

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: It is true that we passed out a six months foreclosure bill with a surplus provision at the regular session, but recalling to mind the early hours of the morning and the late hours of the evening when so many members of this House were truly exhausted and so many members of this House were not present, I suggest to you that the manner in which we passed out this six months bill was not a reflection upon the business which this House of Representatives can do when it is confronted with a problem and exercises its sound judgment. Frankly, I think we should go back to the twelve months foreclosure law. It has worked well for the State of Maine, and it could work well again, and what happened in the closing hours of the regular session I hope should be a warning to all of us as to the caliber of legislation that is passed out when papers are shuffling back and forth between here and the other body and we are all worn out and tired and I hope the motion of the gentleman from Portland, Mr. Childs does not prevail.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I am happy to rise this afternoon in support of the motion of the gentleman from Portland, Mr. Childs. I still feel that this is a good piece of legislation, and I would like to say to you people here that this thing was thoroughly discussed at the regular session all during last year. This clarification amendment whereby the foreclosure period was cut from twelve to six months and the provision for returning the excess was favored not only amongst the members here but the members of the Judiciary Committee. Last spring it was the substantial opinion of a majority of the Judiciary Committee that this type of an amendment providing that the surplus go back to the borrower receive passage and they worked toward that end. It is true that they would

have been happy to have a clear or straight six months foreclosure law, but they couldn't get that, so therefore they were willing to go along with the proposed amendment giving the surplus back to the borrower. Now we have tried to go back to the six months bill and you have still turned that proposal down. I feel this having been given all the consideration that you should be willing to support the action of last spring and pass this clarification amendment so that everybody will come out better off and the technicalities will be clarified. I wouldn't want to be known as the Reversible 101st. I hope that you support the Minority Report of the Committee with the amendment.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that the House accept the Minority "Ought to pass" Report of the Committee. A division has been ordered. All those in favor of the acceptance of the Minority Report will 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 eighty-three having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought not to pass" Report was accepted in concurrence.

Orders

Mrs. Lincoln of Bethel presented the following Order and moved its passage:

WHEREAS, it comes as no surprise to this honorable body that Representative Alan C. Pease of Wiscasset has been selected by the Maine Junior Chamber of Commerce as one of the three outstanding young men of 1963, and

WHEREAS, this House notes for the record that Representative Pease started out being "outstanding" at a very early age; and

WHEREAS, his life is chronicled by such achievements as being President of his class at Lincoln Academy in Damariscotta and President of the student body; and significantly a page in this body in 1945 rising rapidly to Sergeant-

at-Arms from 1947-49, serving finally as student governor of the Maine Legislature in 1948; and

WHEREAS, the single purposefulness of his career continued with his graduation from the University of Maine in 1952 through 2 years military service as an instructor of Military Justice at Fort Benning, Georgia, to the award of his degree from Boston University School of Law cum laude in 1957; and

WHEREAS, the many facets of his energetic life have been devoted to such useful pursuits as one of the active members of the 101st Legislature, a member in good standing of the Maine State Bar Association, and a member of its executive committee, a former director, vice chairman and state chairman of the Junior Bar Section of the Maine Bar Association and is now serving his third year on the Governor's Air Service Committee; and

WHEREAS, in the Legislature during the last session he attracted statewide recognition for his fight against the sales tax increase and made many important contributions to the deliberative effectiveness of this body; now, therefore, be it

ORDERED, that this House is proud to acknowledge Representative Pease for his special achievements and for its good fortune in having a man of such high caliber as an active and effective participant in its deliberations; and be it further

ORDERED, that a copy of this order signed by the Speaker of the House and attested by the Clerk of the House be immediately transmitted by the Clerk of the House to Representative Alan Pease.

The Order received unanimous passage. (Prolonged applause, the members rising)

Mr. Pease of Wiscasset was granted unanimous consent to briefly address the House.

Mr. PEASE: Mr. Speaker, the gentlewoman from Bethel, Mrs. Lincoln, Ladies and Gentlemen of the House: One who has been complimented with the glowing phrases of that order ought to be able to stand and find words im-

mediately to respond. Contrary, however, I find it extremely difficult to find the words with which to express my appreciation. Purely and simply, thank you.

With your kind permission, I would like to acknowledge my appreciation to the local chapter of the JC's in Wiscasset, they having nominated me for this honor; to the State JC organization perhaps for having such an honor, and certainly to the five judges through whose vote it was possible for me to be finally selected.

I think we would be remiss if we didn't also congratulate Torben K. Andersen of South Portland, who is the State Chairman of the Maine Highway Safety Committee, and Edwin S. Plissey of Fort Kent, an area potato specialist of the Agricultural Extension Service, who were justly honored Saturday evening with a similar award. The opportunity to be placed in the same category with these gentlemen who are contributing every day to Maine and its people and its future, is a signal honor.

The JC Organization, I happen now to have a membership card, unsigned as yet, because I am not a member of the JC's, but I am sure that through their belief in their JC creed which expresses a faith in a supreme being, a government of laws rather than of men, and a service to community, I think this organization can not but succeed, and may they be blessed in their continued activity on behalf of community service. Once again, ladies and gentlemen of the House, my sincere and humble thanks. (Applause)

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

Mr. Benson of Southwest Harbor presented the following Order and moved its passage:

WHEREAS, the first Legislature of the State of Maine convened under the Constitution of the State

on May 31, 1820, following the decision of Maine people to separate from the Commonwealth of Massachusetts; and

WHEREAS, from the founding of the State, through the year 1881, the Legislature was elected and met annually, and since then, biennially, except for special sessions; and

WHEREAS, during this time, Legislators have come from the length and breadth of Maine, after election by their fellow citizens, to enact the laws and transact the business of the State; and

WHEREAS, their doings have been recorded in the respective journals of the Senate and House of Representatives as required under the Constitution, Article IV, Part Third, Section 5, which provides that "each house shall keep a journal"; and

WHEREAS, the original volumes of the journals remain in the custody of the Secretary of State; and

WHEREAS, starting with 1854, the journals have been regularly published and made available for the use of the Legislature and the public; and

WHEREAS, they provide an invaluable source of information on the legislative history of the State and should be published in order that the people may derive the maximum benefits therefrom through their availability for study and research; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee, is directed to study the feasibility of printing the original journals of the Senate and House of Representatives of the State for the period 1820 to 1854, and for this purpose, to determine the manner, form and style best suited to accomplish their publication; and to secure, through the State Printer, accurate estimates as to cost of printing these original volumes, together with such other information as it may deem necessary; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature. (H. P. 1165)

The Order received passage and was sent up for concurrence.

House Reports of Committees Leave to Withdraw

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Additional Moneys for Caribou Sewage Treatment Works" (H. P. 1131) (L. D. 1602) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed Tabled Until Later in Today's Session

Mrs. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Grants-in-Aid for Construction of Municipal Sewage Treatment Facilities" (H. P. 1135) (L. D. 1606) reported same in a new draft (H. P. 1164) (L. D. 1674) under title of "An Act Appropriating Funds for Grants-in-Aid for Construction of Municipal Sewage Treatment Facilities and Relating to Issuance of Water and Sewer System Revenue Bonds by Municipalities" and that it "Ought to pass"

Report was read.

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

Mr. RUST: Mr. Speaker, I arise to pose a question to anyone on the Committee who may care to answer. What are the changes here made in Chapter 98 of the Revenue Producing Bond Law for municipalities?

The SPEAKER: The gentleman from York, Mr. Rust, poses a question through the Chair to any member of the Appropriations Committee who may answer if they so desire.

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

Mrs. SMITH: Mr. Speaker, I don't think I can go into the technicalities with you but during this last — since we were here, some of the municipalities ran into trouble in trying to use revenue bonds. It seemed desirable that

they be allowed to do so and the Senator from Augusta, Mr. Campbell, drew up this amendment and checked it out. It seems to be in order; it seems to be desirable also.

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

Under suspension of the rules, the New Draft was given its third reading and passed to be engrossed without reference to the Committee on Bills in the Third Reading.

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

Mr. BERRY: Mr. Speaker, if I am not too late, I request this item lay upon the table until later in the legislative day.

Whereupon, the House voted to reconsider its action whereby it passed the Bill to be engrossed and, on motion of Mr. Berry of Cape Elizabeth, the Bill was tabled until later in the day's session.

**Ought to Pass with
Committee Amendment
Passed to Be Engrossed**

Mrs. Smith from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Funds for Community Mental Health Services (H. P. 1134) (L. D. 1605) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT
"A" to H. P. 1134, L. D. 1605, Resolve, Appropriating Funds for Community Mental Health Services.

Amend said Resolve by striking out all of the paragraph before the emergency clause and inserting in place thereof the following:

'Community Mental Health Services program; appropriation. Resolved: That there is appropriated from any moneys in the General Fund not otherwise appropriated the sum of \$40,000; for the

purpose of re-establishing a discontinued Community Mental Health Services program; for the purpose of assisting currently operating Community Mental Health Services in the retention of existing, and in the adoption of new, programs; and for the purpose of assisting Maine communities in the establishment of much needed, and yet nonexistent, Community Mental Health Services programs.

The breakdown of such appropriation to be as follows:

1963-64

**MENTAL HEALTH AND
CORRECTIONS, DE-
PARTMENT OF**

Community Mental
Services

All Other \$40,000

(Of the above amount, \$20,000 shall be carried forward at June 30, 1964 into the 1964-65 fiscal year to be used for the same purposes.)

Committee Amendment "A" was adopted and under suspension of the rules the Resolve was given its second reading and passed to be engrossed without reference to the Committee on Bills in the Third Reading, and sent to the Senate.

**Third Reader
Indefinitely Postponed**

Bill "An Act relating to Detention by Counties and Municipalities of Persons Arrested by Law Enforcement Officers" (S. P. 694) (L. D. 1672)

Was reported by the Committee on Bills in the Third Reading and read the third time.

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

Mr. KNIGHT: Mr. Speaker, I move that this bill be indefinitely postponed. My reasons for making this motion are that I believe this bill will raise many more problems than it will solve. It is my understanding at the present time that certain towns in the northern part of the state — I am speaking of municipal corporations now, receive funds for room and board from state agencies

when they board the prisoners of these agencies. This bill makes no provision for that and I believe that it could be construed that the intent of the Legislature is that this should be done away with.

This bill arose because the town of Rockland, who for I forget some twenty years has taken in the prisoners of the county at no cost to any other town, decided as of January first that they wouldn't do it. There was an Attorney General's opinion December 5 which states that municipal jails must take in prisoners of all towns. So that solves that problem. Rockland is not involved in it. However, this bill here relieves the keeper of liability for false imprisonment or false arrest. It was meant to relieve only say the sheriff from false imprisonment or false arrest when the prisoner was brought in by say a state police officer or somebody not under his custody or control. But the way this bill is written, even if the deputy sheriff brings in a prisoner falsely, or imprisons him falsely, the sheriff is relieved of the liability of false arrest or false imprisonment.

There is no provision in this bill in case a person say from South Portland is imprisoned in a Portland jail on a Friday night. On Sunday he is in need of medical care. He is found in Portland to be in need and indigent; then Portland will have to pick up the tab for the medical bill. Now these are all problems that should be ironed out. Now sheriffs do have a problem on liability if they are forced to take prisoners from all agencies. But I believe the way and the proper way to solve this is by insurance, not by one stroke of the pen wiping out a person's right to redress before our courts for false arrest or false imprisonment.

That is what our courts are for. If a man has a grievance he can go into court and the court will adjudicate him. If the sheriff or deputy sheriff or chief of police or policeman is not at fault, then no liability will be found on him.

That is what we have a judge and jury for. What was intended to be done, and what the end result will be, I believe are two different stories; and for these reasons I think we are better off without this particular bill on our books at this time. I hope you will support my motion for indefinite postponement.

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

Mr. SMITH: Mr. Speaker, I don't recall the exact count of the numbers of the members of the Judiciary who were for and against this, but I think a word of explanation is in order, that this was not passed without any consideration of what the gentleman from Rockland, Mr. Knight has spoken of. Could I ask as a matter of inquiry, what the committee report was?

The SPEAKER: The Chair would inform the House and the gentleman that this bill was referred to Towns and Counties. Is the House ready for the question?

The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that this bill be indefinitely postponed.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I am very happy to arise in support of the gentleman from Rockland, Mr. Knight, on his motion to indefinitely postpone this bill for a very simple reason. This bill provides and requires any local town that has a lockup to take a prisoner brought in by any police officer. Now, in many cases we have our local lockups where they are on a part-time basis where they are usually in a fire station or some place like that where a permanent fireman can take care of it, the facilities are very limited and if they are going to be used on a regular basis with a regular steady flow of people, it is going to put an undue burden on our local facilities. On top of that the local people have to feed these prisoners and there is nothing in this bill which says who shall pay for their keep while

they are in your local lockup. And I hope the motion prevails.

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

Mrs. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: This bill received a very good hearing. We had many proponents and opponents. And I myself had quite a few misgivings about this bill because I too think it may prove to be one which will bring more problems to us than otherwise. But the committee was assured that this bill was drafted and approved by the Attorney General and that it is one which will be all right, and for that reason the committee passed it. My misgivings were that it did include municipal jails and I believe that the Legislature should not tell municipalities which are supported by local taxpayers what and who they should keep in their jails. But according to the Attorney General's ruling these jails are actually state property and are there to detain people who have broken state laws, and so therefore we have given this bill a unanimous ought to pass.

The SPEAKER: The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that Bill "An Act relating to Detention by Counties and Municipalities of Persons Arrested by Law Enforcement Officers," Senate Paper 694, Legislative Document 1672, be indefinitely postponed. All those in favor of the motion to indefinitely postpone will answer yes; those opposed, no.

A viva voce vote being taken, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Appropriate Moneys for Legislative Expenditures" (S. P. 657) (L. D. 1649)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

On motion of Mrs. Smith of Falmouth, sent forthwith to the Senate.

Passed to Be Enacted

An Act Providing for Review of Laws of Forestry Department (H. P. 53) (L. D. 76)

Was 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.

Orders of the Day

The SPEAKER: The Chair would address a few remarks to the Members of the House. It would seem to me and the officers that we are progressing very well and if we stay earnestly in business here we should be able to adjourn early on Friday; and with your cooperation I am sure this is possible.

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

HOUSE JOINT ORDER—Relative to Names and Addresses of recipients dropped from Welfare Rolls, and names and addresses of Field workers handling these cases to be furnished the Committee on Welfare on or before January 16th.

Tabled—January 13, by Mr. Jalbert of Lewiston.

Pending—Passage (Ordered Reproduced.)

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

Mr. JALBERT: Mr. Speaker and Members of the House: In my humble opinion this is not a good order; certainly it is not a reflection, however, on the feelings that I have of respect for Mr. Kent. The Legislative Research Committee was directed by you to study the problem of ADC, Aid to Dependent Children, for the ensuing two years and report to the 102nd Legislature. The subcommittee named has been hard at work. They have held — the first meeting was held with Dr. Fisher and his chief aides where the problems were aired and discussed. From there on the subsequent hearing was held in which attendance was requested of the directors of all of the local welfare directors of Maine, Dr. Fisher did not attend this hearing at

the request of the subcommittee. Subsequently we held another hearing of some of the caseworkers within the Department of Health and Welfare.

The order would call for the granting to the Health and Welfare Committee the names of these recipients that were recently dropped, which run into the hundreds. Now I am not going to go into the first phase of the order, although if forced to, I would. However, I am going to restrict myself to the danger of this giving out these names. In other words it simply means this, that these names are dropped here and there and everywhere else and innocent children are pointed a finger at and it creates very, very bad relations all around. I am going to quote to you from the confidentiality provision on our Statutes in which it states:

“The department shall issue such rules and regulations as it shall think necessary and proper for the protection of life, health and welfare, and the successful operation of the health and welfare laws. The said rules and regulations shall be published in such manner as the department may direct. The department shall make and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the department, and especially those which pertain to the granting of public assistance. The use of such records, papers, files and communications by any other agency,” I repeat, “by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished and by the provisions of the law under which they may be furnished. It shall be unlawful for any person, except for purposes directly connected with the administration of public assistance and in accordance with the rules and regulations of the department, to solicit, disclose, receive make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list

of or names of, or any information concerning, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.” (R. S. Chapter 22, section 9. 1953) Chapter 25, section 13.

This law is presently in the welfare laws and this phase of it has not been amended. I certainly would not want to place any member of the welfare department or committee in this position or certainly much less any members of the branch of this august body. Consequently, Mr. Speaker, I move the indefinite postponement of this order.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the indefinite postponement of this order.

The Chair recognizes the gentleman from Benton, Mr. Kent.

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to you the purpose of this order and why it was presented. We were given the indication, the public was given the indication through the Press that 700 cases would be dropped from our welfare rolls for the shortage of funds. There has been a great deal of controversy on how that the number of cases were picked that were dropped. Also it was indicated by a commissioner before our Appropriations Committee that not necessarily 700 cases would be restored if the Legislature approved the \$445,000, and I felt that an order of this type directed to the welfare committee, not made public, perhaps would let us know whether these 300 or 350 cases, whichever it may be which was stated before the Appropriations Committee, were reinstated if this

money was made available by this Legislature. Those are principally the reasons for the presentation of this order.

If my memory serves me correctly, in our regular session we approved \$150,000 for foster home care. It is my understanding that no increase has been made whatsoever to any of the homes who have these children, so again I say to you the purpose of the order is to make sure that if we provide this money that these cases are restored, and I hope that the motion of the gentleman from Lewiston does not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Jalberty, that this order be indefinitely postponed.

Mr. KENT: I request a division.

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

A division of the House was had.

Mr. JALBERT: Mr. Speaker, I request a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expression of a desire on the part of one-fifth of the members present. Those who desire a roll call will please rise and be counted.

Twenty-three members arose, there being one hundred thirty-five members present, not being one-fifth, a roll call was not ordered.

Mr. JALBERT: Mr. Speaker? Mr. Speaker?

The SPEAKER: Fifty-six having voted in the affirmative and seventy-five having voted in the negative, the motion for indefinite postponement does not prevail.

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

Mr. JALBERT: It is now my understanding that the next motion would be to pass the order, is that correct?

The SPEAKER: That is the pending question.

Mr. JALBERT: On that basis, in view of the fact that I asked for a roll call motion, that would reopen the question to debate, is that correct?

Mr. Speaker and Members of the House: It is not my intention in any way to belabor this issue, but I think that the second phase of Mr. Kent's remarks gave you or should have given you the real reason why this order was presented in the first place. Now if I am going to get at somebody, I am going to get at them through the front door, I'm not going to get into any side door or back door. If the intent of any order is to get to a departmental head, let's get right up and say so.

Now I may be or may not be friendly with Dr. Fisher. It so happens that I am. I may not agree with him or I may agree with him on all points. It so happens that I do not, but I will have to say this in his defense, as far as I personally am concerned, he has given me honest decisions, and most of the time they have been against me anyway. Now the reference that \$150,000 that was appropriated on foster care programs has not influenced the program in any way, in my opinion, could possibly be somewhat doubtful. I am not going to question the veracity of any member of this House, much less the speaker who previously spoke on this matter.

Now the point that was said at the hearing and the point that we read in the press that the — referring to the 700 cases it is somewhat inappropriate. There are now 700 cases as of now to be considered. This is the problem, and they never said that they were, they said that the estimated, that the net effect of the adoption of the policy changes in October would be a 500 to 700 caseload reduction by the end of the quarter, of the third quarter. This was to be accomplished by both closures and reductions in appropriations. Now this is exactly what Dr. Fisher said. This is what he meant to imply, and this is what I read about at least. Now I read

you this statute. This is the book of law. These are the revised statutes of the state. Also it is in the compilation of the welfare laws and related activities. Now I spoke to the Attorney General about this. He questioned, and he didn't give me an opinion, but he raised an eyebrow on the constitutionality. We discussed this section here. I am not an attorney, but if I were I certainly would hesitate twice before I would vote for this order.

Mr. Speaker and Members of the House: I honestly urge you to support my motion because this is a very bad order. I just said in my humble opinion at first, I said it was a poor order. I think it is a very bad order and it would possibly cast a stigma on several innocent people. If we want to get at the people let's not get at the children. If we want to get at Dr. Fisher, let's get at him directly. If we want to get at the parent, let's get at the parent directly. You directed the Research Committee to study this problem, it is doing its job. Let us do it and report to you honestly and accordingly through the front door. Mr. Speaker, I move the indefinite postponement of this very bad order.

The SPEAKER: The gentleman's motion is not in order having been lost 56 to 75.

Mr. JALBERT: Mr. Speaker, I move this order lie on the table.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this order be tabled until the next legislative day under our rules. Is this the pleasure of the House? All those in favor say yes; those opposed say no.

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

The SPEAKER: The Chair will order a division on the passage of this order. The question now is the passage of the order. Those in favor of the passage of this order will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Seventy having voted in the affirmative and sixty

having voted in the negative — for what purpose does the gentleman rise?

Mr. CHILDS of Portland: Mr. Speaker, I request a roll call vote.

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 those desiring a roll call will please rise and remain standing until counted.

Thirty-four members arose.

The SPEAKER: A sufficient number having arisen, a roll call is ordered.

Mr. RANKIN of Southport: Mr. Speaker, is this question still open to debate?

The SPEAKER: The gentleman is in order until the roll call has started.

Mr. RANKIN: I would ask a question of any member of the House who is an attorney. Mr. Jalbert read us the statutes and from my understanding this order is a violation of the statutes of Maine. I would like to hear the impression of an attorney as to how he feels toward this order legally.

The SPEAKER: The gentleman from Southport, Mr. Rankin, poses a question through the Chair to any attorney in the House who may answer if they so desire.

On motion of Mr. Wellman of Bangor,

Recessed to the sound of the gong.

(After Recess)

Called to order by the Speaker.

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

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House I have been out and read the Statute on this myself. I appreciate the sentiment of the people who voted on this order twice. I know that the majority feel the way that I do, and due to the fact the Statute reads as it does, I will withdraw this order.

The SPEAKER: The order is withdrawn.

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

SENATE REPORT—Ought to Pass—Committee on Municipal Affairs on Bill “An Act to Amend the Paris Village Corporation.” (S. P. 667) (L. D. 1640)—In Senate Engrossed.

Tabled—January 13, by Mr. Hammond of Paris.

Pending—Acceptance of Report.

On motion of Mr. Rust of York the Senate “Ought to pass” Report was accepted in concurrence, the Bill read twice and tomorrow assigned.

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

SENATE JOINT ORDER—Relative to Clearing Legislative Matters from the Joint Standing Committees not later than 9:00 A.M., Tuesday, January 14th. (Senate Amendment “A” Filing S-359)

Tabled—January 13, by Mr. Tynedale of Kennebunkport.

Pending—Adoption of Senate Amendment “A.”

On motion of Mr. Wellman of Bangor, Senate Amendment “A” was indefinitely postponed in non-concurrence.

Thereupon, Mr. Wellman offered House Amendment “A” and moved its adoption.

House Amendment “A” was read by the Clerk as follows:

HOUSE AMENDMENT “A” to JOINT ORDER, S. P. 696, Relative to Cloture on Committee Reports.

Amend said Order by striking out in the 4th line the word “Tuesday” and inserting in place thereof the word ‘Wednesday’; and by striking out in the 5th line the figure “14” and inserting in place thereof the figure ‘15’

House Amendment “A” was adopted in non-concurrence, the Joint Order as amended by House Amendment “A” passed in non-concurrence and sent up for concurrence.

The Chair laid before the House, Bill “An Act Appropriating Funds for Grants-in-Aid for Construction of Municipal Sewage Treatment Facilities” (H. P. 1135) (L. D. 1606) reported in a new draft (H. P. 1164) (L. D. 1674) under title of “An Act Appropriating Funds for Grants-in-Aid for Construction of Municipal Sewage Treatment Facilities and Relating to Issuance of Water and Sewer System Revenue Bonds by Municipalities,” tabled by the gentleman from Cape Elizabeth, Mr. Berry, for later in the day’s session.

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

Mr. BERRY: Mr. Speaker and Members of the House: This L. D. has in its latter part a very important new proposal which is very worthwhile and will implement many sewer proposals in the State. I have reviewed several provisions of it, since the House was gracious enough to table it briefly, with the sponsor and the House Chairman of the Judiciary Committee, and I believe that by tomorrow it will be possible to present an amendment which will be of considerable significance. I wish to thank the House for its indulgence.

On motion of Mr. Smith of Bar Harbor, the matter was retabled until tomorrow pending passage to be engrossed.

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty o’clock tomorrow morning.