested in one phase of the operation, and there are several phases.

Now I say that if you want as Legislators to make a good bill out of this bill, I am not going to

do it any more, I offered my little bit, but section 3 of this bill ruins the whole bill and makes it absolutely no good, because I tried to point out to you once before here when you appoint a commission or an authority or something, it has always been this House and the Legislature of Maine has always tried to be fair and let all the interests invested be represented, but certainly in this bill only one interest is being taken care of, and I think that if you are going to have such a bill and try to throw out such a stumbling block and try to hold back progress in Maine as much as this bill does, that certainly these people let's say in the region of northern Aroostook County—well at least the Town of Fort Kent and those towns that are close, certainly someone from there, the town manager, I proposed the Senator because I know he knows the problem, but if you don't want him, the town manager or the County Commissioner from Aroostook County to appoint someone from that particular town, but certainly what I am trying to tell you that this should be more than just one group of people on this commission, that is two reasons. So basically it is no good any way so I am not going to waste any more time talking about it. I hope you go along with indefinite postponement.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion to indefinitely postpone this bill, and my reasons are as follows: Maine as we all know has far more wilderness area than we do populated areas, and as a representative and a Legislator I believe that each and every one of us should definitely take into consideration that which will benefit the most people within the boundaries of our state.

Now wilderness area and timberlands are fine in certain categories like the paper industry. I believe this area here opened up with the dam and federal projects that are proposed could do far more for our people and the State

of Maine than any wilderness area can ever be accomplished. Now this wilderness area is in fact accessible to only a few people who are willing to endure hardships as our forefathers had to do in order to enjoy this wilderness. Now regardless of party, I believe that party politics should be left out of a measure of this magnitude that can affect and benefit so many people within our state, and that by passing this bill and creating this authority, we are shutting the door on federal promotion and improvements to our state, and I think it is definitely a move in the wrong direction to pass this bill and create this authority, and I certainly hope that the Members of this Legislature will think for the future and do everything that we can to improve our state and build it up and this is the only way that it can be done, and I hope that the indefinite postponement will be successful.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Cape Elizabeth, Mr. Berry, has referred to the Chief Justice as probably being a very good Democrat. I don't regard myself anywhere in line with the Chief Justice Douglas as a Democrat or as being of any credit to the Democratic Party in the State of Maine, and I would probably even make a worse member of the Grand Old Party of the State of Maine, so I think probably the Chief Justice can afford the trip much more often than I can and probably explore the Allagash much better than I could. It is certainly my feeling, that the area of fishing this morning has been covered very well, and the area has been covered thoroughly through the last six months of this Legislature, and I as a Democrat have given my opinions whether they were good or bad as far as I was concerned were an opinion to help the State of Maine to progress further in the years to come.

Now not too long ago I heard a story about the Allagash and it is something like all other fish stories

that you will hear in the State of Maine or throughout any fishing country, that they had gone to the Allagash in the month of July and August, and like all good hunters and fishermen they bring their sleeping equipment which in this case involved a sleeping bag which was air-inflated. They pitched their little tent alongside of the Allagash, put their little air mattresses on the ground; and for those of you who are 99.99 percent of the people of the State of Maine below the boundaries of Aroostook County who have never even visited the Allagash, this is only an example. As those two fishermen went to bed at night in their sleeping bags, very comfortably set for the evening, when comes the mosquitoes of the Allagash of July and August. Now those mosquitoes are the mosquitoes of the world, I assure you; because when they woke up the next morning those mosquitoes of the Allagash had carried their sleeping bags two hundred yards downstream. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, what I know about the Allagash personally is very little. I am not particularly concerned with the fishing, but what I am particularly concerned with is the millions of dollars in payrolls that is put into the State of Maine for the forest products that this whole region produces. And it is for that reason that I would support the bill and be opposed to the indefinite postponement of it.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Burgoin.

Mr. BURGAIN: Mr. Speaker, Ladies and Gentlemen of the House: I have walked the Allagash from the mouth to Long Lake Dam. I have poled canoes up it and run canoes down or paddled. I have run with it with outboard motors up and down and I have flown over it. I believe I have lost count of the trips in the twenty-four years that I lived at St. Francis. The Allagash is still quite a good river for canoe trips and for sports. It was a better river be-



fore 1900 when part of the Allagash waters were diverted to the Penobscot River for power expediency and for the lumbering purposes of the time.

I would like to make you aware of the fact that even if the Allagash was flooded, it would not be flooded for its full length of two hundred miles, but about fifty miles from the lower part of the river. I stand for indefinite postponement of the bill.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: There's just two comments I would like to make. I don't think these gentlemen who talk so eloquently about power development have any assurance that such a dam will ever be built. And another point I would like to clear up besides the five members on this committee, the Governor is empowered to appoint seven advisory members; who they might be, I don't know.

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

Mr. COTTRELL: Mr. Speaker, I regret very much that party politics seem to have been injected in this. I think one of the most inspiring things that I have come in contact with in this session of the Legislature was the possible indication that Quoddy might become a reality, and in the later developments by which Dickey has been suggested as a point for a dam up above the junction of the Allagash and the St. John. It seemed to me that two things were going to be accomplished, the saving of the Allagash and the development of our power. And it's also my understanding that this Allagash Power Authority would not stand in the way of any perhaps eminent recommendation by the Interior Department of such a development. Maybe I am incorrect in assuming that. I would ask that as a question though, whether or not the Maine—this Allagash Authority would be a stumbling block to a recommendation by the Interior Depart-

ment to develop Quoddy and Dickey.

The SPEAKER: The gentleman from Portland, Mr. Cottrell, poses a question through the Chair to any member who may answer if they choose.

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

Mr. BERRY: Mr. Speaker, the use of the Allagash for recreational purposes will not interfere with the power development on the St. John River. This has come out of Washington several times.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, Ladies and Gentlemen: In the absence of the gentleman from Brownville, Mr. Ross, who I understand was a former resident of the State of New Jersey, by the way of rebuttal, the gentleman from Madawaska, Mr. Levesque, whose point I think was well taken and I have no issue with the fact that the Allagash mosquito carried off a sleeping blanket, but you must remember as he stated that that was inflated and of course the air had something to do with it, but the Jersey mosquito it is an established fact that down there the poorer folks or those that get hungry take the backbones out and stuff them.

The SPEAKER: The question before the House is the motion of the gentleman from Oakfield, Mr. Prince, that item 4 be indefinitely postponed.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I feel I would be derelict in my duty if I didn't, as a legislator from that area, if I didn't point out to you again that I feel that this authority is going to be valuable in deciding what final disposition shall be made of this area. I pointed out before that I do not think it will stand in the way of any reasonable power development, and I hope that you will go along again in the passage for this act.

The **SPEAKER**: The Chair recognizes the gentleman from Owl's Head, Mr. MacPhail.

**Mr. MacPHAIL**: Mr. Speaker, for some thirty years now we have heard of Quoddy and its possibilities. This sounds to me like another of the same. I think the biggest question we have to ask among ourselves today is whether we want to retain control of this area or do we want the federal government to do it for us. I oppose the motion to indefinitely postpone.

The **SPEAKER**: Is the House ready for the question? The question before the House is the motion of the gentleman from Oakfield, Mr. Prince, that item four, "An Act Creating an Allagash River Authority for State of Maine," Senate Paper 581, Legislative Document 1534, be indefinitely postponed. Those in favor of indefinite postponement, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The **SPEAKER**: Forty-one having voted in the affirmative and seventy-five having voted in the negative—

Mr. Rust of York then requested a roll call.

The **SPEAKER**: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. Those desiring a roll call, will please rise and be counted.

A sufficient number arose.

The **SPEAKER**: Obviously, one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The question before the House is the motion of the gentleman from Oakfield, Mr. Prince, that item four, "An Act Creating an Allagash River Authority for State of Maine," Senate Paper 581, Legislative Document 1534, be indefinitely postponed. Those in favor of indefinite postponement, will answer "yes" when their names are called. Those opposed to indefinite postponement, will answer "no" when their

names are called. The Clerk will call the roll.

### ROLL CALL

**YEA**: Anderson, Ellsworth; Anderson, Orono; Ayoob, Baldic, Bedard, Berman, Binnette, Boissonneau, Bourgoin, Bussiere, Cartier, Childs, Cope, Cote, Crommett, Denbow, Dostie, Dudley, Edwards, Ewer, Gallant, Hendricks, Hendsbee, Jalbert, Jewell, Jobin, Karkos, Kilroy, Knight, Levesque, Littlefield, Lowery, Mathieson, Nadeau, O'Leary, Philbrick, Pierce, Pitts, Poirier, Prince, Harpswell; Prince, Oakfield; Reynolds, Roy, Rust, Snow, Susi, Taylor, Townsend, Wight, Presque Isle.

**NAY**: Albair, Benson, Berry, Birt, Boothby, Bragdon, Brewer, Brown, Fairfield; Carter, Chapman, Choate, Cottrell, Coulthard, Cressey, Crockett, Curtis, Drake, Dunn, Easton, Finley, Foster, Gifford, Gilbert, Gill, Gustafson, Hanson, Hardy, Harrington, Hawkes, Henry, Hobbs, Humphrey, Hutchins, Jones, Kent, Laughton, Libby, Lincoln, MacPhail, Maddox, McGee, Meisner, Minsky, Mower, Norton, Oakes, Oberg, Osborn, Osgood, Pease, Rand, Rankin, Richardson, Ricker, Roberts, Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Thaanum, Thornton, Treworgy, Turner, Tyndale, Vaughn, Viles, Wade, Waltz, Waterman, Watkins, Welch, Wellman, White, Guilford; Whitney, Williams, Wood, Young.

**ABSENT**: Bernard, Blouin, Bradeen, Brown, So. Portland; Burns, Cookson, Davis, Dennett, Hammond, Jameson, Lebel, Linnekin, MacGregor, MacLeod, Mendes, Noel, Plante, Ross, Augusta; Ross, Brownville; Tardiff, Ward.

Yes, 49; No, 79; Absent, 21.

The **SPEAKER**: Forty-nine having voted in the affirmative, seventy-nine having voted in the negative, with twenty-one being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act to Increase the Pensions of Certain Retired Teachers (H. P. 246) (L. D. 314)

An Act relating to Eligibility of Trustees as Directors of Trust Companies (H. P. 657) (L. D. 913)

An Act relating to Election Returns (H. P. 1058) (L. D. 1523)

**Finally Passed**

Resolve in favor of Town of Arrowsic and Town of Stockton Springs (S. P. 141) (L. D. 418)

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.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I move that all items passed to be engrossed and all items that were enacted this morning, be sent forthwith to the Senate.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, asks unanimous consent that all matters needing Senate concurrence and passed to be engrossed, be sent forthwith. Is there objection? The Chair hears none, it is so ordered.

On motion of Mr. Wellman of Bangor,

Recessed until two o'clock this afternoon.

**After Recess  
2:00 P.M.**

Called to order by the Speaker.

The SPEAKER: Is there objection to taking up Supplemental House Advance Journal No. 1 due at two o'clock? The Chair hears none.

**Papers from the Senate**

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

June 21, 1963

Hon. Harvey R. Pease  
Clerk of the House of  
Representatives, 101st Legislature  
Sir:

The President of the Senate has appointed the following conferees on

the part of the Senate on the disagreeing action of the two branches of the Legislature on: Bill "An Act Repealing Supplemental State Aid for Reorganized School Districts" (H. P. 25) (L. D. 49)

Senators:

WHITTAKER of Penobscot  
BROOKS of Cumberland  
HICHBORN of Piscataquis

and the following Senators on: Bill "An Act relating to Research Studies of the Department of Health and Welfare" (S. P. 492) (L. D. 1344)

Senators:

PORTEOUS of Cumberland  
STITHAM of Somerset  
BROOKS of Cumberland

Sincerely,

(Signed) CHESTER T. WINSLOW  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Order  
Out of Order**

Mr. Bragdon of Perham presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee study the relationship between the state ETV network and WCBB and costs relative thereto, and report the result of these findings to the next special or regular session of the Legislature. (H. P. 1121)

The Order received passage and was sent up for concurrence.

**Tabled**

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee be directed to study the program of the Military and Naval Childrens Home located in Bath, Maine. In so doing, the efficiency, the adjustment of the child, the contribution of the area, the physical plant and the overall contribution to the State and departments involved shall be studied and the results reported to the 102nd Legislature (S. P. 637)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Wellman of Bangor, tabled pending passage in concurrence and unassigned.)

**Non-Concurrent Matter  
Tabled Until Later in Today's  
Session**

An Act Increasing Sales Tax (H. P. 313) (L. D. 406) which failed on passage to be enacted in the House on June 13.

Came from the Senate passed to be enacted in non-concurrence.

In the House: On motion of Mr. Wellman of Bangor, tabled pending further consideration and specially assigned for later in today's session.

The SPEAKER: The Chair now lays before the House on your House Advance Journal and Calendar on page three, item one, tabled and today assigned:

HOUSE REPORT — Ought not to pass as covered by other legislation—Committee on Labor on Bill "An Act Repealing Certain Portions of the Employment Security Law." (H. P. 1) (L. D. 7)

Tabled—June 20, by Mr. Gifford of Manchester.

Pending—Acceptance of Report.

On motion of Mr. Gifford of Manchester, retabled pending acceptance of the Report and specially assigned for later in today's session.

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

AN ACT Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965. (H. P. 1105) (L. D. 1586)

Tabled—June 20, by Mr. Wellman of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Wellman of Bangor, retabled pending passage to be enacted and specially assigned for later in today's session.

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

MAJORITY REPORT (9) — Ought to pass in New Draft "A"

(H. P. 1116) (L. D. 1599) — MINORITY REPORT (6) — Ought to pass in New Draft "B" (H. P. 1117) (L. D. 1600) — Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives." (H. P. 1030) (L. D. 1495)

Tabled — June 20, by Mr. Wellman of Bangor.

Pending — Motion to Accept Mr. Berman of Houlton to Accept Majority Ought to pass Report.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, Members of the House: As House Chairman of this Committee on Reapportionment, I would like to say first off that this is the Constitution that we are building today. We are not dealing with a temporary measure like a sales tax which can be subject to legislative negotiation. I, for one, would like to believe that the majority of members of this House who believe in the principle of one voter, one representative, will not bargain away this constitutional principle. Now because of what may have been transpiring this week in legislative process, I would like to make the following observation.

Probably all of us know J. P. Morgan was a very wise and a very shrewd man, and he was well versed in the world of business and of politics. He remarked that men and women usually have two reasons why they do things, a good reason, and a real reason. Now what I may say, I hope will not offend any intelligent member of this House. The meetings of our Committee on Reapportionment were attended mainly by only two of the five Senators and by all ten Representatives of this House. Report A, which is Legislative Document 1599, was signed out by the two Senators who attended most of the meetings on reapportionment. It was further signed out by the following seven members of this House: William Dennett, Robert Viles, Edwin Smith, Ernest Smith, Alan Pease, Willis Watkins, and myself. Report B, which is Legislative Document 1600,

was signed out by three of the Senate members who were unable to attend most of the meetings, and by Mr. Plante, Mr. Cartier, and Mr. Cottrell. Now Legislative Document 1599 which was signed out by the majority of the Committee of Reapportionment, has a basic principle of political fairness, and this basic principle goes along the lines expressed just a few months ago by the ruling of the United States Supreme Court in the Georgia County Unit case which confirmed political fairness vs. political expediency. In that case, the learned Justice writing the majority opinion has this to say, "The conception of political equality from the Declaration of Independence, from Lincoln's Gettysburg address, to the 15th, 17th and 19th Amendments can mean only one thing; one person, one vote."

Now Legislative Document 1599 can mean only one thing, one person, one Representative; and I suggest to the honorable members of this House that there can be no bargaining with that principle. For that is a principle too important to bargain about. Either you agree with the principle of one person—one Representative, or you do not. And for that reason and that basic reason alone, I hope you will go along with Mr. Dennett, Mr. Viles, Mr. Pease, Mr. Watkins, Mr. Ernest Smith, Mr. Edwin Smith and myself, and accept the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker and Ladies and Gentlemen of the House: As our good colleague from Houlton, Mr. Berman, has said there is a principle involved here. I would say to you ladies and gentlemen that the fact is true that there are principles involved in Report B as well as in Report A. I would further suggest to you that this is not a partisan matter since both reports were signed by members of both parties. I would suggest to you that the principle of one for one, while it may be one of these catch phrases which sounds fine, is a catch phrase similar to some we have been faced with previously in this session. "Right to work" was a catch phrase. "The sanctity of

motherhood" is possibly a catch phrase. There are several others that we are faced with in our daily lives, and I would contend to you ladies and gentlemen that the principle of one for one may not be to the best interest of any locality. In Bangor, in my earlier voting days, we had the mayor and city council, board of aldermen. They came from the wards. Along in my middle years we made a change over to the city manager-council form of government, and I think anybody from the Bangor delegation will agree with me that while our council under the method of selecting from the city at large hasn't been perfect, yet they have been of a higher calibre than we used to get when we took them from the wards.

It might be conceivable that the two best candidates from a town having two representatives to the Legislature would be living side by side. I present to you the possibility ladies and gentlemen that under plan A, one of them would have to fall by the wayside. Because of these things I feel quite strongly that the matter of principle applies to plan B just as equally as it does to plan A. I feel that plan B is a much better setup for municipalities having more than one representative. And because I feel as I do about these things, I move indefinite postponement of plan A.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Bangor, Mr. Ewer, and I wholeheartedly support the comments of the gentleman from Houlton, Mr. Berman. Much has been said of these two pieces of legislation in recent days, but there isn't much having been said on the record about them.

We are faced with a problem of reapportionment, and we have two legislative proposals to do it. In essence they are pretty much the same. There is L. D. 1599 which is a so-called Republican measure recognizes one vote, one person. L. D. 1600 which is supposed to be a Democratic measure, recognizes one

vote and one person. The only difference basically between the two bills is whether you will have a majority vote when it comes to districting, or whether you will have a two-thirds vote requirement, and I stand here today and feel very strongly that that two-thirds vote requirement will cause the Republican Party a great deal of grief in the future. But in view of recent transactions, I'm well aware that my remarks won't sway anybody today, but I do want to go on the record in favor of L. D. 1599 which I feel is a Republican measure and which is what we should have.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I rise in opposition to the motion to postpone indefinitely Report A. The principle which has been explained to you by the gentleman from Houlton, Mr. Berman, of one man, one vote, involves the principle of democracy. The strength of our democratic government depends upon the calibre of our representation. The principle incorporated in Plan A by which there would be districts, and one representative from each district, is the very heart of that principle of high calibre representation of the people. I urge you to accept that report, and not take chances with another report which leaves it open to a later two-thirds vote of another Legislature or of this Legislature in a special session.

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

Mr. BERRY: Mr. Speaker, Members of the House: I too rise in support of L. D. 1599. I feel that the principle of having one representative have a definite district, a definite group of people that he represents, is fundamental to our form of government. I think to elect representatives at large is to permit one representative perhaps to hide behind the skirts of another one and not be called to account for his actions. A city which might have eleven representatives would resolve in people choosing out of twenty-two people, eleven. I think it's completely undemocratic. I

come from a state where districting has been in existence for a long time, and it works very, very satisfactorily. I think to be able to be held accountable to the people you represent is one of the basic concepts of our form of government.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, Members of the House: I'm going to be very brief. This House of Representatives is facing up to 1599 as a unique opportunity. It is an opportunity which may never come again in the lifetime of any member here, and for that reason when the vote is taken, I request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, one more point I would like to emphasize. The 100th Legislature enacted a bill under which the Constitutional Commission was appointed and that served for two years, having some fifteen to twenty meetings and made a very careful study of the question of reapportionment. The Constitutional Amendments Committee of this Legislature has seen fit not to adopt, not to recommend many of the recommendations of that Commission. But there is one recommendation of that Commission which is very emphatic in the report of the Commission, and which is included in this Report A, and that is the principle of representation of districts by each representative, one vote—one representative.

The SPEAKER: The Chair would inform the House that there are two pending motions, and the one on your calendar is the motion of the gentleman from Houlton, Mr. Berman, to accept the Majority "Ought to pass" Report. The other motion is the motion of the gentleman from Bangor, Mr. Ewer, to indefinitely postpone Report "A."

The pending question is the motion to accept the Majority "Ought to pass" Report. The yeas and nays have been requested. For the Chair to order a roll call, it must have the express desire of one-fifth of the membership present.

All those in favor of a roll call will rise and be counted.

The SPEAKER: For what purpose does the gentleman arise? The gentleman may state his question.

Mr. HARDY of Hope: Does not the motion to indefinitely postpone take precedence?

The SPEAKER: No, because the pending motion was the acceptance of the Majority "Ought to pass" Report.

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

Mr. WELLMAN: Mr. Speaker, for a further parliamentary question on the same point, what happens if we fail to accept the Majority Report?

The SPEAKER: The Minority Report then is before the House.

A sufficient number having expressed a desire for a roll call, a roll call is ordered. The Chair will restate the question.

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

Mr. EWER: Mr. Speaker, I withdraw my motion under the ruling of the Chair to indefinitely postpone, and hope that anybody who would have voted to indefinitely postpone will go along in opposition to this bill.

The SPEAKER: Is the House ready for the question? A roll call has been ordered. All of those in favor of accepting the Majority "Ought to pass" Report in New Draft "A" on Resolve Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives, L. D. 1599, will answer "yes" when their names are called. Those opposed will answer "no" when their names are called. The Clerk will call the roll.

### ROLL CALL

YES — Anderson, Ellsworth; Berman, Berry, Bragdon, Brown, Fairfield; Cressey, Curtis, Drake, Easton, Finley, Gilbert, Gustafson, Hanson, Hawkes, Hobbs, Humphrey, Jewell, Jones, Kent, Laughton, Libby, Lincoln, Linnekin, MacGregor, MacLeod, Mendes, Oberg, Pease, Philbrick, Roberts, Rust, Scott, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Susi, Town-

send, Treworgy, Vaughn, Viles, Waltz, Watkins, Williams.

NO — Albair, Anderson, Orono; Ayoob, Baldic, Bedard, Benson, Bernard, Birt, Boissonneau, Boothby, Bourgoin, Brewer, Bussiere, Carter, Cartier, Chapman, Childs, Choate, Cookson, Cope, Cote, Cottrell, Coulthard, Crockett, Crommett, Denbow, Dennett, Dostie, Dunn, Edwards, Ewer, Foster, Gallant, Gifford, Gill, Hardy, Harrington, Hendricks, Hendsbee, Henry, Hutchins, Jalbert, Jobin, Kilroy, Knight, Levesque, Littlefield, Lowery, MacPhail, Maddox, Mathieson, McGee, Meisner, Minsky, Mower, Nadeau, Norton, Oakes, O'Leary, Osborn, Osgood, Pierce, Pitts, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Rand, Rankin, Reynolds, Richardson, Ricker, Ross, Augusta; Roy, Sahagian, Shaw, Snow, Taylor, Thaanum, Thornton, Turner, Tynedale, Wade, Waterman, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Wood, Young.

ABSENT — Binnette, Blouin, Bradeen, Brown, South Portland; Burns, Davis, Dudley, Hammond, Jameson, Karkos, Lebel, Noel, Ross, Brownville; Tardiff, Ward.

Yes, 43; No, 91; Absent, 15.

The SPEAKER: Forty-three having voted in the affirmative, ninety-one having voted in the negative, with fifteen being absent, the motion to accept the Majority "Ought to pass" Report in New Draft "A" does not prevail.

Thereupon, the Minority "Ought to pass" Report in New Draft "B" was accepted, the Resolve read once, and under suspension of the rules, the Resolve was given its second reading.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat appalled at what has just happened. I realize that as a legislator from a rural area, that there are representatives here from cities that do not desire to comply with the Supreme Court of the United States and its rulings with regard to reapportionment because it perhaps may affect their individual

seat in this Legislature. I realize that as political fact. What appalls me and bothers me, as I indicated to many of you yesterday, was what some people may have done this afternoon. I hope that I am incorrect. I wonder how the Minority Party will now vote for the sales tax. I wonder who had authority to go to them after the several meetings of the Majority Party and make these arrangements.

What bothers me also is that I think little thought has been given by many individuals in this House as to exactly how this proposed resolve will work. On a county apportionment basis, many of you have seen the breakdown. I suggest that before we by a two-thirds vote of this House enact this bill and send it to the people as a proposed Constitutional Amendment, we each as individuals try to figure out the language of this resolve and how it will be possible, without fight after fight after fight within either or both parties of this Legislature, be able to apportion the representatives intra-county.

I am thunderstruck at what has just happened. The Constitutional Amendment and Reapportionment Committee spent hours on this, just as the Appropriations Committee, which you have upheld so often, spent hours on appropriations. There was no deal on appropriations at that time. Mr. Speaker, I move that this resolve now be indefinitely postponed, and I do this knowing that I will not succeed, but to clear my conscience and to clear the record of what has happened.

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, now moves that this Resolve be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I certainly have a great deal of respect for the gentleman from Wiscasset, Mr. Pease, and he says that he was thunderstruck at what just took place in this House. Let me say this to also clear the record. When I appeared before the Committee on Reapportionment, I was thunder-

struck when I knew they knew so little about districts.

The SPEAKER: Is the House ready for the question? The Chair will order a division.

The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I hope everybody realizes that if they kill both of these bills, we have no reapportionment resolve before us. It is highly essential that this Legislature take action on the matter of amending our Constitution by a reapportionment resolve.

The SPEAKER: The question before the House is the motion of the gentleman from Wiscasset, Mr. Pease, that this Resolve Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives, Legislative Document 1600, be indefinitely postponed and the Chair will order a division.

All those in favor of indefinite postponement will rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had. Thirty-one having voted in the affirmative and eighty-eight having voted in the negative, the motion did not prevail.

Thereupon, the Resolve was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Cartier.

Mr. CARTIER: I move we reconsider our action whereby we passed this bill to be engrossed. I have an amendment to offer.

The SPEAKER: The gentleman from Biddeford, Mr. Cartier, moves that the House reconsider its action whereby this bill was just passed to be engrossed. All those in favor will say yes, those opposed, no.

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

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

Mr. CHILDS: Mr. Speaker, I would like the opportunity to speak on the reconsideration movement. The amendment that the gentleman from Biddeford, Mr. Cartier, wishes



to present is an absolute necessity to conform with our present Constitution.

The SPEAKER: The Chair would inform the House that the motion to reconsider did not prevail. The matter is no longer before this House.

The Chair recognizes the gentleman from Biddeford, Mr. Cartier.

Mr. CARTIER: I would request a division on the motion to reconsider.

The SPEAKER: It is too late for a division. The vote has been declared.

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

Mr. CHILDS: Mr. Speaker, I move the rules be suspended in order that we may reconsider this matter.

The SPEAKER: The gentleman from Portland, Mr. Childs, now moves that the rules be suspended which requires a two-thirds vote. All those in favor of suspension of the rules will rise and remain standing in your places until the monitors have made and returned the count.

101 members arose, and there being 128 members present, this being more than two-thirds, the rules were suspended.

Thereupon, on motion of Mr. Cartier of Biddeford, the House voted to reconsider its action on a viva voce vote whereby this resolve was passed to be engrossed.

Mr. Cartier of Biddeford offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1117, L. D. 1600, Resolve, Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives.

Amend said Resolve by adding at the end of the 3rd paragraph the following new sentence:

**'Each county shall be entitled to that number of Representatives which is in the same proportion to the total number of Representatives as the number of inhabitants of the county bears to the number of inhabitants of the State, fractional excesses over whole numbers to be computed in favor of the counties**

**having the larger fractional excesses.'**

The SPEAKER: The Chair recognizes the gentleman from East Millicocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I would like to speak on this amendment for just a second. I think that this amendment is necessary to enable the counties to find out how many representatives the counties are going to have before they can apportion within the county, and this amendment I personally had discussed it with the Attorney General's office and they say that L. D. 1600 will be completely unworkable without this amendment, and I think it is absolutely necessary that it be adopted.

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

Mr. CHILDS: Mr. Speaker, may I also add that this particular amendment was a recommendation of the Constitutional Commission Committee.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I support the motion of the gentleman from Biddeford, Mr. Cartier. This is an essential part of the resolve proposed and it should be included by amendment.

The SPEAKER: Is it the pleasure of the House that House Amendment "A" be adopted?

The motion prevailed.

Mr. Smith of Bar Harbor offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1117, L. D. 1600, Resolve, Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives.

Amend said Resolve by striking out all of the last underlined sentence of the next to the last paragraph of that part designated "Section 3." and inserting in place thereof the following underlined sentence: **'Cities and towns entitled to two or more Representatives under the foregoing procedure may, by affirmative vote of both Houses of the Legislature, be organized into**

single member districts whereby each legally qualified elector therein is entitled to vote for only one Representative, provided that all such cities and towns are so organized.'

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

Mr. CHILDS: Mr. Speaker, I move the indefinite postponement of House Amendment "B."

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that House Amendment "B" be indefinitely postponed.

The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I would like to offer an explanation of House Amendment "B," Filing number 502.

L. D. 1600 includes the provision under Section 3 on page 2 in the last five lines which I will read: Cities and towns entitled to two or more Representatives under the foregoing procedure may, by affirmative vote of two-thirds of both Houses of the Legislature — and I repeat that, by affirmative vote of two-thirds of both Houses of the Legislature — be organized into single member districts whereby each legally qualified elector therein is entitled to vote for only one Representative, provided that all such cities and towns are so organized.

The amendment removes the two-thirds and requires only a majority vote for this Legislature or any subsequent Legislature to reapportion into districts the larger communities.

L. D. 1600, as you have adopted it up to this point, places a restriction on the Legislature and permits it to create districts in cities only by a two-thirds vote. This in turn of course permits a minority of the Legislature to dictate whether or not there shall be districts in the larger communities.

The SPEAKER: Is the House ready for the question? The Chair will order a division. The gentleman from Portland, Mr. Childs, moves indefinite postponement of House Amendment "B." All those in favor of indefinite postponement, will please rise and remain stand-

ing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Sixty-seven having voted in the affirmative and fifty-nine having voted in the negative, the motion to indefinitely postpone House Amendment "B" does prevail.

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

Mr. BERRY: Mr. Speaker, in view of the significance of this matter we are voting on, I move that this be taken by roll call vote, and request it.

The SPEAKER: A roll call has been requested on the indefinite postponement of House Amendment "B." For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All of those desiring a roll call, will rise and remain standing until counted.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call has been ordered. The Chair will restate the question. The question before the House is the motion of the gentleman from Portland, Mr. Childs, that House Amendment "B" be indefinitely postponed. A roll call has been ordered.

All those in favor of indefinite postponement, will answer "yes" when their names are called. All of those opposed to indefinite postponement, will answer "no" when their names are called.

The Clerk will call the roll.

### ROLL CALL

YES — Albair, Anderson, Orono; Aycoob, Baldic, Bedard, Benson, Bernard, Birt, Boissonneau, Bourgoing, Brewer, Bussiere, Carter, Cartier, Childs, Cookson, Cote, Cottrell, Crommett, Denbow, Dostie, Edwards, Ewer, Foster, Gallant, Gifford, Gill, Hardy, Harrington, Hendricks, Hendsbee, Henry, Hobbs, Jalbert, Jobin, Kilroy, Knight, Levesque, Littlefield, Lowery, MacPhail, Maddox, Mathieson, Minsky, Mower, Nadeau, Oakes, O'Leary, Osborn, Pierce, Pitts, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Rankin, Reynolds, Ricker, Roy, Snow, Taylor, Thaanum, Thornton,

Tyndale, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Wood, Young.

NAY — Anderson, Ellsworth; Ber- man, Berry, Boothby, Bragdon, Brown, Fairfield; Chapman, Choate, Cope, Coulthard, Cressey, Crockett, Curtis, Dennett, Drake, Dunn, East- on, Finley, Gilbert, Gustafson, Han- son, Hawkes, Humphrey, Hutchins, Jewell, Jones, Kent, Laughton, Lib- by, Lincoln, Linnekin, MacGregor, MacLeod, McGee, Meisner, Hutchins, Norton, Oberg, Osgood, Pease, Phil- brick, Rand, Richardson, Roberts, Rust, Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Townsend, Treworgy, Turner, Vaughn, Viles, Wade, Waltz, Waterman, Watkins, Williams.

ABSENT — Binnette, Blouin, Bra- deen, Brown, South Portland; Burns, Davis, Dudley, Hammond, Jameson, Karkos, Lebel, Noel, Ross, Augus- ta; Ross, Brownville; Susi, Tardiff, Ward.

Yes, 71; No, 61; Absent 17.

The SPEAKER: Seventy-one hav- ing voted in the affirmative, sixty- one having voted in the negative, with seventeen being absent, the motion to indefinitely postpone House Amendment "B" does pre- vail.

Thereupon, the Resolve Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Rep- resentatives, House Paper 1117, Leg- islative Document 1600, was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

The Chair laid before the House the fourth tabled and today as- signed matter:

SENATE JOINT ORDER Relative to Free Telephone Calls to the Number of 50 calls, after Final Ad- judgment of the Legislature. (S. P. 635)

Tabled — June 20, by Mr. Knight of Rockland.

Pending — Passage.

On motion of Mr. Jalbert of Lew- iston, the Order received passage in concurrence.

(Five Minute Recess)

Called to order by the Speaker.

The SPEAKER: The Chair lays before the House Item 1 on your Supplemental Calendar number one to House Calendar June the 21st for 2:00 P.M., Bill "An Act relating to the Educational Foundation Program Allowance," House Paper 862, Legislative Document 1249, in the House engrossed as amended by House Amendments "A" and "B," in the Senate engrossed with House Amendments "A" and "B," also Senate Amendment "A" to House "B" in non-concurrence, tabled on June 21 by the gentleman from Winter- port, Mr. Easton, pending further consideration; and the Chair recog- nizes that gentleman.

Mr. EASTON: Mr. Speaker, La- dies and Gentlemen of the House: A short while, if I may borrow a phrase from my friend the gentle- man from Brewer, I will be offer- ing a plethora of motions; but be- fore I do, I should explain what's going to happen, I hope. The House, as we all know, adopted this bill and with it a House amendment eliminating the so-called footnotes. This has come back to us with a Senate amendment which eliminates only half the footnotes. It eliminates the so-called grammar school or elementary school footnotes. If we should try to prevail, why we may end up with the existing law in which all the footnotes are in. So for this reason, I feel we must go along with the fifty percent loaf. The Sen- ate amendment, however, contains an error and we have to back off and replace that Senate amendment with one which does not contain the error. So with all this in mind, I now move that this House recede from its action in engrossing this bill — that's my first motion.

The SPEAKER: The Chair under- stands that the gentleman from Win- terport, Mr. Easton, moves that the House recede from its former ac- tion. Is this the pleasure of the House?

The motion prevailed.

Mr. EASTON: Mr. Speaker, I now move that we indefinitely postpone Senate Amendment "A" to House Amendment "B."

Thereupon, Senate Amendment "A" to House Amendment "B," be- ing filing number S-326, was read

by the Assistant Clerk and, on motion of Mr. Easton and on a viva voce vote, indefinitely postponed.

Mr. Easton of Winterport then offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to H. P. 862, L. D. 1249, Bill, "An Act Relating to the Educational Foundation Program Allowances."

Amend said Bill in that part designated "Sec. 237-D." of section 2 by striking out in Table I all of the last column and inserting in place thereof the following:

'Secondary Schools  
 \$6,500 \$145 per pupil (2)  
 \$9,000 \$300 per pupil (1)  
 \$390 \$470 per pupil (2) (1)  
 \$325 \$465 per pupil (2) (1)  
 \$375 \$435 per pupil (2) (1)  
 \$270 \$430 per pupil (2) (1)  
 \$255 \$390 per pupil  
 \$340 \$380 per pupil  
 \$310 \$350 per pupil.'

Further amend said Bill in that part designated "Sec. 237-D." of section 2 by striking out all of the footnotes (1) and (2) and inserting in place thereof the following:

'(1) Elementary footnotes shall apply to those units which operate schools. Compute all administrative units, except school administrative districts, at \$170 per pupil if within 10 miles of a school operated in a neighboring administrative unit by the nearest suitable highway.

(2) (1) Secondary school footnotes shall apply to those units which operate schools. If within 15 miles of a school operated in a neighboring administrative unit by the nearest suitable highway, compute all administrative units except school administrative districts as follows:

at \$255 \$280 per pupil if 100 or fewer average daily membership.

at \$275 \$300 per pupil if 101 to 200 average daily membership.

at \$290 \$320 per pupil if 201 to 300 average daily membership.

Further amend said Bill by adding at the end the following new section:

"Sec. 3. R. S., c. 41, Sec. 237-E, amended. The 5th paragraph from the end of section 237-E of chapter 41 of the Revised Statutes, as last

amended by section 19 of chapter 353 of the public laws of 1959, is further amended to read as follows:

'Any administrative unit, except those to which footnotes 1 or 2 of Table I, section 237-D, are applicable, in which the average net operating cost in any biennium exceeds the amount of the average net foundation program allowance shall be entitled to an additional subsidy allocation on that part of its average net operating cost which exceeds its net foundation program allowance, computed by multiplying the amount that the average net operating cost exceeds its net foundation program allowance by 10 percent of the percentage to which said administrative unit is entitled to receive in Table II.'

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Winterport, Mr. Easton.

The SPEAKER: The gentleman may state his question.

Mr. SMITH: To explain out, in laymen's language, what this amendment does.

The SPEAKER: The gentleman from Strong, Mr. Smith, poses a question through the Chair to the gentleman from Winterport, Mr. Easton, who may answer if he chooses. The gentleman may proceed.

Mr. EASTON: This amendment will ultimately result in the footnotes applicable to the elementary schools being removed from the so-called Foundation Program allowance. The secondary footnotes will be retained. I am not particularly pleased by this, I am sure that a majority of the members of this House are not particularly pleased by this. As I indicated the alternative obviously is no bill at all, in which case we will be stuck with both sets of footnotes. Does that answer the gentleman's question?

The SPEAKER: Does the gentleman consider his question answered?

The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I believe now the next motion I should

make is the indefinite postponement of House Amendment "B," so that we may now concur with the other body.

The SPEAKER: The House will be at ease for just a moment.

(House at Ease)

The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I believe the pending motion is the adoption of House Amendment "C," which we might vote on.

The SPEAKER: That is correct. Is it now the pleasure of the House to adopt House Amendment "C"?

The motion prevailed.

Thereupon, on motion of Mr. Easton of Winterport, the House voted to suspend the rules and reconsider its action whereby it adopted House Amendment "B."

On further motion of the same gentleman, the House voted to indefinitely postpone House Amendment "B."

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, I would like to know just what the standing of this bill is now relative to these footnotes.

The SPEAKER: The gentleman is inquiring as to the status of the matter that was just before us.

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

Mr. MCGEE: Mr. Speaker and Members of the House: I will try to relieve the gentleman from Winterport, Mr. Easton, a little. The standing of this bill is that the amendment from the Senate that came in here returned secondary schools, which originally to the footnotes — which originally was agreed to in a committee meeting at one time; and all that this amendment was just applied to it simply in here to correct the figure because there was a mistake in the figures taken out from the wrong notes, but the standing of the bill really is to return the footnotes to the secondary schools, leaving out the elementary. And I think that that is satisfactory to the sponsor of the Senate amendment.

The SPEAKER: Is it now the pleasure of the House that this Bill

be passed to be engrossed as amended?

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A" and "C" in non-concurrence and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I move that all items that have been engrossed or that have been passed to be enacted will be sent forthwith to the Senate.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, asks unanimous consent that all matters passed to be engrossed or enacted or requiring Senate concurrence be sent forthwith to the Senate.

The gentleman from Wiscasset raises a question.

Mr. PEASE: Mr. Speaker, would this preclude a motion by any member of this House to reconsider action on any bill that has just been taken, if it has been passed to be engrossed it would —

The SPEAKER: Does the gentleman object?

Mr. PEASE: Yes.

The SPEAKER: The gentleman objects.

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

Mr. JALBERT: Mr. Speaker, I would like to pose a question through the Chair. I was under the assumption that this was already a known fact, that these things would go over forthwith.

The SPEAKER: The Chair would inform the gentleman that there was objection raised early this morning.

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

Mr. WELLMAN: Mr. Speaker, I move that we recess until the sound of the gong.

(House at Ease)

Called to order by the Speaker.

The Chair lays before the House Item 2 on Supplement No. 1 to House Calendar, 2:00 P.M., Bill "An Act relating to Operating Business on Sunday and Certain Holidays." House Paper 930, Legislative Document 1364, in the House indefinitely postponed, in the Senate

passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "E" thereto, Senate Amendments "E" "F" and "G" in non-concurrence, tabled on June 21 by the gentleman from Bangor, Mr. Wellman, pending further consideration.

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

Mr. GILL: Mr. Speaker, I now move that we recede and concur.

The SPEAKER: The gentleman from South Portland, Mr. Gill, moves that the House recede from its former action and concur with the Senate.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: This bill has had considerable debate here in the House. It has been indefinitely postponed on five different occasions. I thought it was buried last week, but I see that the merchants have been heavily lobbying in the last couple of days. Now I still think, perhaps a good many of you do too, that this is a very poor piece of legislation for the State of Maine. It will do a great deal of harm to many of our recreational and resort areas just to satisfy the downtown merchants in three cities. Now since this is an important piece of legislation which is going to affect a good many of our citizens and our communities throughout the state, I notice that there are some members here who have amendments that they would like to present, and in order to give them an opportunity to present those amendments, I now move that the House recede.

The SPEAKER: The question before the House is the motion of the gentleman from South Portland, Mr. Gill, that the House recede and concur, and the gentleman from York, Mr. Rust, asks the division of the motion.

The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, I rise to oppose the motion of the gentleman from York, Mr. Rust. As we realized last week, we had a flood of amendments which in my opinion were intended to kill this legis-

lation. As Mr. Rust has stated, the gentleman from York, this particular piece of legislation has had a very good hearing and debate on both sides, and as you will recall this is backed by the Maine Merchants Association, the Maine State Grocers Association, and a great many other retailers and retail employees of this state, plus a great number of the citizens of the State of Maine. This particular piece of legislation at this time should be voted on, as it was intended to, and not to be killed by amendments.

The SPEAKER: The question before the House is to recede.

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

Mr. MCGEE: Mr. Speaker and Members of the House: This bill has come back to us somewhat in a purer state than we sent it to the Senate in the first place. Now it came back for my amendment on it, and it was massacred here one night in the House when everybody was tired. I hope that we support the motion now to recede and concur and not have to go all over it again.

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

Mr. COTTRELL: Mr. Speaker, I'll try to make my remarks very brief. I think this is a piece of legislation that is most important for not only ourselves here, not only the merchants, but for everybody in the state. I know that many have not read the thinking of the Supreme Court in their report on this matter. I know we have many talented legal minds in this membership of ours, and I think some of them perhaps one day will be sitting on the Supreme Court. I am going to read some of the paragraphs from their interpretation of this law because I think it's important that everyone voting for or against this bill should know their thoughts.

"Sunday closing laws, so-called, are recognized as being intended to provide one day of rest and recreation in each week for the greatest possible number of our citizens. One purpose thereof is the elimi-

nation of concentrations of traffic and the hustle and bustle on Sundays caused by the business operations of large merchandising concerns which tend to create unreasonable interference with the efforts of the vast majority of citizens to find rest and leisure on those days." And then they quote from a decision, a Supreme Court decision, "It was within the power of the Legislature to have concluded that these (substantial suburban retail) businesses were particularly disrupting the intended atmosphere of the day because of the great volume of motor traffic attracted, the danger of their competitors also opening on Sunday and their large number of employees. The Legislature might conclude that these adverse affects would be kept to a minimum if only small stores, as defined, were permitted to open, and that the public interest would be best served by accepting as a class the proprietors of small stores. The Legislature could properly take into account the economy of the state and the dependency of many small stores and shops on the patronage of vacationers and tourists, that classes based on number of employees may be created without violation of constitutional limitations is evidenced by statutes which have long stood unchallenged.

"In our view the proposed classification for exemption would stand the test of clarity, and would not be so illusory, arbitrary or capricious or so unrelated to the purposes to be accomplished as to violate the requirements of due process and equal protection of the law."

I, for one, certainly hope that this Legislature may pass this most creditable piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Windsor, Mr. Choate.

Mr. CHOATE: Mr. Speaker, it has become quite apparent that the local option law as it now stands is the choice of this body and the people at large. You all recall my Sunday closing bill which was heard before this House, properly heard and rejected as was the Smith Bill. This MacGregor Bill was also heard twice and thoroughly debated before this House. Now it is time that we

give our attention to other matters, and leave the Sunday closing bills in their present state. Therefore, I go along with the gentleman from York to recede.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, if the motion to recede were defeated would then a motion to recede and concur with the Senate be in order?

The SPEAKER: It would be in order.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I would then urge you to vote against the motion to recede after which a motion will be made to recede and concur, and we can vote for the MacGregor Bill, as one gentleman in the House has put it, in almost its pure form and have it the way it should be. I urge you to vote against the motion to recede when the vote is taken, and I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, I wish to pose a question through the Chair to any member who may wish to answer. I come from a recreational district. What would happen in my district if that district has a store with 6,000 or 7,000 square feet?

The SPEAKER: The gentleman from Belgrade, Mr. Sahagian, poses a question through the Chair to anyone who may answer if they choose.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I will answer the gentleman from Belgrade, Mr. Sahagian, and say that if this bill passes his store will be closed. And while I'm on my feet I'll make a few more comments in answer to the gentleman from Portland, Mr. Cottrell. Mr. Cottrell indicates that this bill is a so-called Sunday bill to give the people of the State of Maine one day of rest, and I would answer him by saying why have we added five holidays which usually fall during the middle of the week and have nothing to do with Sundays?

Why have those days been added into this bill? And I would also say that the Senate in the amendments which they propose to accept here this afternoon, which they think are good for this bill, are two more holidays which usually fall during the week and have nothing to do with Sunday. This bill is not a day of rest. And to further point out the fact that this bill is not a day of rest bill, but a so-called down town merchants as against the outlying merchants and in opposition to the recreational areas, is the simple fact that this bill says if you've got 5,000 square feet, you close up, but if you've got less than 5,000 square feet and a hundred employees you can stay open. And if you've got five employees or less and 10,000 square feet you can stay open. And those two determining factors are certainly not consistent with a so-called day of rest for the people. It is strictly a merchants bill and against the recreational resort industries of this state, and I heartily oppose the bill and I would hope that we would recede so we can put some amendments on it such as has been proposed here this afternoon and are before you on your desks.

The SPEAKER: The Chair would inform the House that if a motion to recede is defeated, the matter will not be in a position to recede and concur.

The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: I also would like to answer some of the remarks made by the gentleman from Auburn, Mr. McGee and the gentleman from Portland, Mr. Cottrell. Mr. McGee stated that the other night this bill was slaughtered because everybody was tired. I think we are all pretty tired right here today. And also in answer to Mr. Cottrell, the gentleman from Portland, he stated that to avoid concentrated traffic, under his opinion, it would close the beaches, and your lakes. There's a high concentration of traffic at many beaches and lakes in our state. I do not want to criticize the merchants for doing their work. I feel that we all have a right to our opinion. If we

lose or win, we should do it gracefully, but I would like to quote from a Portland paper, "The Voice of the People," from an article a lady wrote who is not from a resort town. "I understand that there is now a bill before the Legislature which, if passed, would supersede or overrule the vote of the people in local referendum pertaining to the Sunday closing law. While I sympathize with the motives which led to the introduction of the MacGregor Bill, I abhor the very thought of having any legitimate vote declared null and void by our Legislature. For, if nothing else, it will set a precedence for removing from the people the right to vote which is the very foundation of our government, both local and federal." And she states, "for that reason I sincerely hope this bill will never become law." I would also state that I feel that way also.

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

Mr. JALBERT: Mr. Speaker, I would like to make an inquiry. What's happened to the motion to recede and concur?

The SPEAKER: The motion to recede and concur has been divided to recede.

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

Mr. CHILDS: Mr. Speaker, a parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. CHILDS: If the motion to recede prevails, then a motion to concur with the Senate would be in order?

The SPEAKER: That is correct.

The Chair recognizes the gentleman from South Portland, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the MacGregor Bill. I believe that two years ago when a Sunday closing law was written, the grocery stores were exempt. Now the Maine Grocers Association and almost all of the supermarket operators realizing that this present law does not work, have endorsed the MacGregor Bill. If the MacGregor Bill is not passed, most of the Maine su-



permarkets will be forced to stay open on Sunday in order to stay in business. This in turn would increase the cost of foods to the Maine consumers because you will not sell any more food in the seven days than you are now in the six days, but the expense of maintaining a seven-day operation is much greater, and this increased cost must ultimately be passed on to the consumer. And with this in mind, I urge you to vote in favor of the MacGregor Bill. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This bill, in my estimation, is a pathetic piece of legislation designed only to eliminate the competition that some business people find that they have. They are asking this Legislature to go on record and pass laws to do away with their competition which could be handled if their prices were right and they were willing to do what apparently some of the larger discount houses are willing to do. As far as being a bill to close Sundays in order to give rest and relaxation, this is a hypocritical statement and designed to make the uninformed public more uninformed than they already are. And if ever a hypocritical piece of legislation ever passed this House, this is it. It's been defeated by an intelligent body many times, and I trust today that we will defeat it again. But in order to defeat this piece of legislation you cannot go along with this move to recede. We must defeat that motion to recede, and then a motion to insist or to adhere would be entertained, and in doing that then we could defeat once and for all this. Now what we would have left would be just the local option that we now have which in itself is not good, but at least it doesn't carry with it the hypocrisy that this bill does. For that reason, I hope that we will defeat this motion to recede that we may have a motion to insist and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: In view of the ruling of the Chair, I would hope that all in this House who are in favor of the MacGregor Bill will vote in favor of the motion to recede, and then when a motion to concur is made, that they would support that.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mr. MacPhail.

Mr. MACPHAIL: Mr. Speaker, there's been a great deal of conversation directed toward this bill over these months. Two perhaps of the prime reasons for it were the religious aspects, another one offering the public a chance for rest; but I think there's one something of far greater importance than that, that we're dealing with here. It has been said that this bill is to favor the down town merchants, and perhaps help put someone else who has grown large out of business. Now different instances brought forth where a certain concern here started small and grown large, and here's a penalty for growing large. I can't conceive of any concern being so successful as to grow large so that Sunday is an absolute necessity for their staying in business.

When I came over here in January, I was well aware of the fact that there were two parts to the Legislature. The Constitution labels them as number one, the House of Representatives, and another house is called the Senate. Before long I heard of a third house who operates perhaps half way between, in the corridors, and now with the advent of this bill, from a directed tour, the fourth house seems to appear whose members are combined, a composition of number one and number three. These members hope with the mantle of security, and using their prerogative of free speech in this House, proceed to lobby for a few special interests in their own individual areas. These special interests are primarily these larger discount houses who would, if they could, monopolize the retail merchandising of their areas, sure, to the detriment of the down town merchants, if you will.

However, in the entire State of Maine, there are probably less than

twenty of these so-called 'giants' who might be affected by this law. There are literally thousands of individual merchants who have been responsible for building this state and this country from time immemorial to the place we now have. If these merchants, small ones, are to be driven out of business by larger ones whose entire profits are channeled without the community, without the State of Maine, I'm afraid for what might happen. This is the thing we have to look towards in the future to. This would merely be a beginning. It's hard to say just what this thing would develop into if this giant octopus, so-called, with its cancerous tentacles spreading over the various communities to cripple the very economy of our American way of life, and I would urge you, yes, to vote to recede and then vote in favor of this MacGregor Bill.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from South Portland, Mr. Gill, to recede.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: This cliché or shibboleth has often been repeated that it's a down town store bill. I have said before and I will say again that the two large discount stores in Portland, Arlyns and Zayres are behind this bill, and as it has been mentioned also, the State Merchants Association and the State Grocers Association. Local option, we know, has been tried and failed. Community after community has opened up its stores on local option forced by competition. My good friend, Mr. Smith from Strong, was so worried about this situation that he introduced, himself, a very good bill, known as the Smith Bill. I think this is our last chance, the last chance for this Legislature to make a good decision, and pass this law.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the

House: I feel as though I should answer some of the remarks of the gentleman from Owl's Head Mr. MacPhail. I don't believe I have ever stated in any of my remarks on the Floor of this House pertaining to special interests. I have stated that we, in the Town of Scarborough, have a shopping center which we perhaps would not have if some of the stores were not allowed to be open on Sunday. We have many other stores that are anticipating coming to our town. Within this shopping center, we have the only super-market in the Town of Scarborough, and as I stated here on the Floor of the House before, our people do most of their trading outside of the Town of Scarborough. I feel that I should defend the voters of my town when they decided to have open Sundays, and I also should defend the shopping center that we may derive some of our own business from our own people rather than have it taken out of the Town of Scarborough, and I have at no time on the Floor of the House ever criticized downtown stores. I don't believe I've ever mentioned them, and I have never mentioned any special interest store in my town. I've just mentioned shopping center.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker, Ladies and Gentlemen: I am glad that finally someone has arisen to the defense of the so-called downtown merchants. They have been the forgotten man in this whole debate if anybody has been. I have had a great many letters as most of us have had from the various merchants regarding the MacGregor Bill, and I have gone along with it all the way until the other night when House Amendment "K" and Amendment "A" to that setting up the standard of population size for towns was put into it. At that point, I heard from some of the merchants from Bangor that they felt that the best thing to do would be to indefinitely postpone the whole bill, which we did I believe on the mo-

tion of the gentleman from Bowdoinham, Mr. Curtis.

I would like to ask through the Chair if we accept the motion to recede and the later motion to concur whether that amendment would be in the bill which will then be before us, or whether that was eliminated from the Senate bill as it come back to us.

The SPEAKER: The gentleman from Bangor, Mr. Ewer, has a question before the House. What amendment was the gentleman referring to?

Mr. EWER: House Amendment "K" and House Amendment "A" to House Amendment "K". H-456 and H-469. I think those were eliminated in the Senate bill, but I wanted to be sure.

The SPEAKER: "K" was eliminated in the Senate. House Amendment "A" to House Amendment "K" was defeated in the Senate.

The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, most of you people here know that I am affiliated with a so-called discount house, and I want to make the same statement as I made here when this bill came before us several weeks ago, that I will support the MacGregor Bill.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I have contacted a number of our legislators this afternoon that we might go home tonight and come back on Monday and finish up, and I will not tell about how they all feel, except they are all tired they said. Well, I can agree with that that I am tired too. I think the most tiresome thing that I have found is this slipshodding around, first pass, bring it back and then all over the lot. Now I hope that we finally get rid of this thing, and that we will pick some roses tomorrow and send them where this is going to be buried and go on with our work. So, let's vote somehow to get rid of this now and forever.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you will go along with the motion to recede for the simple reason that the Senate has added onto the bill two holidays which are Labor Day and Christmas Day, and I notice that the gentlewoman from Bethel wishes to add Washington's Birthday and Patriot's Day. Now I would have no objection to that amendment going onto this bill, and unless we recede, she would have no opportunity to present it.

The SPEAKER: The Chair will order a division. All those in favor of receding from our former action of indefinite postponement, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred four having voted in the affirmative and eight having voted in the negative, the motion to recede did prevail.

Thereupon, Mrs. Lincoln of Bethel offered House Amendment "M" and moved its adoption.

House Amendment "M" was read by the Clerk as follows: HOUSE AMENDMENT "M" to H. P. 930, L.D. 1364, Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays."

Amend said Bill by inserting after the first underlined word and punctuation "Day," in the 7th line the following:

'Washington's Birthday, February 22nd, Patriot's Day, April 19th, Christmas Day, December 25th.'

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

Mr. GILL: Mr. Speaker, I would just bring to the attention of the House which I cannot say for certain, but if you look into the past on the observance of Patriot's Day which is a day to observe the battle at Lexington and Concord I believe, you will find that your stores in Massachusetts, they intend to stay open on Patriot's Day and Washington's Birthday. I believe that they would approve of you approving this amendment so the Maine people could go down

there and we would be apt to lose some sales tax dollars. So, for that reason, I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from South Portland, Mr. Gill, moves the indefinite postponement of House Amendment "M".

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: Now I myself can see no difference between closing up on Thanksgiving Day, November 11, and Memorial Day as opposed to closing up on Washington's Birthday and Patriot's Day and Christmas Day. So, I just don't understand the gentleman from South Portland, Mr. Gill. I would be perfectly satisfied with this amendment. I hope it is accepted.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether or not this is strategy to further encumber this bill so that our body fails to have a fair shot at it, but we all know that Washington's Birthday is the accustomed holiday when our automobile merchants have their great display and sale. I certainly would suggest too that Christmas Day is a day when no store is open anyway to speak of. I hope that this amendment is indefinitely postponed.

The SPEAKER: All those in favor of indefinite postponement of House Amendment "M" will say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, I would ask to have a roll call on this.

The SPEAKER: Seventy-two having voted in the affirmative and forty-two in the negative — a roll call has been requested.

For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All of those desir-

ing a roll call, will please rise and be counted.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, a roll call is not ordered.

Mr. KNIGHT of Rockland: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. KNIGHT: Has the vote been announced?

The SPEAKER: The vote was seventy-two in the affirmative and forty-two in the negative, the motion to indefinitely postpone House Amendment "M" does prevail.

The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, I would move that we concur with the Senate.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves that the House concur with the Senate.

The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Might we be provided with an explanation of what will happen if the motion to concur prevails?

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, poses a question through the Chair. The Chair will state that if the House concurs with the Senate, it will be passing the bill to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "E" thereto and Senate Amendments "E," "F" and "G."

The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: I would thank the Speaker for the explanation. It occurs to me that we are now backtracking on many amendments that this House adopted at one of its most recent meetings by, in some cases, overwhelming votes, and I would hope that we do not now, in effect, reconsider the adoption of those amendments, indefinitely postpone them and pass the bill to be engrossed in its present form. We gave serious consideration in the late hours of one evening, as I recall, to these amendments and adopted them. I

would hope that we would not now proceed to concur.

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

Mr. RUST: Mr. Speaker, is a motion in order to pass this bill to be engrossed?

The SPEAKER: The motion before the House is to concur.

Mr. RUST: Then I would make the motion that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from York, Mr. Rust, now moves that further consideration of the bill be indefinitely postponed.

The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, could I ask someone to explain what that means?

The SPEAKER: It means, in effect, the indefinite postponement.

Mr. GILL: Thank you. I thought that's what it meant.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think some of us who have been here beyond two weeks would know what the motion for further consideration would mean. Now, let's have it so that we'll understand. The motion was to indefinitely postpone, and after that if the motion to indefinitely postpone is defeated, then the motion then to concur is in order. Is that correct? Then the motion to engross is in order. Is that correct? Well, let's spell it out in English.

The SPEAKER: The motion is still pending. The motion of concurrence is still pending.

The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, I will at this time just state that we've got this MacGregor Bill pretty much in its original form after last week when it received an onslaught of amendments intended to kill the bill. Now we all realize that that's what they intended to do and that's what they almost did late at night when everyone

was so tired and there were thirty-five people not present here. So I believe at this time we should try to act as able gentlemen and legislators, and either pass this bill or defeat it.

The SPEAKER: The question now before the House is the motion of the gentleman from York, Mr. Rust, to indefinitely postpone further consideration of Bill "An Act relating to Operating Business on Sunday and Certain Holidays." Is the House ready for the question? The Chair will order a division.

All those who are in favor of indefinite postponement of further consideration of this bill will rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

Forty-eight having voted in the affirmative and seventy-three having voted in the negative, the motion to indefinitely postpone further consideration did not prevail.

Mr. Rust of York asked for a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All of those desiring a roll call will rise and be counted.

An insufficient number arose.

The SPEAKER: Obviously less than one-fifth having arisen, a roll call is not ordered.

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

Mr. JALBERT: Mr. Speaker, I move we concur.

The SPEAKER: The gentleman from Lewiston, Mr. Jalberty, moves that the House concur with the Senate.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion to concur, so that a motion to insist may be made so that we can have a Committee of Conference. It seems to me that if the people are interested in closing up on certain holidays other than Sundays that some consideration should be given to closing up on some of these others that was in

this House amendment proposed by the gentlewoman from Bethel, Mrs. Lincoln, which the gentleman from South Portland, Mr. Gill, did not favor. The proponents of this so-called MacGregor Bill are interested in closing up on some holidays; I don't see why they should object to closing up on some of these other holidays as well.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to go along with the motion to concur so that we may not delay the session any longer, and eventually I hope that we can close up this House.

The SPEAKER: Is the House ready for the question? The Chair will order a division. All those in favor of concurring with the Senate will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-three having voted in the affirmative and forty-three having voted in the negative, the motion to concur prevailed.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, I now move this bill be passed to be engrossed.

The SPEAKER: It is already engrossed.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, I move the House adjourn until 4:00 P.M. Monday, and I would like to speak to the motion on the question of time.

The SPEAKER: The gentleman may debate his time.

Mr. PEASE: Mr. Speaker and Members of the House: My motion to adjourn until 4:00 P.M. on Monday is made at 5:30. Today is Friday. I am a freshman Representative, although I have been in the Halls. It does not occur to me that it is humanly, physically or mechanically possible, unless we

indefinitely postpone practically everything before us, to do all the horse trading that is necessary and adjourn any time before noon on Sunday working right straight through. I doubt if it could be done then. Hence my motion, Mr. Speaker, respectfully made.

The SPEAKER: For what purpose does the gentleman arise?

Mr. WELLMAN: Mr. Speaker, to discuss the matter of time.

The SPEAKER: The gentleman is debating the time of adjournment. The gentleman may proceed.

Mr. WELLMAN: Mr. Speaker, it has been communicated to me by our Clerk that it is possible, by working through, that we could be through some time on Sunday. We could reach our agreements on the various matters before us and be out of here. It is possible. I would oppose the motion. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman, and for what purpose does the gentleman arise?

Mr. BERMAN: Mr. Speaker, to speak on the time of adjournment.

The SPEAKER: The gentleman may debate the time.

Mr. BERMAN: Mr. Speaker, I'm very impressed with what the gentleman from Wiscasset said. Now all of us are tired, and we have a lot of important matters to take care of, and I think that we shouldn't indulge in this sort of marathon. I think it's very bad legislation, and I hope we can adjourn until Monday.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House:

The SPEAKER: Does the gentleman debate the time?

Mr. PLANTE: I wish to do so.

The SPEAKER: The gentleman may proceed.

Mr. PLANTE: Mr. Speaker, I heartily concur with the remarks of the gentleman from Bangor, Mr. Wellman. I've been here four terms and I think it is physically possible if people are reasonable.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. MacLeod. For what purpose does the gentleman rise?

Mr. MacLEOD: I rise to debate the time, Mr. Speaker.

The SPEAKER: The gentleman may proceed.

Mr. MacLEOD: Mr. Speaker, if we do not adjourn until four P.M. Monday there'll be one Representative that won't be here tomorrow because my son leaves for three years overseas Sunday, and I'm going to be home.

The SPEAKER: The Chair recognizes the gentleman from Windsor, Mr. Choate.

Mr. CHOATE: Mr. Speaker, if we close the stores on Sunday, it seems to me we would be setting a very poor example to hold Legislature on Sunday.

The SPEAKER: For what purpose does the gentleman arise?

Mr. JALBERT: To discuss the time of adjournment.

The SPEAKER: The gentleman may debate the time of adjournment.

Mr. JALBERT: Mr. Speaker, in answer to the gentleman from Windsor, Mr. Choate, on the time, even if we were here until four o'clock on Sunday afternoon, the record would still show after covering up the clock, 11:55. That would be the official time of adjournment. We would not be working Sunday.

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

Mr. McGEE: Mr. Speaker, as far as debating the time, it seems to me that the proper time to adjourn is now until Monday to be in a sensible condition at that time for decisions. (Applause)

The SPEAKER: Is the House ready for the question?

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

Mr. WELLMAN: Mr. Speaker, I would ask a parliamentary question of the Chair.

The SPEAKER: The gentleman may state his question.

Mr. WELLMAN: Under our rules, may one house adjourn without the permission of the other?

The SPEAKER: The Chair will quote from the proceedings. This

question was raised on June 2, 1961. "I have just received a note stating that the President of the Senate before adjournment checked with the Attorney General and received a ruling, that in computing the two days, the day of Sunday is not counted. Therefore, apparently the Senate has adjourned in proper order, but otherwise it is two days." And here is what the present Attorney General ruled. Attorney General Frank Hancock says that it is in his opinion that Sunday is not to be counted in figuring the time.

Mr. CHILDS of Portland: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. CHILDS: Mr. Speaker, I rise for the purpose of debating the time.

The SPEAKER: The gentleman may debate the time, and the Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, Members of the House: If we adjourn until Monday at 4:00 P.M., I can assure you that you had better plan on spending a whole week here.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith and for what purpose does the gentleman arise?

Mr. SMITH: To debate the time.

The SPEAKER: The gentleman may proceed.

Mr. SMITH: Mr. Speaker, in reference to the motion to adjourn until Monday, I want to say this that if the motion is defeated, here is another fellow that will not be here after 11:55 Saturday night. I do not believe in working the Legislative body on Sunday. It is a poor example to the state.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Wisconsin, Mr. Pease, to adjourn until 4:00 P.M. on Monday. The Chair will order a division. All those in favor of adjournment until 4:00 p.m. on Monday, will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I move that we suspend the rules whereby we may send forthwith to the Senate or to be engrossed, all matters that have been passed to be enacted or that have been passed to be engrossed this afternoon.

The SPEAKER: The Chair would advise the gentleman that the parliamentarian advises the Chair, that there is no rule relative to sending matters forthwith. It may be done under unanimous consent.

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

Mr. WELLMAN: Mr. Speaker, I ask unanimous consent that these matters be sent forthwith.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, requests unanimous consent that all matters to be engrossed —

Mr. SMITH of Strong: Mr. Speaker.

The SPEAKER: The gentleman objects?

Mr. SMITH: Yes, sir.

The SPEAKER: The Chair hears objection.

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

Mr. JALBERT: Mr. Speaker, I would just like to ask when it is going to be possible to have these matters sent to the Senate? And if they are not to be sent to the Senate, where do we go from there?

The SPEAKER: The Chair will state that matters will be sent according to the regular routine which is usually immediately after the session unless a member requests the paper to be held.

The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, may I have permission to briefly address the House?

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, requests unanimous consent to brief-

ly address the House: Is there objection?

The Chair hears objection.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a further question. Isn't it a fact that we from now until we come back this evening could draft or draw up a rule that would take care of this situation?

The SPEAKER: As the Chair understands it, it would lay over one day for approval.

Mr. JALBERT: At least it would serve a purpose.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: A parliamentary question.

The SPEAKER: The gentlewoman may state her question.

Mrs. HENDRICKS: If we suspend the rules, can't we send these matters forthwith?

The SPEAKER: The Chair has stated that there is no rule governing this matter.

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

Mr. JALBERT: If there is no rule, but there is a rule on unanimous consent, then why can't we amend that rule to make it just a majority? I would like to have this question answered first.

The SPEAKER: The gentleman from Lewiston has the Floor.

Mr. JALBERT: Now as I understand it, there is no rule that says we can suspend a rule. There is obviously a rule that says this by unanimous consent. Why can't we work from that rule and amend that rule and make it a majority?

Mr. HARDY of Hope: Mr. Speaker?

Mr. JALBERT of Lewiston: Would you wait a minute until I get that question answered.

The SPEAKER: The unanimous consent rule can be amended, but it still would need to lay over for one day for approval.

The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, I make the motion that we send



forthwith these materials to the Senate.

The SPEAKER: The gentleman from Hope, Mr. Hardy, requests that these matters be sent forthwith by unanimous consent. Is there objection?

Mr. PEASE of Wiscasset: Mr. Speaker?

The SPEAKER: Does the gentleman object?

Mr. PEASE: No. I request permission to speak to the motion.

The SPEAKER: The gentleman may speak to the motion.

Mr. PEASE: I would like, Mr. Speaker, in regards to the motion . . .

The SPEAKER: Is the gentleman questioning the unanimous consent? He may not debate the question.

Mr. PEASE: It was my understanding, Mr. Speaker, that the motion did not request unanimous consent, and I merely desired to explain the previous objection to unanimous consent that I made was for the expressed purpose of allowing another member to reconsider a bill before it left. I wholeheartedly concur with the unanimous request that was made by the gentleman from Bangor, Mr. Wellman, and this present motion that is now on the Floor. I wanted to make my point clear. I am not trying to slow this thing down. I made the objection previously because a member indicated to me that he wanted to reconsider a previous matter.

The SPEAKER: Even under unanimous consent, matters that ask to be held, will be held by a member.

The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: I am objecting.

The SPEAKER: The gentleman objects.

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

Mr. JALBERT: I would like to ask a further question.

The SPEAKER: The gentleman may state his question.

Mr. JALBERT: Mr. Speaker, if we can amend the rule of unanimous consent to make it a majority, if it needs one day to lay over, can we not amend that rule so we won't have the one day to lay over?

The SPEAKER: The gentleman has amended an amendment to an amendment, which is not in order.

Mr. Wellman of Bangor was granted unanimous consent to briefly address the House.

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: At one time I was very proud when I went out of state or when I went anywhere in this state to say I was a member of this House. At this particular moment, I am not one bit proud. As a matter of fact, I am pretty ashamed.

Mr. Speaker, I move that we recess until seven o'clock.

Thereupon, the House voted to recess until seven o'clock this evening.

After Recess  
7:00 P.M.

Called to order by the Speaker.

Mr. Smith of Strong was granted unanimous consent to address the House.

Mr. SMITH: Mr. Speaker, what I am about to say I have arrived at on my own, and I am going to ask permission to withdraw my objections that I made this afternoon. The reason I made those objections were that I was at the time quite a little disturbed over meeting here on Sunday. I still hope we won't have to meet, but regardless, I shall withdraw my objections. (Applause)

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Establishment, Maintenance and Operation of Regional Technical and Vocational Centers" (S. P. 383) (L. D. 1086) the Speaker appointed the following Conferees on the part of the House:

- Mr. ANDERSON of Ellsworth
- Mrs. SMITH of Falmouth
- Mr. MacLEOD of Brewer

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Investigation of Motor Vehicle Accidents by Highway Safety Committee" (S. P. 492) (L. D. 1344) the Speaker

appointed the following Conferees on the part of the House:

Messrs. RUST of York  
KNIGHT of Rockland  
CHILDS of Portland

On motion of Mr. Pease of Wiscasset, by unanimous consent, all matters passed to be engrossed, all matters passed to be enacted and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

The SPEAKER: The Chair lays before the House item number one, Supplement No. 2 to the Calendar, that has been distributed to your desks. Bill "An Act Increasing Sales Tax," House Paper 313, Legislative Document 406, failed on passage in the House, tabled on June 21 by the gentleman from Bangor, Mr. Wellman, pending further consideration.

Thereupon, on motion of Mr. Wellman of Bangor retabled pending further consideration and specially assigned for later in tonight's session.

The Chair laid before the House Item 2 House Report — Ought not to pass as covered by other legislation — Committee on Labor on Bill "An Act Repealing Certain Portions of the Employment Security Law," House Paper 1, Legislative Document 7. Tabled, June 21 by the gentleman from Manchester, Mr. Gifford, pending the acceptance of the Report.

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

Mr. BROWN: Mr. Speaker, I move, Mr. Speaker, that the House substitute the Bill for the Report.

The SPEAKER: The gentleman from South Portland, Mr. Brown, moves that the House substitute the Bill for the Report.

The Chair recognizes the gentleman from Brewer, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, if it is in order, I move that this Bill and any Reports be indefinitely postponed.

The SPEAKER: The gentleman from Brewer, Mr. MacLeod, now moves that the Report and Bill

be indefinitely postponed. Is the House ready for the question?

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: This bill, as you notice, is House Paper 1, L. D. 7, and it has been held on the table here, been tabled fourteen times for the purpose that we hope it will be tonight it will be taken, and that is that it could be substituted for the report and sent along its way, because there don't seem to be anything definite about a labor bill in the other end of the corridor, and it seems as though something should be done — some consideration.

Now the Thaanum Bill is a good bill, in my opinion, but nothing has been done with it, so I'm in hopes that if we would substitute the bill for the report that something may be done, and I've talked with the Governor about it before and of late and he's in favor that something shall be done for labor, in fact he promised it, and I'm quite sure if this bill had not been presented and had not been in the works long before the election, the idea that I am just wondering if we would have had the House set up as we have now. Now I think we do owe something to labor, and I'm in hopes that something may be done. I'm not too anxious that this bill should be passed in its present form, but I think we should send it on its way and that something may come out of labor that would be fair and equitable to all concerned. I trust that this bill may not be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you just a brief history here. This bill was reported out early in April or near mid-April I guess. It had a unanimous "Ought not to pass" Report covered by other legislation. It was signed by the gentleman from Waterville, Mr. Noel.

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

Mr. JALBERT: Mr. Speaker, I would like to concur with the gentleman from Bowdoinham, Mr. Curtis. There might be an opportunity to arrive at some sort of compromise wherein it concerns labor and management legislation and so that I would like to have you go along with him. I don't think it would clutter up anything and delay anything too long if we went along with the gentleman from Bowdoinham, Mr. Curtis, and it's possible that something could be worked out; if not, certainly I don't think there would be any great damage.

The SPEAKER: The Chair recognizes the gentleman from Topsham, Mr. Mendes.

Mr. MENDES: Mr. Speaker, this is one of the very few bills to come out of our Labor Committee with a unanimous Report, which is a very rare thing indeed. The unanimous Report was "Ought not to pass" and I heartily concur with the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker, the report was unanimous because it was covered by other legislation. The report was not based on the merits or demerits of the bill. At that time we expected that the Thaanum Bill would be passed as it was by the House on every occasion on which we voted on it. The Thaanum Bill was felt by those who formed the membership of the Study Committee to be a fair bill, and the Senate decided otherwise with the assistance of the third house.

We, on the part of labor, have been working for a long time now to get some substitute amendments onto L. D. 1259 that would make it acceptable to both sides. We have thought—on several occasions, we have reached an agreement, but every time something has happened that has upset things. The trouble with the so-called Estey amendments passed by the 100th Session of the Legislature are basically these, the disqualification for sickness and because of lack of transportation among other things. To be sure we have a decision from the Attorney General's office that sick-

ness is not an excuse for payment of benefits, but that is just one man's opinion. It has nothing in law to back it up. It has nothing in the line of a court decision to back it up, so the person who may be declared ineligible by another Attorney General some time in the future will still be out on a limb.

As far as this bill goes, I hope the motion to indefinitely postpone does not carry. I hope that we can, as the gentleman from Bowdoinham, Mr. Curtis, has said, keep it alive, even put it through the first two readings without any amendment in the hopes that by that time perhaps we can all reach some kind of an agreement on something that will benefit both sides in this matter. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, I would support the motion of the gentleman from Bowdoinham also that this bill go right along. It's very late in this session and we've got to do something about this, and I hope that the bill will not be indefinitely postponed, that it will be a vehicle that we can do something about unemployment compensation before this session is over. Thank you.

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: In making my motion as I did I certainly made it with the full understanding in what has been transpiring in this Capitol in regard to this very important legislation. It seems that somebody must be told to get off dead center. Now if I may get back to what this bill would do, it would put the law back in the position where it was two years ago, and in my opinion if it were back where it was two years ago, and the Commission took its prerogatives under the existing laws, then we would not have to worry one little bit. The fund would start building up; so it is not a dangerous bill, and it certainly will be taken care of in a correct and proper manner. I

hope the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Gifford.

Mr. GIFFORD: Mr. Speaker, I rise in opposition to the motion to indefinitely postpone L. D. 7, and in support of the motion of the gentleman from South Portland, Mr. Brown, to substitute the bill for the report. Earlier in the session we had before us the Thaanum Bill which was the result of an interim study by representatives of all parties interested in legislation in this field. That bill is dead; and there has been lying on the table in the other chamber for almost as long as this one has here in the House, two other bills covering this field. They do not appear to be making any progress. In the hopes that we may have some vehicle by which to accomplish something in this field in this session, I decided tonight to attempt to secure passage of a motion to substitute the bill for the report, and at least have something before us that is alive and moving, and which can be used to accomplish something in this field. If as time progresses we find that this bill becomes unnecessary, it will be a very simple matter to dispose of it at that time. I hope the motion to indefinitely postpone will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I did have two bills in here which went forth to the Senate which the House failed to pass, which would correct some of the inequities in the Estey Bill. I feel as though there is sufficient material in that body to amend this bill or any other thing which they wish to propose. I, therefore, agree with the gentleman, Mr. MacLeod, that this bill be indefinitely postponed.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Brewer, Mr. MacLeod, that this matter be indefinitely postponed.

Mr. Curtis of Bowdoinham asked for a division.

The SPEAKER: A division has been requested. All those in favor of indefinite postponement will rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Fifty-nine having voted in the affirmative and sixty-two having voted in the negative, the motion to indefinitely postpone did not prevail.

The SPEAKER: Is it now the pleasure of the House to substitute the Bill for the Report?

The motion prevailed, and the Bill "An Act Repealing Certain Portions of the Employment Security Law," House Paper 1, L. D. 7, was substituted for the "Ought not to pass" Report and given its two several readings.

The SPEAKER: Is it the pleasure of the House to suspend the rules and give this Bill its third reading?

(Cries of "No")

The Chair will ask for a division. All those in favor of suspending the rules that this matter may get its third reading, will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-five having voted in the affirmative and eight having voted in the negative, the motion prevailed.

The rules were suspended, the Bill given its third reading, passed to be engrossed and sent forthwith to the Senate.

#### Conference Committees Report

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on Resolve Authorizing the Disposal of Western Maine Sanatorium (H. P. 401) (L. D. 600) reporting that the Senate recede and concur in passing the Resolve to be engrossed as amended by House Amendment "A."

(Signed)

O'LEARY of Mexico  
BERRY of Cape Elizabeth  
— Committee on part of House.  
WHITTAKER of Penobscot

FERGUSON of Oxford  
LOVELL of York

— Committee on part of Senate.

Report was read and accepted and sent up forthwith for concurrence.

The SPEAKER: Now referring back to your other Supplemental number 2, the third matter, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965, House Paper 1105, Legislative Document 1586, tabled June 21 by Mr. Wellman of Bangor, pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, pursuant to the instructions I received at a caucus, I now move that we suspend the rules so that I may reconsider passage to be engrossed for the purpose of offering an amendment.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, now moves that the rules be suspended. All those in favor of suspending the rules will rise and remain standing until the monitors have made and returned the count.

Amend said Bill by striking out all of section 2 and inserting in place thereof the following:

'Sec. 2. Deductions. There is hereby appropriated to be deducted from funds made available under the provisions of the private and special laws of 1963, chapter 168, as heretofore passed by this Legislature, the following amounts:

Department	1963-64	1964-65
<b>ADJUTANT GENERAL, DEPARTMENT OF</b>		
Administration		
Personal Services	\$ (6,273)	\$ (6,523)
Military Fund		
Personal Services	(864)	(909)
Operation of State Armories		
Personal Services	(3,129)	(3,293)
	<hr/>	<hr/>
Total deductions—Adjutant General	(10,266)	(10,725)
<b>AGRICULTURE, DEPARTMENT OF</b>		
Administration		
Personal Services	(250)	(250)
Promotion of Agriculture		
Personal Services	(219)	(234)
All Other	(4,000)	(4,000)
Animal Industry Division		
Personal Services	(1,022)	(1,062)

A division of the House was had.

One hundred four having voted in the affirmative and one having voted in the negative, the rules were suspended.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I move we reconsider our action whereby we passed this bill to be engrossed.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, now moves that this matter be reconsidered, this bill having been passed to be engrossed. Is this the pleasure of the House?

(Cry of "No")

On a viva voce vote, the motion prevailed.

Mr. WELLMAN: I now offer House Amendment "K" to L. D. 1586, under filing number H-504.

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

HOUSE AMENDMENT "K" to H. P. 1105, L. D. 1586, Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965."

Department	1963-64	1964-65
Control of Livestock Diseases		
Personal Services	(1,344)	(1,400)
All Other	(4,000)	(4,000)
Dog Licenses—Administration and Claims		
Personal Services	(536)	(544)
Division of Inspection		
Personal Services	(3,367)	(3,418)
All Other	(4,000)	(4,000)
Division of Markets		
Personal Services	(2,787)	(2,911)
All Other	(3,000)	(3,000)
Division of Plant Industry		
Personal Services	(599)	(614)
Bee Industry		
Personal Services	(17)	(17)
	<hr/>	<hr/>
Total deductions—Department of Agriculture	(25,141)	(25,450)
<b>ATLANTIC SEA RUN SALMON COMMISSION</b>		
Administration		
Personal Services	(798)	(827)
<b>ATTORNEY GENERAL, DEPARTMENT OF</b>		
Administration		
Personal Services	(4,237)	(4,492)
<b>AUDIT, DEPARTMENT OF</b>		
Administration		
Personal Services	(3,611)	(3,734)
<b>BANKS AND BANKING, DEPARTMENT OF</b>		
Administration		
Personal Services	(883)	(927)
<b>CIVIL DEFENSE AND PUBLIC SAFETY</b>		
Administration		
Personal Services	(2,173)	(2,270)
All Other	(1,000)	(1,000)
Federal Matching Program		
All Other	(5,000)	(5,000)
Capital Expenditures	(5,000)	(5,000)
	<hr/>	<hr/>
Total deductions—Civil Defense & Public Safety	(13,173)	(13,270)
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>		
Administration		
Personal Services	(6,851)	(7,117)
All Other	(35,000)	(35,000)
	<hr/>	<hr/>
Total deductions—Dept. of Economic Development	(41,851)	(42,117)
<b>EDUCATION, DEPARTMENT OF</b>		
Subsidies to Cities and Towns— for Professional Credits		
All Other	(11,500)	(11,550)
Teachers of Mentally Retarded Children		
All Other	(120)	(120)
School District Commission		
All Other	(2,500)	—

Department	1963-64	1964-65
Farmington State Teachers College		
Personal Services	(13,208)	(13,832)
All Other	(3,775)	(3,775)
Gorham State Teachers College		
Personal Services	(13,208)	(13,832)
All Other	(7,625)	(5,625)
Capital Expenditures	(2,500)	(2,500)
Washington State Teachers College		
Personal Services	(6,604)	(6,916)
All Other	(3,775)	(3,775)
Capital Expenditures	(1,000)	(1,000)
Fort Kent State Teachers College		
Personal Services	(6,604)	(6,916)
All Other	—	(3,775)
Capital Expenditures	(1,000)	(2,000)
Aroostook State Teachers College		
Personal Services	(6,604)	(6,916)
Schooling of Children in Unorganized Territory		
All Other	(5,000)	(20,000)
Matching Funds—Training in Fisheries Trade		
All Other	(3,000)	(2,000)
Vocational Education—State		
Personal Services	(5,605)	(6,421)
All Other	(12,875)	(12,875)
Capital Expenditures	(500)	—
Maine Vocational Technical Institute (Fort Preble)		
Personal Services	(2,753)	(2,946)
All Other	(3,800)	(3,745)
Vocational Rehabilitation		
Personal Services	(3,012)	(3,127)
Education of Orphans of Veterans		
All Other	(1,470)	(1,470)
Special Education for Physically Handicapped Exceptional and Mentally Retarded Children		
Personal Services	(626)	(626)
All Other	(25,500)	(25,800)
Capital Expenditures	(250)	(250)
Secondary Education for Island Children		
All Other	(575)	(575)
School of Practical Nursing — Southern Maine		
Personal Services	(4,545)	(4,869)
Capital Expenditures	(1,000)	—
Industrial Education		
All Other	(4,350)	(4,400)
Driver Education		
All Other	(7,900)	(7,900)
Training of Firemen		
All Other	(5,000)	(5,000)
New England Higher Education Compact		
All Other	(4,400)	(4,450)
Total deductions—Department of Education	(172,184)	(188,986)
EXECUTIVE DEPARTMENT		
Administration		
Personal Services	(1,969)	(2,042)

Department	1963-64	1964-65
<b>FINANCE AND ADMINISTRATION, DEPARTMENT OF</b>		
Accounts and Control		
Personal Services	(9,196)	(9,557)
Bureau of Public Improvements		
Personal Services	(4,124)	(4,323)
Bureau of the Budget		
Personal Services	(1,698)	(1,821)
Property Management Division		
Personal Services	(11,588)	(12,018)
Purchases—Administration		
Personal Services	(2,460)	(2,580)
Taxation—Administration		
Personal Services	(18,192)	(18,896)
	<hr/>	<hr/>
Total deductions—Department of Finance and Administration	(47,258)	(49,195)
<b>FORESTRY, DEPARTMENT OF</b>		
State Forest Nursery		
Personal Services	(700)	(700)
All Other	(1,000)	(1,000)
Control of White Pine Blister Rust		
Personal Services	(450)	(450)
Forest Fire Control—Organized Towns		
Personal Services	(6,650)	(6,750)
Capital Expenditures	(4,500)	(4,500)
Aid to Small Woodland Owners		
Personal Services	(2,000)	(2,100)
All Other	(2,000)	(2,000)
Entomology		
Personal Services	(2,640)	(2,784)
All Other	(7,500)	(7,500)
	<hr/>	<hr/>
Total deductions—Forestry Department	(27,440)	(27,784)
<b>HEALTH AND WELFARE, DEPARTMENT OF</b>		
Bureau of Health		
Personal Services	(9,500)	(9,500)
Central Maine Sanatorium		
Personal Services	(10,000)	(10,000)
General Administration		
Personal Services	(20,000)	(20,000)
Child Welfare Services—State Funds		
Personal Services	(7,000)	(7,000)
Jefferson Relief Camp		
Personal Services	(1,500)	(1,500)
Passamaquoddy Indians		
Personal Services	(2,000)	(2,000)
Hospital and Medical Care		
All Other	(80,000)	(80,000)
Assistance to the Aged, Blind and Disabled		
All Other	(55,000)	(55,000)
	<hr/>	<hr/>
Total deductions—Health & Welfare	(185,000)	(185,000)
<b>INDUSTRIAL ACCIDENT COMMISSION</b>		
Administration		
Personal Services	(2,519)	(2,611)



Department	1963-64	1964-65
<b>INSURANCE, DEPARTMENT OF</b>		
Administration		
Personal Services	(1,445)	(1,471)
<b>LABOR AND INDUSTRY</b>		
Administration		
Personal Services	(3,003)	(3,127)
<b>LEGISLATIVE</b>		
Legislative Expense		
Personal Services	(649)	(12,901)
Legislative Research Committee		
Personal Services	(1,080)	(1,138)
	<hr/>	<hr/>
Total deductions—Legislative	(1,729)	(14,039)
<b>LIBRARY, STATE OF MAINE</b>		
Administration		
Personal Services	(3,359)	(3,462)
<b>MENTAL HEALTH AND CORRECTIONS, DEPARTMENT OF</b>		
Administrative		
Bureau of Mental Health		
Personal Services	(4,188)	(4,335)
Administration		
Personal Services	(1,466)	(1,524)
State Probation & Parole Board		
Personal Services	(6,394)	(6,652)
	<hr/>	<hr/>
Total deductions—Administrative	(12,048)	(12,511)
Institutions		
Augusta State Hospital		
Personal Services	(61,968)	(62,960)
Bangor State Hospital		
Personal Services	(41,881)	(42,945)
Boys Training Center		
Personal Services	(12,458)	(13,069)
Deaf, Governor Baxter State		
School for the		
Personal Services	(7,910)	(8,196)
Men's Reformatory		
Personal Services	(6,748)	(7,039)
Pineland Hospital and Training Center		
Personal Services	(60,012)	(61,785)
Prison, Maine State		
Personal Services	(11,039)	(11,505)
Stevens Training Center		
Personal Services	(5,503)	(5,746)
Women's Reformatory		
Personal Services	(4,667)	(4,945)
	<hr/>	<hr/>
Total deductions—Institutions	(212,186)	(218,190)
Total deductions—Mental Health and Corrections	(224,234)	(230,701)
<b>PARK COMMISSION, STATE</b>		
Administration		
Personal Services	(7,029)	(7,403)
<b>PERSONNEL, DEPARTMENT OF</b>		
Administration		
Personal Services	(3,218)	(3,332)

Department	1963-64	1964-65
<b>PUBLIC UTILITIES COMMISSION</b>		
Administration		
Personal Services	(4,552)	(4,694)
<b>SEA AND SHORE FISHERIES</b>		
Administration		
Personal Services	(7,580)	(7,807)
Shellfish Management Program		
Personal Services	(994)	(1,024)
	<hr/>	<hr/>
Total deductions Sea and Shore Fisheries	(8,574)	(8,831)
<b>SECRETARY OF STATE</b>		
Administration		
Personal Services	(1,131)	(1,162)
<b>SUPREME JUDICIAL AND SUPERIOR COURTS</b>		
Administration		
Personal Services	(9,635)	(9,634)
<b>TREASURER OF STATE</b>		
Administration		
Personal Services	(1,421)	(1,448)
<b>UNIVERSITY OF MAINE</b>		
Educational Television		
All Other	(25,000)	(25,000)
<b>VETERANS AFFAIRS, DIVISION OF</b>		
War Veterans Services		
Personal Services	(2,714)	(2,788)
<b>WATER IMPROVEMENT COMMISSION</b>		
Administration		
Personal Services	(2,785)	(2,916)
	<hr/>	<hr/>
Total deductions—		
All Appropriations	(\$836,159)	(\$877,168)*
Further amend said Bill by adding at the end thereof the following sections:		

**Sec. 4. Intent.** It is not contemplated by the Legislature that the reductions herein reflected in the Personal Services Category, will entail the summary release of any state employee. Rather it is expected that such savings as are indicated be effected through completely normal procedures, i.e., turnover resulting in salary savings, separations, resignations, etc.

**Sec. 5. Current Revenue Reserve Fund.** There is hereby established the Current Revenue Reserve Fund to which there is appropriated, out of any moneys in the General Fund not otherwise appropriated, the following amounts:

<b>Current Revenue Reserve Fund</b>	<b>1963-64</b>	<b>1964-65</b>
Unallocated	\$836,159	\$877,168

It is the intent of the Legislature that the above appropriated funds are to be available for such purposes as may be determined by the 102nd Legislature.'

Further amend said Bill by renumbering the sections of said Bill to read consecutively.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, these items that are contained in this House Amendment "K" should be quite familiar to all of you. We've seen them before. At that time they were known as the Conference Report on the disagreeing actions of the two branches on the Current Services. The wording in section 2 in the first page indicates that there is to be appropriated to be deducted — we've discussed this language earlier, what it means in effect is that there is deducted from the Current Services the amounts in the places, in the institutions, in the services that are indicated on these sheets.

On the last page you will find under section five that there is hereby established a Current Revenue Reserve Fund. The same amounts which are deducted from the Current Services are appropriated to that fund, and it is further the intention of this legislature that these funds shall remain in — that these monies shall remain in this fund for such purposes as may be determined by the 102nd Legislature. This means that these monies will not fall into the lapsing or unappropriated surplus account, and may properly be used for current service expenditures in the next session of the Legislature. I believe that we have argued and discussed these items before. I'm not happy to have to propose these amendments, but I will do it.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: I realize that we are taking drastic steps at this time to take care of a precarious situation. However, I call your attention to the fact that under the Farmington State Teachers College here, we are dropping two members — that is, they will be short two members of the faculty. Under one area why we are permitted two additional members of the faculty. So the net result of this will be one new faculty member which is going to certainly restrict the institution and the

number of students they will be able to take care of in this coming two years.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker and Ladies and Gentlemen of the House: I must state why I must oppose this cut. I am now reading from a statement from the Commissioner, Dean Fisher, "\$270,000 of the proposed reduction must come from the so-called All Other Funds and must be reflected primarily in welfare accounts, all of which involve federal matching funds. The proposed reduction of \$110,000 in the account for Assistance to the Aged, Blind and Disabled, will necessitate a loss of approximately 300,000 federal dollars. The remainder of the proposed reduction apparently must come from the account for Hospital and Medical Care. The \$160,000 cut proposed here will necessitate the loss of approximately \$320,000 in federal funds. Therefore," now mark this, "therefore the total effect of the proposed reduction of \$370,000 in state funds becomes a loss to the Department of \$1,060,000 for the biennium."

We are being asked here, ladies and gentlemen, to vote for a one cent increase on the sales tax, and your pension people, your people on Old Age Assistance will be paying this increase. Yet, we are at the same time being told that we are going to take from Old Age Assistance in the form of Hospital Care for the Aged, and from Assistance to the Aged, Blind and Disabled a total of \$1,060,000. I, for one, cannot vote for the sales tax, and then turn around, and of all places to take it away from, take it away from Old Age Assistance; and for that reason I would at this time move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves the indefinite postponement of House Amendment "K."

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

Mr. MINSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out certain

figures to you that I think to a degree might be in refutation to the comments made by the gentleman from Farmington, Mr. Jones, as well as the gentleman from Rockland, Mr. Knight. The figures which I have in front of me would indicate that the amount of money granted by the State of Maine to Farmington State Teachers College for the previous biennium was approximately \$1,382,000. While the amount of money to be granted to the college even after this proposed \$1,700,000 cut is approximately one and one-half million dollars, and thus there would appear to be \$100,000 additional appropriation to the Teachers College even after this proposed cut is made.

I would further like to point out to the gentleman from Rockland that the accounts of the Aged and the Blind and Disabled have for this biennium been combined, and this will, even with a lesser sum of money, provide for us a considerable amount of additional federal funds because of this new system of accounting. It will allow us to get additional federal subsidies, number one and number two, because of the greater flexibility within the Department. I believe that greater progress can be made towards the Aged, Disabled and Blind despite this cut than was made in the previous biennium. I think that I can show to any member of this Legislature the fact even with the amendment offered by Mr. Wellman a greater service will be rendered to the people of the State of Maine under the proposed budget than was in the previous biennium.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: This is a familiar document to me, as I can recall one day that we sent it down into defeat. Now it is up against us again. This time in the guise of a move to get the four cents sales tax passed. As I examine this document, there are cuts in every single vital area. I even notice in Sea and Shore Fisheries a cut of \$7,500,000 for '63 and '64 and \$7,807,000 for the next biennium. Whatever language is given

to cover this up, this is nothing else but a cut in the vital Current Services Budget. Now how in the world can you go back and tell the people that you need more taxes and cut the Current Services? I wish you would all examine this budget very, very carefully, the cuts involved. I certainly concur with the move to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: Mr. Speaker, Ladies and Gentlemen: I hate to go against the adoption of this amendment. I am not going against my word in caucus because I stated that I would go either way, but I agree with the statement that the gentleman from Rockland, Mr. Knight, made that we need this Hospital and Medical Care for the Aged, and the Aid to the Aged and the Blind and Disabled which, as he said, would amount to around a million dollars. And also there is another item in there of \$17,000 for the Commissioner of Sea and Shore Fisheries which would wipe out the \$15,000 that I worked hard to get on the amendment — to get an amendment for, so I would oppose this amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: I shall not stand here and attempt in any way to again defend the Current Services Budget. I have stood here for long hours perfectly willing to explain to you all what these cuts would do. You all know. If two million can be saved from L. D.'s and surpluses and laid aside, I will go along with it anytime, but I will not go along with the cuts in the Current Services.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, I want to concur with my friend the gentleman from Rockland, Mr. Knight. I am very much upset with the conditions that exist with our Sea and Shore Fisheries. They are running pretty close to begin with, and to cut them \$7,580 annually would hit this department very bad-

ly. So, therefore, I would like to concur with Mr. Knight.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, I would like to ask a question through the Chair.

The SPEAKER: The gentleman may state his question.

Mr. WADE: Mr. Speaker, to a member of the Appropriations Committee. Just how much funds are being deducted from the personal services of the Women's Reformatory at Skowhegan under this amendment?

The SPEAKER: The gentleman from Skowhegan, Mr. Wade, poses a question through the Chair to any member of the Appropriations Committee who may answer if they choose.

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

Mr. MINSKY: Mr. Speaker, I regret that I cannot give the gentleman from Skowhegan, Mr. Wade, the exact figure on that because the budget or the L. D. does not break down the actual figures for the Central Maine or for the Skowhegan Reformatory.

I would point out, however, that—if the gentleman would defer for just a moment and if another speaker would speak, I would be able to give the exact figures.

The SPEAKER: Would the gentleman defer for just a moment?

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

Mr. MINSKY: Mr. Speaker, the actual cut from the proposed budget is approximately \$9,500. I would like as part of my answer to point out to the gentleman from Skowhegan that the number in parentheses there is mainly forty employees, has not been eliminated so that they are still authorized to employ forty employees. They have a total employment or personnel figure of approximately \$373,000 left, so that the cut that is proposed is less than one-half of one percent. I would suggest to the gentleman from Skowhegan that as is often the case where an employee leaves state service, it is sometimes several months before a new employee is found to replace that employee and, there-

fore, certain funds do accrue, and I would suggest that out of a budget of \$373,000, the \$9,500 could quickly be obtained through this sort of turnover. I would also suggest to him that the \$373,000 that is being allotted even after the cut is in excess of the amount of money that was allotted for the previous two years. In view of that I think that they could maintain their current staff.

I would point out to the gentleman from Skowhegan, Mr. Wade, as well as to the other members, that even after this cut, the budget will remain approximately \$12,000,000 more than it was for the previous biennium; and therefore I do not foresee in this cut any decrease in state services.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, I appreciate the statement and the figures from the gentleman from Bangor, Mr. Minsky, with his reference to twelve millions of dollars. Up in Skowhegan there at the reformatory I think we have an unusual situation. Those of us who have read as of today's current papers recognize the fact that there were two young girls down in Lewiston who were accused of, well not juvenile delinquency but something much more serious. Now I'm curious to know how, with all due respect—and I have a great deal of admiration for the work of the Appropriations Committee, how can they determine what the case load is going to be at any reform area, be it the Stevens School, be it the State Prison, be it the Women's Reformatory in Skowhegan?

Now the gentleman from Bangor, Mr. Minsky, has given us some figures. Naturally we are going to accept them because they come out of the Appropriations Committee; but how can they determine to cut personnel on a characterization which we know nothing about definitely? I am just a little bit confused, Mr. Speaker, and I don't believe everything, but I am fairly familiar with what goes on up at the reformatory in an impersonal way; and I just want to say to the gentleman from Bangor, Mr. Minsky, I just

can't condone his figures on the basis of how many people are we going to have to take care of and how many personnel are we going to need to take care of, these people shall we say.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, looking over this, I find that there's cuts in the dog licenses, and I find them about cattle and everything else, and which perhaps can all be taken care of, but I am terribly disturbed about our Old Age Assistance and the Hospital Care.

I served for six years on the Public Health, and I know something about the shortages there. Until the last session of the Legislature there was only \$10 a day provided for the indigent, those getting Old Age Assistance who went to the hospital. And what happened, these hospitals were losing money anyway, and they just simply sent them home whether they were fit to go home or not, as long as they were alive, and they usually didn't send them to the hospital unless they were in terribly bad shape, why just as soon as they thought they could live to get home they sent them back home or somewhere to die.

The last legislature did a good job, and they appropriated enough money whereby the hospitals may lose some money, but they get somewhere near within four or five dollars a day for these old age people, and so they will keep them until they have a better chance to live. Now until, I think it was in 1957, we had a fine gentleman here, his name was Francis Rowe, and he and I worked hard to do something for these old age people, and by his work although he didn't get it out at that time why eventually it was passed in the next legislature. So we've got a pretty fair setup now, probably not as good as we could hope to have; and to go to work and try to cut off at the cost of losing a million dollar fund, the amount of money from the federal government, I just don't see how anybody could possibly live with themselves and stand for that. Now I don't know whether this

could be amended to straighten that part out. I don't know too much about the rest, but I do know something about that, and I know what a hardship it would cause.

I do know also that the Federal Government has set up a program where by 1964 we've got to have more case helpers, that is people who are going to look after this, or they are going to cut the funds, and by 1965, this just will cut them a way, way down. Well, the Health and Welfare people asked for twenty and they didn't get any. So I'm just wondering if we start cutting here, what's really going to happen with the Federal Government. The Federal Government put out these programs and they'll put out money to furnish them if we agree to furnish our share. In other words if we furnish twenty-five cents, they'll give us seventy-five cents, and they don't do any fooling about it. They tell you what's what and if you don't want to go along with it, why that's okay with them. So I hope that something can be done somewhere. I'm not going to go along with the indefinite postponement of this thing here, but I hope that somebody will table it or do something with it whereby we can consider what we're going to do with our old age people and the Health and Welfare, and somehow that we can save that million dollars that the Federal Government is surely not going to give us.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Since this amendment has hit my desk, I have been told by people that unless we do this, this will happen; unless we do that, this will happen. Well, I have mulled over what would happen, and I've come to the decision that regardless of what happens, I want no part of punishing state government by hasty-pudding legislation. This amendment is not only bad, it reeks. I want no part of it at all regardless of what happens to personal legislation that I have, regardless of what would happen to A report or B report or

any other piece of legislation that I have any interest with at all.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen: We talk about the Reversible 101st. I think it is high time we started looking at ourselves in the mirror, and digesting a little of the facts of the past year. We have already passed the Current Services Budget and the reasons why have been discussed both pro and con, and to bring this matter up now at this late date when we're trying to work for a swift closure of this session seems quite irresponsible to me; and I move that we indefinitely postpone this item and I move the previous question.

The SPEAKER: The gentleman from South Portland, Mr. Taylor, moves the previous question. For the Chair to entertain the motion for the previous question it must have the expressed desire of one-third of the membership present. All those who desire that the motion be entertained for the previous question will rise and be counted.

An insufficient number arose.

The SPEAKER: Obviously less than one-third having arisen, the motion is not entertained.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: I think this is one of the worst pieces of legislation that we've had presented to us this session, and I certainly hope that everyone in this room will vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I speak as a member of the Health and Institutional Services Committee, and I just can't understand the reasoning in this. I have a letter here from the Maine TB and Health Association and it says, "The greatest concentration of tuberculosis in Maine is in the southern half of the state. It does not appear reasonable to further weaken the effectiveness of tuberculosis control in

the general area by taking needed funds from the Central Maine Sanatorium budget already cut dangerously thin; and when I look and see what's taken from the Boys Training Center and the Stevens Training Center, I just don't think it's even reasonable.

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

Mr. BERRY: Mr. Speaker and Members of the House: As a very sincere and dedicated Republican, I can't sit idly by here and see an amendment presented without speaking my mind either, and I feel that the Republicans in the House should be against these cuts for the reasons that have been set forth very plainly here by members of both parties, I think probably most plainly and succinctly by the gentleman from Rockland, Mr. Knight.

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

Mr. CROCKETT: Mr. Speaker, I notice that we have the Pineland Hospital and Training Center. Now there is something that we're trying to cut out here \$160,000 each biennium. Those people working up there must be dedicated people, and I say if we take one cent away from them, you and I as members of society are certainly doing a great injustice.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Minsky.

Mr. MINSKY: Mr. Speaker, I feel that some additional facts should be pointed out concerning Pineland. I do not wish to get up and debate each individual item mentioned, but I think this is typical and perhaps I won't answer any more beyond this unless a specific question is asked. In the last year of the biennium \$4,432,000 was authorized for personal services at the Pineland Hospital and Training Center. For the next two years, even the cut proposed by the gentleman from Bangor, Mr. Wellman is made, the sum of \$4,749,000 will be authorized. That is, after this so-called cut is made, there will still remain in the personnel services alone an increase of \$310,000 for the next two years. This certainly does not cut into the

present Current Services. I submit to you that the additional \$310,000 will allow us to augment present services. They are authorized for each year of the biennium 573 employees in Pineland, at an increase of \$310,000 over the previous biennium, should be sufficient and should be able to increase their services and not cut into them.

The SPEAKER: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: In reference to the remarks made by the Representative from Portland, Mrs. Hendricks, I want to call to your attention that this document, if I have it correctly, cuts out \$10,000 each year of the biennium from the personal services of the Central Maine San, and \$20,000 each year from the general administration. That is \$60,000 in the two years of the biennium. We took out twelve something each year of the biennium to close down and put the patients on the top floor of the Hardy Building, \$25,000 in two years of the biennium. I have had telegrams and I have had letters of what damage this would do to the San and to their programs. Yet, it was possible that all of this \$25,000 would not have to be spent on the clinic since the clinic from Presque Isle was to be moved to become the clinic at Fort Fairfield; and I ask you if \$25,000 would ruin the program, what will \$60,000 do?

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I would like to ask the gentleman from Bangor, Mr. Minsky, a question through the Chair.

The SPEAKER: The gentleman may state his question.

Mr. RANKIN: Mr. Speaker, is this not, Mr. Minsky, the same budget you were defending some time ago?

The SPEAKER: The gentleman from Southport, Mr. Rankin, poses a question through the Chair to the gentleman from Bangor, Mr. Minsky, who may answer if he chooses.

Mr. MINSKY: Mr. Speaker, I will answer the question of the gentle-

man from Southport in saying that I have in the past defended the entire Current Services Budget. I think it is capable of defense, but I think that a number of the members of this House have shown a reaction to the contrary to this budget, and in all honesty I can say that even with the cuts while it is not completely as I would like it, it is my honest belief that it does not only implement the Current Services of the past two years, but in many, many cases the twelve additional million dollars will augment those services.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, a parliamentary inquiry, is there a motion before the Floor on Amendment "K"?

The SPEAKER: There is a motion to indefinitely postpone House Amendment "K."

Mr. PIERCE: Mr. Speaker, unless otherwise ordered, I would request a division.

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

Mr. BRAGDON: In answer to some of the questions that have been raised here whether this one asked of Mr. Minsky, the gentleman from Bangor, is not this the same budget which you once defended, and I can answer in the same way that this is the same budget which I once defended. However, I want to point out and I'm sure you are all aware of it, this is the report of the Conference Committee. This is the report that was arrived at with three Senate members of the Appropriations Committee, and because of developments which have — which we now have with us, I feel that I will go along with people in this House who did not agree with me in the interest of harmony, and go along with this budget as it has now been proposed to us and is now before us as it came from the Conference Committee.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.



Mr. DENNETT: Mr. Speaker, when the vote is taken, I ask that it be taken by roll call.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I only wish to go on record in my home town where the Central Maine San is located. If I recall correctly, there was an amendment submitted to the House by Mr. MacLeod which stated that there were 123 employees in this sanatorium and 77 patients. Now I, as a taxpayer in the State of Maine, feel that this hospital is overstaffed if those figures are correct, and therefore I see no objection to cutting the Services Budget.

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

Mr. JALBERT: Mr. Speaker, it is just my thinking that this was discussed at length back a few weeks ago that possibly the way to approach this thing would be to have, whether it would be the Appropriations Committee or a special committee, make a thorough study and give a complete look-see into this entire program. I have respect for people that have worked on these cuts. I've stated so before; but I just feel that possibly a committee that has worked on something at length possibly is more familiar with the situation and possibly where something might look glaringly wrong, after an explanation is given, maybe it might straighten itself out. I just in all honesty feel I don't think that we want to, just to appease or just for harmony's sake — and I certainly respect the opinions stated by the gentleman from Perham, Mr. Bragdon, and in your hearts these people who feel about these cuts, do you really and honestly think that this is good sound judgment? I think it's done rather hastily, and I just feel I can't consequently be any part of it. I know there are certain economies that could be brought forward in state government, but I would like to have it done on a long-range program, on a study program, so that we could

come back here and really accomplish something, and say to ourselves, well we've done it and we've done it right.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, may I interrupt debate at this time to move the suspension of that section of Rule 26 which prohibits the transaction of business after the hour of 9:00 P.M., the time being 8:52.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves the suspension of Rule 26. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, to further clarify the situation of the Central Maine San, when the \$25,000 was taken, at that time there was danger that TB patients who are practically cured and their sputa was negative, there is a possibility now that they will have to be put in with the positive cases, and this will certainly set this program of TB way back, and this letter which states this comes from Edmund T. Wells, Executive Director of the Maine Tuberculosis and Health Association.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I checked the number of patients in the San yesterday. There are eighty-five resident patients, and there are some two hundred and twenty-five that receive some care. They may be only just in there for a test or for a few days, but they are not there as resident patients. There are eighty-five resident patients but about two hundred and twenty-five go through the San each year for some help in some ways.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, I certainly cannot in good conscience accept this cut. Looking at Gorham

State Teachers College which is very close to me, as you know I have submitted bills which would increase the faculty at Gorham, this Legislature saw fit to cut back very substantially in the number of additional faculty that were incorporated in the L. D. that I proposed. I cannot accept a further cut in an already short faculty situation at Gorham State Teachers College. I point out to you that in the past two years Gorham State Teachers College has been forced to reject over two hundred applicants who were determined as fully qualified to work at the college. The reason for this lack of faculty is not the lack of classroom facilities. Last year in order to make room for more efficient plant operation, the cafeteria style of feeding was instituted in the college. This move enabled the college to operate faster through the noon hour, whereas previously all classes stopped for a noon period 11:30 to 1:15. This one change resulted in the opening of over three hundred additional teaching stations.

We have attempted at Gorham to make use of the facilities and are now being prohibited from doing so because we do not have faculty to put in these rooms. In 1953 the college was ten faculty members short. This year 1963 the college is operating with nineteen less faculty members than they should have. This situation cannot continue and if additional faculty is not provided, of eight hundred and fifty anticipated applicants for admission this fall, they will be forced to accept only a hundred and eighty students, and if this proposed cut for Gorham State Teachers' College faculty is purchased, there will be even fewer students enrolled in the college. It is unfortunate with the shortage of elementary school teachers that we would have to refuse probably nine hundred of the applicants who would apply to Gorham State Teachers' College this fall — many of those will come from your own home town.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker and Ladies and Gentlemen: I've written the news story for tomorrow if

you cut this budget, and here it is — The Current Services Budget, which was enacted by the Legislature some weeks ago and signed by the Governor, was cut \$1,700,000 last evening by the Maine House. And I call that feathering.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen: I notice the cut for the Department of Economic Development, and I being one who has fought for the last six months and refused to give them forty bills amounting to \$707,000 and just refusing to go along on advertising in national magazines to the extent of \$200,000, and then giving them another slap of \$80,000 through this instrument, would be like having somebody knock the DED out and then me giving them another in the back. I would go along for the indefinite postponement of the amendment.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker, it would seem to me that if we pass this amendment it would be something like telling the voters of the state that we are going to raise the sales tax to 4 percent which is sufficient to cover the cost of state government for the next two years, but to soften this blow we are going to lop about \$2,000,000 off of the state services that you are going to get, including school subsidies and you are going to have to make it up some way or another. If that will help you to pay this or absorb this 4 percent, God Bless you and so forth. I concur with the gentleman from Rockland, Mr. Knight, in his motion to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Washington, Mr. Finley.

Mr. FINLEY: Mr. Speaker, I feel that I must register my opposition to this bill whereas I live so near the State Prison and such a severe cut has been made, so I would like to go on record as being opposed to this bill.

The **SPEAKER**: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. **PEASE**: Mr. Speaker, I will be extremely brief and hope that we can vote before nine o'clock. I am not ashamed to get on my feet and support this. I worked long and hard to come up with some sort of a compromise a few weeks ago and this was the result. It is my recollection that when the conference committee met with three members of the Appropriations Committee, various department heads and representatives of various departments assisted in working these figures out, and it wasn't until later that week that at somebody's request detailed information was prepared in an attempt to defeat this measure and pass the current services budget as amended many weeks ago. I think the people from the Appropriations Committee who have now not one hundred per cent recognized exactly that there was any fat in the current services budget because perhaps there wasn't, we are still, however, with this amendment spending some \$12,000,000 more than was spent two years ago for these various projects. I don't think from remembering the conferences that we had in this committee of conference that when we finally wound it up with some sort of an agreement that anyone was being hurt. Now it appears that each of us has our little pet project and I am somewhat surprised that we can't join forces and pass this at this point.

The **SPEAKER**: For the Chair to order a roll call it must have the expressed desire of one-fifth of the membership present. All of those desiring a roll call will please rise and be counted.

A sufficient number arose.

The **SPEAKER**: Obviously, more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that House Amendment "K" be indefinitely postponed. All those in favor of indefinite postponement, will answer "yes" when their names are called. All of those

who are opposed to indefinite postponement, will answer "no" when their names are called. The Clerk will call the roll.

### ROLL CALL

**YES** — Anderson, Orono; Ayoob, Baldic, Bedard, Benson, Bernard, Berry, Birt, Boothby, Brewer, Brown, So. Portland; Bussiere, Carter, Childs, Cookson, Cope, Cote, Cottrell, Cressey, Crockett, Crommett, Curtis, Denbow, Dostie, Drake, Edwards, Ewer, Gilbert, Harrington, Hawkes, Hendricks, Hendsbee, Hobbs, Hutchins, Jalbert, Jobin, Kilroy, Knight, Levesque, Littlefield, Lowery, MacPhail, Meisner, Nadeau, Oakes, O'Leary, Osborn, Pierce, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Rand, Rankin, Reynolds, Ross, Augusta; Roy, Smith, Bar Harbor; Smith, Falmouth; Snow, Taylor, Townsend, Treworgy, Tyndale, Vaughn, Wade, Ward, Whitney, Wight, Presque Isle; Wood, Young.

**NO** — Albair, Anderson, Ellsworth; Berman, Bragdon, Brown, Fairfield; Chapman, Choate, Coulthard, Dennett, Dunn, Easton, Finley, Foster, Gifford, Gill, Gustafson, Hanson, Hardy, Humphrey, Jewell, Jones, Kent, Laughton, Libby, Lincoln, Linnekin, MacLeod, Maddox, McGee, Mendes, Minsky, Mower, Norton, Oberg, Osgood, Pease, Pitts, Richardson, Ricker, Roberts, Rust, Sahagian, Scott, Shaw, Smith, Strong; Thaanum, Thornton, Turner, Viles, Waterman, Watkins, Welch, Wellman, White, Guilford; Williams.

**ABSENT** — Binnette, Blouin, Boissonneau, Bourgin, Bradeen, Burns, Cartier, Davis, Dudley, Gallant, Hammond, Henry, Jameson, Karkos, Lebel, MacGregor, Mathieson, Noel, Philbrick, Ross, Brownville; Susi, Tardiff, Waltz.

Yes, 71; No, 55; Absent, 23.

The **SPEAKER**: Seventy-one having voted in the affirmative, fifty-five having voted in the negative, with twenty-three being absent, the motion to indefinitely postpone House Amendment "K" does prevail.

Are there any further amendments?

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

Mr. MINSKY: Mr. Speaker, at this point I almost don't know what to do about presenting amendments because one of them saves money, and I am not sure of what the attitude of the House would be. At this time, I would like to present House Amendment "M" to L. D. 1586, filing H-506, and as soon as it is read by the Clerk, I would like to speak to this amendment.

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

HOUSE AMENDMENT "M" to H. P. 1105, L. D. 1586, Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965."

Amend said Bill in section 1 by striking out everything under the caption "PARK COMMISSION" and inserting in place thereof the following:

"Personal			
Services	(2)	\$8,700	(2) \$11,300
All Other		1,855	2,750
Capital			
Expenditures		455	2,500

Provides funds to establish a Division of Outdoor Recreation. Includes a Division Head and Clerk Stenographer in 1963-64'

Further amend said Bill in section 1 by striking out the last 3 lines and inserting in place thereof the following:

'Total	\$1,520,593	\$1,977,250
Amounting to	\$1,520,593 for the fiscal year ending June 30, 1964 and \$1,977,250 for the fiscal year ending June 30, 1965.'	

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Minsky.

Mr. MINSKY: Mr. Speaker, this particular amendment is being offered with the understanding of the department involved, the Park Commission. It decreases actually the amount of money being allotted to them, or appropriated to them, by \$10,000. It cuts the personal services from three to two. It does in effect, however, need one additional sentence and that is the creation of the outdoor—the out-

door recreation division is no longer a non-recurring item, but is a recurring item. This is done in conformity with federal regulations so that this particular \$25,000 or \$30,000 appropriation will generate approximately \$80,000 in federal dollars. A conference was had on the telephone between our Park Commissioner and Washington today, and they informed the Park Commissioner unless this corrective language was inserted, they would not be able to grant approximately \$80,000 they now intend to grant.

Thereupon, on a viva voce vote, House Amendment "M" was adopted.

Mr. Minsky of Bangor then offered House Amendment "L" and moved its adoption.

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

HOUSE AMENDMENT "L" to H. P. 1105, L. D. 1586, Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965."

Amend said Bill by striking out all of the last paragraph of section 3.

Further amend said Bill by adding at the end the following sections:

"Sec. 4. P. & S. L., 1963, c. 168, Sec. 1, amended. That part of section 1 of chapter 168 of the private and special laws of 1963, as heretofore passed by this Legislature, which relates to "\*Municipal Sewerage" under the caption WATER IMPROVEMENT COMMISSION, is amended to read as follows:

\*Municipal Sewerage

All Other

565,000	1,130,000	565,000'
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Sec. 5. P. & S. L., 1963, c. 168, Sec. 1, amended. That part of section 1 of chapter 168 of the private and special laws of 1963, as heretofore passed by this Legislature, which relates to the total appropriation for the Water Improvement Commission, under the caption WATER IMPROVEMENT COMMISSION, is hereby amended to read as follows:

'Total Water Improvement Commission	701,629	1,266,629	705,272
	140,272'		

Sec. 6, P. & S. L., 1963 c. 168, Sec. 1, amended. That part of section 1 of chapter 168 of the private and special laws of 1963, as heretofore passed by this Legislature, which relates to "Total — All Appropriations" and the last paragraph, are hereby amended to read as follows:

"Total — All  
 Appropriations  
 \$70,559,640 \$71,124,640  
 \$72,674,068 \$72,109,068

Amounting to \$70,559,640 \$71,124,640 for the fiscal year ending June 30 1964 and \$72,674,068 \$72,109,068 for the fiscal year ending June 30, 1965."

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Minsky.

Mr. MINSKY: Mr. Speaker, this particular amendment contains two provisions. The first provision deletes one sentence from the bill. It is that sentence which would eliminate the Downs Building at the Fairfield Sanatorium. It does not, however, change the number of employees they may have and it does not change the amount of money allocated. It just eliminates one direction made towards the administrator of the hospital, so there is no change either in money or number of personnel.

The second one is similar to an amendment previously offered. It simply takes the money for the Water Improvement Commission that was split over two years and puts it all into the first year. The biennium total remains the same, although the breakdown for each of the two years of the biennium now differs. This will enable the Water Improvement Commission greater flexibility while costing us nothing. They are housekeeping amendments.

Thereupon, House Amendment "L" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, I respectfully move that the House now adjourn until ten o'clock Monday morning.

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, moves

that the House adjourn until ten o'clock Monday morning.

Mr. Wellman of Bangor then requested a division.

The SPEAKER: A division has been requested. All those in favor of adjourning until ten o'clock Monday morning, will rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-nine having voted in the affirmative and fifty-five having voted in the negative, the motion to adjourn did not prevail.

The SPEAKER: Are there any further amendments?

Thereupon, Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965," House Paper 1105, Legislative Document 1586, was passed to be engrossed as amended by House Amendments "A," "C," "E," "L," and "M," and sent to the Senate.

The SPEAKER: The Chair now lays before the House item one on the Supplement No. 2 to the House Calendar, Bill "An Act Increasing Sales Tax," House Paper 313, Legislative Document 406, failed on passage in the House, tabled on June 21 by the gentleman from Bangor, Mr. Wellman, pending further consideration, and earlier today tabled again for later in today's session.

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

Mr. WELLMAN: Mr. Speaker, I move this item lie on the table until tomorrow.

Mr. MacLeod of Brewer then requested a division.

The SPEAKER: A division has been requested. All those in favor of tabling item one until tomorrow, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Sixty-six having voted in the affirmative and twenty-seven having voted in the negative, the tabling motion did prevail.

Thereupon, the Bill was tabled pending further consideration and specially assigned for tomorrow.

### Non-Concurrent Matter

Bill "An Act relating to Salaries of County Officials and Municipal Court Judges and Recorders" (S. P. 628) (L. D. 1569) on which the House voted to insist on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "B" and House Amendments "A", "B" and "D" and asked for a Committee of Conference on June 18.

Came from the Senate passed to be engrossed as amended by Senate Amendments "B" and "C" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House recede from its action whereby it insisted and asked for a committee of conference, and if I receive a favorable vote on this, I shall ask that Senate Amendment "B," filing number S-305 be accepted in non-concurrence.

The SPEAKER: The gentlewoman from Chelsea, Mrs. Shaw, moves that the House recede from its passage to be engrossed.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I am simply flabbergasted by this attempt. If you will look at Senate Amendment "C," filing number S-338, you will see it for what it is. Here it is half past nine, June 21, the Committee on Towns and Counties has already reported, and they are coming in with a salary raise for \$100. Now what is this amendment? The truth? I say it is an improper attempt to trifle with the judgment of this House. We have heard more than enough on these salary bills this session, and I certainly hope that this motion to recede and concur does not prevail so that we can go ahead with our former action and insist on a Committee of Conference. This is getting to be ridiculous.

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

Mr. MacLEOD: Mr. Speaker, Members of the House: Because this amendment involves the judge of the City of Brewer, I want to have it on the record that I knew nothing about this amendment, and I agree with the gentleman from Houlton, this is some kind of a screwy deal.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, I am sure you are tired hearing me talk on this amendment or this legislation. The House has been very courteous to me, and I appreciate it. I have been patient. You ladies and gentlemen have been patient. I concur with the statements of the gentleman from Houlton, Mr. Berman, and the kind remarks of the gentleman from Brewer, Mr. MacLeod. Brewer is in Penobscot County, my county. It is a great county in the State of Maine, nice people. This attempt to have this Senate Amendment adopted, is not good legislation. A handful of willful people trying to inflict their will upon the vast majority. It is not good legislation. I am very sincere in this, and I thank you for your indulgence. I thank you for the courtesy you have shown me, and I hope that the motion of the gentlewoman from Chelsea, Mrs. Shaw, does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, just to correct the record, I want the House to know that I am not asking them to adopt Senate Amendment "C," which is the \$100 raise for the Brewer Municipal Court Judge. I am asking them to recede and to accept Senate Amendment "B," filing number S-305, and not the other amendment.

The SPEAKER: For the information of the gentlewoman and the House, Senate Amendment "B" has already been adopted by the House. What is the gentlewoman's desire?

Mrs. SHAW: That we recede and that we indefinitely postpone the Senate Amendment "C," S-338.

The SPEAKER: Did the gentlewoman say Senate Amendment "C" or "B"?

Mrs. SHAW: Senate Amendment "C."

The SPEAKER: The motion of the gentlewoman from Chelsea, Mrs. Shaw, is to recede in order to indefinitely postpone Senate Amendment "C."

The Chair would inform the gentlewoman that in order to dispose of Senate Amendment "C", the gentlewoman should make a motion to insist instead of recede and ask for a conference to dispose of Senate Amendment "C."

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I believe the gentlewoman from Chelsea, Mrs. Shaw, wishes to recede from our action where we voted to insist and asked for a committee of conference so that she then may just plain insist.

The SPEAKER: The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: May I ask a parliamentary question. I understand this bill was already in a committee of conference, and I have been seen as part of that conference about it.

The SPEAKER: The Chair would inform the House that the Senate has refused to — the Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, regardless of what motions are made, I don't see what we have to touch anyway on this thing. They have just simply sent us back something that we don't even have to bother with.

The SPEAKER: It is in non-concurrence.

Mr. JALBERT: I move we insist and ask for a committee of conference.

The SPEAKER: Does the gentlewoman from Chelsea, Mrs. Shaw, withdraw her motion?

Mrs. SHAW of Chelsea: I do.

The SPEAKER: The gentlewoman withdraws her motion to recede, and the gentleman from Lewiston, Mr. Jalbert, moves that the House insist and ask for a committee of conference. Is this the pleasure of the House?

The motion prevailed. Sent forthwith to the Senate.

#### Non-Concurrent Matter

An Act relating to Discrimination in Rental Housing (S. P. 426) (L. D. 1169) which failed on passage to be enacted in the House on June 18.

Came from the Senate passed to be engrossed as amended by Senate Amendments "B" and "D" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Eddington, Mr. Gilbert, moves that the House insist and ask for a Committee of Conference.

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

Mr. BERMAN: Mr. Speaker, on this particular item, I would hope and move that we recede and concur. I would like to speak briefly on that motion.

The SPEAKER: The gentleman may proceed.

Mr. BERMAN: Mr. Speaker, I'm very pleased that this bill is alive and breathing. We've had two good debates on this and one debate in which the gag rule was invoked. Now this is what happened in this House on this bill: one vote 84 for the bill, 49 against the bill with 17 absent; another vote 79 for the bill, 37 against the bill, 34 absent; another vote 58 for the bill, 66 against the bill, 26 absent. I suggest that more members of this House have voted for the bill than against the bill, the bill has come through the Senate, as I say, alive and breathing with an amendment, and for that reason I hope that we recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, I am flabbergasted. This bill failed on passage to be enacted in the House on June the 18th, and here it is back here on the Floor again with amendments. I think it's reached the point of ridiculousness,

and I will support the motion of the good gentleman from East Edgington to insist and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I say this is not ridiculous, and I'll tell you why, quite briefly. This is a letter that was mailed out February 4, 1963 and signed by an Associate Justice of the Maine Supreme Judicial Court, Donald W. Webber, and he says among other things, "Maine law now forbids discrimination in motel and hotel accommodations against any person by reason of race, color or creed. Transients in Maine are thus protected by law against undemocratic and un-American bias in obtaining lodgings about this state. There is no similar protection for permanent residents of Maine who are members of minority groups. Members of these groups find it extremely difficult to obtain permanent rental housing for themselves and their families. Many times they are frankly told that members of such group will not be admitted as tenants. This condition runs squarely against our American tradition of equality and fair play. It violates the clear policy of the present Maine anti-discrimination law. But it is not now illegal. To plug this obvious gap in our law a bill is being introduced" and that's this bill that we've been talking about right now, "to make it a misdemeanor to discriminate on grounds of race, color or creed in furnishing rental housing. We feel that this bill deserves your wholehearted support, and that of every other Maine citizen. It is time that we live up to the best in our national tradition. It is time to put the people of Maine on record in defense of the essential equality of mankind, now when this issue is crucial in world affairs. Not to take the proposed step is to admit the truth of Communist charges that America talks equality but does not practice it.

Now if anyone is flabbergasted about this bill being alive, I say that they should take it up with one of our most eminent citizens,

Justice Donald W. Webber of the Supreme Judicial Court of this state.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I move this item lay on the table until tomorrow.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves that this item be tabled until tomorrow. All those in favor will say yes; those opposed will say no.

On a viva voce vote, the tabling motion did not prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: You've all been very patient, and I will be very brief. This bill has come back from the Senate. It's been amended, and now I should say should meet the requirements that all of you who want it so that you could vote for it. It does not apply to single units with the Senate amendment, and we have heard arguments here that the first article, or article one, section one of the Constitution gave certain rights, this right, that right, other rights, but it never in the Constitution said that you have the right to discriminate. It says that all are created equal, and this is nothing more but a reaffirmation of the principles set out in our own Constitution that was created some forty-five years or 1820, forty-three years before the Emancipation Proclamation. We, in the State of Maine, were ahead of the federal government when it came to giving equal rights to people. Let's keep that record and vote tonight to show the nation where we stand. I hope the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: We have previously taken our stand on this matter, and that stand has met apparently with the approval of the state. They haven't condemned us for it. I trust we will



stick with that stand tonight, and go along with the gentleman from Eddington, Mr. Gilbert.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, once again I apologize, ladies and gentlemen of the House, I must be opposed to the amendment. What is the motion before the House, Mr. Speaker?

The SPEAKER: The motion of precedence is the motion of the gentleman from Houlton, Mr. Berman, to recede and concur.

Mr. KNIGHT: Mr. Speaker, I would support that motion.

The SPEAKER: Is the House ready for the question? The Chair will order a division. All those in favor of receding and concurring will rise and remain standing until the monitors have made and returned the count.

Mr. Berman of Houlton then requested a roll call.

A roll call is requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All those in favor of a roll call will rise and remain standing until the monitors have made and returned the count.

Fourteen members arose.

The SPEAKER: Fourteen having expressed a desire for a roll call and ninety-one being in their seats, fourteen is not a sufficient number to request a roll call or to have it ordered.

Mr. BERMAN of Houlton: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. BERMAN: I would hope that someone would table this because there are so many absent.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, I feel the same way as the gentleman from Houlton, Mr. Berman, feels. It seems to me that thousands of people will not be properly represented because of all the absentees.

The SPEAKER: The Chair recog-

nizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, I move this item lie on the table until tomorrow.

Mr. Smith of Bar Harbor then requested a division.

The SPEAKER: A division has been requested on the tabling motion. All those in favor of tabling this matter, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Forty-two having voted in the affirmative and fifty-six having voted in the negative —

Mr. CHILDS of Portland: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. CHILDS: Mr. Speaker, I rise to request a roll call on the tabling motion.

The SPEAKER: A roll call is requested on the tabling motion. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present. All of those desiring a roll call, will rise and be counted.

Twenty-two members arose.

The SPEAKER: Twenty-two having expressed a desire for a roll call, with one hundred two members present, a roll call is ordered.

Mr. EASTON of Winterport: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. EASTON: A parliamentary inquiry. Did the gentleman assign a time for his tabling motion?

The SPEAKER: He did not.

Mr. EASTON: That will be on the table unassigned?

Mr. WELLMAN: Mr. Speaker, I move this be tabled until tomorrow.

The SPEAKER: Matters unassigned can be taken from the table at any time under the rules, on the motion of the gentleman who tables it.

The question now before the House is the motion of the gentleman from Bangor, Mr. Wellman, that "An Act relating to Discrimination in Rental Housing," be tabled. All those in favor of tabling, will answer "yes" when their names are called. All those opposed, will

answer "no" when their names are called.

Mr. RUST of York: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. RUST: What is the time on the tabling motion?

The SPEAKER: Unassigned.

The Chair will inform the House once more that there was no time designated, but the member tabling unassigned matters can take it off tomorrow. And the motion was to table. All those in favor of tabling, will answer "yes" when their names are called. All those opposed to tabling, will answer "no" when their names are called. The Clerk will call the roll.

#### ROLL CALL

YES — Anderson, Ellsworth; Anderson, Orono; Baldic, Berman, Bourgoin, Brewer, Bussiere, Carter, Cartier, Chapman, Childs, Cottrell, Crockett, Crommett, Foster, Gifford, Gustafson, Hendricks, Jalbert, Jewell, Kilroy, Knight, Levesque, McGee, Meisner, Mendes, Minsky, Nadeau, Oakes, Plante, Roberts, Scott, Smith, Bar Harbor; Snow, Thaanum, Townsend, Treworjy, Turner, Tyndale, Wellman, White, Guilford; Williams, Wood, Young.

NO — Ayob, Benson, Birt, Boothby, Bragdon, Brown, South Portland; Choate, Cookson, Cote, Coulthard, Cressey, Curtis, Denbow, Dennett, Drake, Dunn, Easton, Edwards, Ewer, Gilbert, Hanson, Hardy, Harrington, Hendsbee, Humphrey, Hutchins, Jones, Kent, Libby, Littlefield, MacLeod, MacPhail, Maddox, Mower, Norton, Oberg, O'Leary, Osborn, Osgood, Pease, Pierce, Prince, Harpswell; Prince, Oakfield; Rand, Rankin, Richardson, Ricker, Ross, Augusta; Roy, Rust, Sahagian, Shaw, Smith, Falmouth; Smith, Strong; Taylor, Thornton, Viles, Wade, Ward, Waterman, Watkins, Welch, Whitney, Wight, Presque Isle.

ABSENT — Albair, Bedard, Bernard, Berry, Binnette, Blouin, Boissonneau, Bradeen, Brown, Fairfield; Burns, Cope, Davis, Dostie, Dudley, Finley, Gallant, Gill, Hammond, Hawkes, Henry, Hobbs, Jameson, Jobin, Karkos, Loughton, Label, Lincoln, Linnekin, Lowery,

MacGregor, Mathieson, Noel, Philbrick, Pitts, Poirier, Reynolds, Ross, Brownville; Susi, Tardiff, Vaughn, Waltz.

Yes, 44; No, 64; Absent, 41.

The SPEAKER: Forty-four having voted in the affirmative and sixty-four in the negative, with forty-one being absent, the motion to table does not prevail.

The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, I now move that L. D. 1169, Bill "An Act relating to Discrimination in Rental Housing and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Eddington, Mr. Gilbert, now moves the indefinite postponement of L. D. 1169.

The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that we have spoken rather decisively on this issue before and again tonight. It is my suggestion now that if we do accept this motion to indefinitely postpone, we are in non-concurrence with the Senate; this matter is then sent back to the other body; they will do something to it and send it back, and we will have to argue it all over again. I would urge you not to indefinitely postpone and either insist or adhere, and let's finally get rid of this thing, because if we are going to try to adjourn this weekend, we've got to make some sense and some effort some time.

The SPEAKER: The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, I will withdraw my motion and support the gentleman from Wiscasset.

The SPEAKER: The gentleman from Eddington, Mr. Gilbert, withdraws his motion to indefinitely postpone. The pending question is the motion of the gentleman from Houlton, Mr. Berman, to recede and concur.

The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, now in conformance with the remarks

I just made, I hope that we will defeat the motion to recede and concur so that we can either move then to insist or even more properly to adhere so we end this thing once and for all.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, I think the House has spoken decisively on it when a goodly proportion of the one hundred fifty members of this House now alive were here. We had a vote of eighty-four to forty-nine for the bill. We had another vote of seventy-nine to thirty-seven for the bill. So I would beg to differ with my friend from Wiscasset. This House has spoken decisively against the bill. At this time, I notice on my desk something that has just come up today, 6-21-63, under filing number H-507, House Amendment "B" to this bill, and I would inquire of the gentleman from Eddington, if he would care to answer just what proposed House Amendment "B" was all about.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: Now we are getting along and I am getting tired, but I thought Mr. Gilbert's first motion before we had this debate and the roll call was to insist and ask for a committee of conference. I thought that was Mr. Gilbert's first motion.

The SPEAKER: The question before the House and the motion of precedence is the motion of the gentleman from Houlton, Mr. Berman, that the House recede and concur.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, my position on this bill is well known, and I hope the House will defeat the motion to recede and concur so we may insist and ask for a committee of conference where this bill will die.

The SPEAKER: Is the House ready for the question? All those in favor of receding and concurring, will please rise and remain stand-

ing until the monitors have made and returned the count.

A division of the House was had. Thirty-eight having voted in the affirmative and sixty-three having voted in the negative, the motion to recede and concur did not prevail.

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

Mr. BRAGDON: Mr. Speaker, I now move that we adhere.

The SPEAKER: The question pending is the motion of the gentleman from Eddington, Mr. Gilbert, that the House insist and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

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

Messrs. RUST of York  
PEASE of Wiscasset  
GILBERT of Eddington

**Order  
Out of Order  
Tabled**

Mr. Easton of Winterport presented the following Order out of order and moved its passage:

ORDERED, the Senate concurring, that there be created an Interim Joint Committee to consist of 3 Senators, to be appointed by the President of the Senate, and 4 Representatives, to be appointed by the Speaker of the House, to study and report to the 102nd Legislature on the present operation and administration of the General Purpose Aid Subsidies, R. S., 1954, Chapter 41; such study to include, but not be limited to:

1. The administration and tabulation of General Purpose Aid Subsidies as paid by the State, administered and tabulated by the State Department of Education.

2. The present and future economic impact of the present law on both the State and towns and compare the taxpayers' ability to pay for the present law and future commitments under the law.

3. The educational subsidy law as compared with other programs in other states.

4. Determination of the needs involved on both the State and town level.

5. The projected cost of the present educational subsidy law; and be it further

ORDERED, that the members of the Committee shall serve without compensation, but shall be reimbursed for their expenses incurred in the performance of their duties under this order; and be it further

ORDERED, that the Committee shall have the authority to employ such expert and professional advisors and counsel and such clerical assistance and personnel as it shall deem necessary within the limit of funds provided; and be it further

ORDERED, that there is appropriated to the Committee from the Legislative Appropriation the sum of \$5,000 to carry out the purposes of this order.

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

Mr. TAYLOR: Mr. Speaker, I move that this Order be indefinitely postponed.

The SPEAKER: The gentleman from South Portland, Mr. Taylor, moves that this Order be indefinitely postponed.

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

Mr. MCGEE: Mr. Speaker, Members of the House: I might inform you that this Order was first suggested by the gentleman who is absent, Mr. Bradeen. It is actually his thought and Order, and the Committee on Education has concurred with his idea, and there were some others in the House here that he consulted with, and have also concurred with the idea. So it was through courtesy of the form-

er speaker that he presented it. It was presented for Mr. Bradeen.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: If there is anything that this House, this Legislature and the State of Maine needs, it is an examination of the Sinclair Act, and this Order is nothing more or less than creating a committee to make a study of the Sinclair Act, the subsidies bill, where we are going, what it is going to cost, and the implication of the entire educational subsidy setup. I urge you not to postpone indefinitely this very worthwhile Order introduced by the gentleman from Winterport, Mr. Easton.

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

Mr. JALBERT: Mr. Speaker, under our rules, I move that this lie on the table pending reproduction.

Thereupon, the Order was tabled pending the motion of Mr. Taylor of South Portland to indefinitely postpone and unassigned.

The SPEAKER: The Chair will appoint as conferees on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Salaries of County Officials and Municipal Court Judges and Recorders," Senate Paper 628, Legislative Document 1589:

Messrs. CROMMETT of Millinocket  
SNOW of Jonesboro  
BERMAN of Houlton

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.