

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, January 15, 1964

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

Prayer by the Rev. Mr. Roy W. Moody of Gardiner.

The journal of yesterday was read and approved.

The SPEAKER: The Chair would inform the members of the House that all pending matters have been reported out of Committee and that if we bend our best energies and wisdom to the task before us there is no reason that we cannot adjourn on Friday, and I hope that we can see this accomplishment.

**Papers from the Senate
Reports of Committees**

Report of the Committee on State Government reporting "Ought to be adopted" on Joint Resolution Memorializing the Honorable Stewart L. Udall, Secretary of the Interior, to Remove or to Liberalize the Restrictions on Residual Fuel Oil Imports (S. P. 689) (L. D. 1670)

Came from the Senate with the Report read and accepted and the Resolution adopted.

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

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds and Provide Staff for Public Assistance Programs" (S. P. 655) (L. D. 1647) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A."

In the House, the Report was read and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT
"A" to S. P. 655, L. D. 1647, Bill, "An Act to Appropriate Funds and Provide Staff for Public Assistance Programs."

Amend said Bill by striking out all of the 2nd line of section 1 and inserting in place thereof the following:

'Welfare is authorized to establish 20 staff positions in the Welfare-Administration Account to'

Further amend said Bill by striking out all of the last 8 lines before the emergency clause and inserting in place thereof the following:

'1963-64

**HEALTH & WELFARE,
DEPARTMENT OF**

Aid to Dependent Children	
All Other	\$ 45,000
Aid to the Aged, Blind and Disabled	
All Other	400,000

Of the above amounts up to \$30,000 of the allocation for Aid to Dependent Children and \$175,000 of the allocation for Aid to the Aged, Blind and Disabled shall carry forward at June 30, 1964 to be used for the same purposes during the 1964-65 fiscal year.'

Committee Amendment "A" was adopted in concurrence.

Under suspension of the Rules the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" in concurrence, and sent to the Senate.

Passed to Be Engrossed

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Additional Funds for the Distribution of Donated Commodities Program" (S. P. 656) (L. D. 1648) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A."

In the House, the Report was read and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 656, L. D. 1648, Bill, "An Act Appropriating Additional Funds for the Distribution of Donated Commodities Program."

Amend said Bill by striking out all of the breakdown of appropriations, before the emergency clause, and inserting in place thereof the following:

	1963-64	1964-65
EDUCATION, DEPARTMENT OF Donated Commodities Program		
Personal Services		
(1 3/10)	\$3,498	(1 3/10) —
All Other	1,002	—

(Of the above amounts \$2,508 of the Personal Services allocation and \$492 of the All Other allocation shall carry forward at June 30, 1964 to be used for the same purposes during the 1964-65 fiscal year.)

Committee Amendment "A" was adopted in concurrence.

Under suspension of the Rules the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" in concurrence, and sent to the Senate.

Passed to Be Engrossed

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Aid to the Aged, Blind or Disabled, and Aid to the Medically Indigent" (S. P. 661) (L. D. 1653) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A."

In the House, the Report was read and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 661, L. D. 1653, Bill, "An Act Relating to Aid to the Aged, Blind or Disabled, and Aid to the Medically Indigent."

Amend said Bill in the title by adding at the end before the

period the following: 'and Transferring Burial Allowance Program for Veterans to Department of Veterans Services'

Further amend said Bill by adding at the end before the emergency clause the following sections:

"Sec. 3. R. S., c. 6, Secs. 20-21, additional. Chapter 26 of the Revised Statutes is amended by adding 2 new sections, to be numbered 20 and 21, to read as follows:

'Burial of Honorably Discharged Soldiers and Sailors.

Sec. 20. State to pay burial expenses of destitute soldiers and sailors and their widows. Whenever any person who has served in the army, navy or marine corps of the United States and was honorably discharged therefrom shall die, being at the time of his death a resident of this State and in destitute circumstances, the State, through the department of Veterans Services, shall pay the necessary expenses of his burial; or whenever the widow of any person who served in the army, navy or marine corps of the United States and was honorably discharged therefrom shall die, being at the time of her death a resident of this State and being in destitute circumstances and having no kindred living within this State and of sufficient ability legally liable for her support, the State shall pay the necessary expenses of her burial. Such expenses shall not exceed the sum of \$250 in any case and the burial shall be in some cemetery not used exclusively for the burial of the pauper dead.

Sec. 21. Cities and towns to pay expenses and reimbursed by State; person not constituted a pauper. The municipal officers of the city or town in which such deceased, mentioned in section 20, resided at the time of his death shall pay the expenses of his burial, and if he die in an unincorporated place, the town charged with the support of paupers in such unincorporated place shall pay such expenses. In either case upon satisfactory proof by such town or city to the Department of Veterans

Services of the fact of such death and payment, the State shall refund to said town or city the amount so paid. The person whose burial expenses are paid in accordance with this section and section 20 shall not be constituted a pauper thereby. Said proof shall contain a certificate from the Adjutant General of the State to the effect that such person was an honorably discharged soldier or sailor or the widow of an honorably discharged soldier or sailor.'

Sec. 4. R. S., c. 94, Secs. 45-46, repealed. Section 45, as amended by chapter 243 of the public laws of 1957 and section 46, both of chapter 94 of the Revised Statutes, are repealed.

Sec. 5. Payment. Upon payment of the claim by the Department of Veterans Services, as provided for in the Revised Statutes, chapter 26, sections 20 and 21, the Department of Health and Welfare will reimburse the Department of Veterans Services for the expenditures so made from any available funds that may properly be used for this purpose. The reimbursement so made shall be credited to the operating funds available to the Department of Veterans Services."

Committee Amendment "A" was adopted in concurrence.

Under suspension of the Rules the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" in concurrence, and sent to the Senate.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve Permitting Use of Appropriated Federal and State Funds at Maine Vocational Technical Institute (S. P. 659) (L. D. 1651)

Report was signed by the following members:

Mr. CAMPBELL of Kennebec
—of the Senate.

Mr. JALBERT of Lewiston
Mrs. SMITH of Falmouth
Messrs. BRAGDON of Perham
MINSKY of Bangor

EDWARDS of Raymond
PIERCE of Bucksport
HUMPHREY of Augusta
—of the House.

Minority Report of same Committee on same Resolve reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. EDMUNDS of Aroostook
PORTEOUS
of Cumberland
—of the Senate.

Came from the Senate with the Minority Report accepted and the Resolve passed to be engrossed as amended by Committee Amendment "A."

In the House: Reports were read.

On motion of Mr. Pierce of Bucksport, the Majority "Ought to pass" Report was accepted in non-concurrence and the Resolve read once.

Under suspension of the Rules the Resolve was given its second reading, passed to be engrossed in non-concurrence and sent to the Senate.

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

Divided Report Tabled Until Later in Today's Session

Majority Report of the Committee on Judiciary on Bill "An Act Repealing the Shortening of the Period of Real Estate Mortgage Foreclosure" (S. P. 671) (L. D. 1633) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. FARRIS of Kennebec
CAMPBELL of Kennebec
BOARDMAN

of Washington
—of the Senate.

Messrs. PEASE of Wiscasset
THORNTON of Belfast
KNIGHT of Rockland
SMITH of Bar Harbor
BERMAN of Houlton

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. CHILDS of Portland
RUST of York

—of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A."

In the House: Reports were read.

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

Mr. KNIGHT: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report. This is the bill that returns us to the straight twelve months equity of redemption on mortgages where we were before coming in to the regular session, and I hope that all will support the motion for acceptance of the majority report.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I shall be extremely brief in this matter I would like to explain my position why I signed the Minority "Ought not to pass" Report. What the gentleman from Rockland, Mr. Knight, stated, that this will return us to the original law which was twelve months, is correct. But it also will do away with the surplus provision in mortgages. So there actually are two issues involved here. One is returning from six to twelve months and the other issue is the bank being able to retain any surplus on a sale. I realize that the bank's position is that there is very seldom a surplus on a sale, but there are times when there can be a surplus. And of the two issues I consider that one the more important, and that is why I signed the Minority "Ought not to pass" Report.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: We have before us here this morning a matter which is of the utmost

urgency and which is a very serious problem throughout the State of Maine and that is, what will be the flow of mortgage money in the coming months ahead? Now there have been serious indications that there has been an insufficient flow of mortgage money through our banks as a result of the so-called twelve months foreclosure law. That was one of the prime reasons that it was changed to six months with the surplus sale provisions at the last session in the Spring.

At the hearing on the bill during this special session, most everybody wanted to go for what is known as a straight six months foreclosure without any sale provisions. However, the people who favored it also said that they favored the secondary proposition which was the six months with the sale provision and surplus going back to the borrower. They did not want to go back to a twelve months foreclosure law because it will seriously hamper the flow of money through our banks for lending and borrowing purposes and construction purposes throughout the building industry here in the State of Maine.

In addition to that, there have been a number of instances where out-of-state money institutions who would normally buy up our Maine mortgages in order to free our local banks and give them a supply of money, have clearly indicated that they will not continue this process under the twelve months foreclosure law because they can take the same amount of money and buy mortgages up in other places where if something goes wrong with it they can get rid of it without being stuck for twelve months. They have also indicated that in the so-called Maine Industrial Building Authority where we increase a loan up to eight million dollars that you will not and cannot get adequate financing in the State of Maine for eight million dollars of mortgage money. You will have to go outside the State of Maine to get it and, on a twelve months foreclosure law, it is very doubtful if you can raise eight millions of dollars.

Now this proposition goes beyond our own personal interests. This is something that is good for the building industry, it is good for the banks, and it is good for the depositors; and at the same time the people themselves are being protected and that is you and I who are borrowers and you and I who are depositors in these banks are being adequately protected. To go back to a twelve months foreclosure law is doing no one any good but the so-called deadbeat, because no one squeezes anyone out of his home until there is no other alternative to be made, and I would now move that this bill and all its accompanying reports be indefinitely postponed and I would request a division.

The SPEAKER: The gentleman from York, Mr. Rust, now moves that both Reports and Bill be indefinitely postponed. All those in favor of the motion to indefinitely postpone will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Mr. RUST: Mr. Speaker, I would request a roll call vote on this issue and I would hope that all those who supported my motion will support my request for a roll call vote.

The SPEAKER: A roll call vote has been requested. For the Chair to entertain a motion for a roll call it must have the expressed desire of one-fifth of the members present. All 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 will declare the vote. Thirty-five having voted in the affirmative and ninety-two in the negative, the motion to indefinitely postpone does not prevail. Is it now the pleasure of the House that the Majority Report of the Committee be accepted?

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

Mr. MCGEE: Mr. Speaker and Members of the House: There is another bill, the original bill, that hasn't been reported back from the Senate. It is a very — it might

forecast, perhaps they might ask for a committee of conference or something on that bill. I honestly think that some of you who are voting on sentiment with the proposition in their minds, that you have got to look out for the poor fellow who has borrowed some money, the banks can look out for themselves. I think you have misconstrued the conception of the thing in your minds because with that manner of thinking you're hurting the poor fellow more the way that you are voting because you are making it impossible at the present time under the conditions for the poorer man to obtain a loan with the small down payments that they have now, and obtaining loans on FHA guarantees is practically impossible because they don't pay back in money.

Now with that explanation, if someone would see fit to ask to table this bill until tomorrow we will see a report on that other bill and then we could put the two together and perhaps come to some reasonable understanding.

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

Mr. RUST: Mr. Speaker, I would be glad to make a motion to table this until tomorrow.

Thereupon, on a viva voce vote, the motion of Mr. Rust of York to table until tomorrow did not prevail.

The SPEAKER: The pending question is the motion of the gentleman from Rockland, Mr. Knight, that the Majority "Ought to pass" Report on Bill "An Act Repealing the Shortening of the Period of Real Estate Mortgage Foreclosure," Senate Paper 671, L. D. 1633, be accepted.

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

Mr. RUST: Mr. Speaker, I move to table until later in today's session.

The SPEAKER: The gentleman from York, Mr. Rust, moves that this matter be tabled until later in today's session.

Mr. McGee of Auburn asked for a division.

The SPEAKER: A division has been requested. All those in favor

of tabling this matter until later in today's session 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-one having voted in the affirmative and fifty-six having voted in the negative, the matter was tabled until later in the day's session pending the motion of Mr. Knight of Rockland that the Majority "Ought to pass" Report be accepted.

The SPEAKER: Is there objection to sending the matters acted upon forthwith to the Senate? The Chair hears none, it is so ordered.

The SPEAKER: The Chair is delighted this morning to recognize in the balcony of the House, fifty Freshman from Penobscot Valley High School, School Administrative District number 31, of Howland, Maine; the teachers Mr. Smith, Miss Haskell, and as I understand it, one of Maine's best known bus operators, Mrs. Ruth Anderson. These are five town districts of Howland, Seboeis, Maxfield, Passadumkeag, and Lowell; and I will call to your attention the town representatives are Representatives Dudley, Cookson, and Whitney.

On behalf of the members and these particular gentlemen, the Chair extends to you a cordial welcome and we trust that you will benefit by your experience with us here this morning. (Applause)

The SPEAKER: And the Chair is pleased to recognize twenty-nine students in State and National Government from the Belgrade High School, accompanied by their Principal, Vernal Finemore and teacher, Mrs. Strickland. These are the especial guests of Representative Sahagian of Belgrade.

On behalf of the House, the Chair extends to you a most cordial welcome and we trust that you will benefit by your experience with us here this morning. (Applause)

Orders Tabled and Assigned

Mr. Rand of Yarmouth presented the following Order and moved its passage:

ORDERED, the Senate concurring, that there be created an interim joint committee to consist of the President of the Senate, the Speaker of the House and 2 members to be appointed by each from their respective branches, to investigate into, and cooperate with, any similar committees appointed for that purpose in the other New England States, or with such officials of the New England States as it may deem necessary, to determine the feasibility of establishing a New England Railroad Authority to take over, by condemnation proceedings or otherwise, all railroad facilities in New England for the purpose of operating the same, as to both passenger and freight, on a subsidy basis; and be it further

ORDERED, that the Committee is authorized to subpoena and examine witnesses under oath, or affirmation, administered by any member of the Committee, and to take testimony and evidence and do all things necessary or incidental to gathering facts and figures of every nature to enable the Committee to carry out the purposes of this order; and be it further

ORDERED, that the members of the Committee shall receive \$50 per day and their actual 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 the Committee shall make a written report of its findings and recommendations to any regular or special session of the Legislature or to the Governor; and be it further

ORDERED, that there is appropriated to the Committee from the Legislative Appropriation the sum of \$50,000 to carry out the purposes of this order.

The SPEAKER: Does the gentleman wish to speak to his order?

Mr. RAND: I move that this order be laid upon the table until the next legislative day.

The SPEAKER: The gentleman from Yarmouth, Mr. Rand, moves that this order be tabled until the next legislative day pending passage.

On a viva voce vote, the motion to table prevailed.

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

Mr. JALBERT: Mr. Speaker, I have an inquiry, is the order going to be reproduced?

The SPEAKER: Nothing has been said about it.

Thereupon, on motion of Mr. Gill of South Portland, the Order was ordered reproduced.

The SPEAKER: The Chair at this time would like to recognize also, thirty-nine students from the Eighth Grade Norridgewock Maine History Course, accompanied by Mr. Hatfield, their Principal, and Mrs. Fitz, their teacher.

On behalf of the House, the Chair extends to you a cordial welcome and trusts that you will enjoy and profit by your visit with us here this morning. (Applause)

**House Reports of Committees
Divided Report**

Majority Report of the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (H. P. 1160) (L. D. 1664) reporting same in a new draft (H. P. 1167) (L. D. 1676) under title of "An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine" and that it "Ought to pass"

Report was signed by the following members:

- Messrs. EDMUNDS of Aroostook
- PORTEOUS of Cumberland
- HOFFSES of Knox
- FARRIS of Kennebec
- of the Senate.

- Messrs. DENNETT of Kittery
- SMITH of Strong
- SMITH of Bar Harbor
- BERMAN of Houlton
- VILES of Anson
- WATKINS of Windham
- PEASE of Wiscasset
- of the House.

Minority Report of same Committee on same Resolve reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

- Mr. JACQUES of Androscoggin
- of the Senate.

- Messrs. COTTRELL of Portland
- CARTIER of Biddeford
- PLANTE of Old Orchard Beach
- of the House.

Reports were read.

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

Mr. BERMAN: Mr. Speaker and Members of the House: This House is now face to face with the reapportionment bill. I now move that we accept the Majority "Ought to pass" Report and I would like to speak very briefly to that motion so that all the members present will know precisely what is going on, and I so move acceptance of that Report.

The SPEAKER: Does the gentleman wish to continue at this time?

Mr. BERMAN: Yes.

The SPEAKER: The gentleman may proceed.

Mr. BERMAN: The Majority "Ought to pass" Report does contain a provision for districting municipalities within the state which are entitled to more than one representative. However, an amendment has been prepared, which I will offer subsequently if the Majority Report is accepted, which will remove the districting provision. Therefore, in order to expedite in a reasonable way presentation of this problem I hope you will go along, accept the Majority "Ought to pass" Report, let the bill be given its first and second readings; and then, if it is the desire of the House to suspend the rules and give the bill its third

reading, I will then offer House Amendment "A" which will remove the districting provision.

The SPEAKER: The question before the House is the motion of the gentleman from Houlton, Mr. Berman, that the House accept the Majority "Ought to pass" Report.

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

Mr. PLANTE: Mr. Speaker, I wish to make only one inquiry. At what stage would the Speaker recommend our introducing respective amendments?

The SPEAKER: On the third reading of the bill.

Mr. PLANTE: Thank you.

Thereupon, the Majority "Ought to pass" in New Draft Report was accepted and the New Draft read twice.

On motion of Mr. Dudley of Enfield, the Rules were suspended and the New Draft given its third reading.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I now offer House Amendment "A," an amendment which definitely removes districting from the majority report. I move its adoption and I would like to say, very briefly, that most of us and probably all of us would agree that a special session of this Legislature should be conducted with decent dispatch and high decorum and while I and others might personally favor this idea of districting because we believe "one voter, one representative" in contrast to "one voter, multiple representatives," where we do not think that fragmenting representatives responsibility is a more desirable approach, we should recall what the remarkable jurist, Learned Hand, said that he would have all of us concerned with the law, to probe deeply into our beliefs and have written over the portals of every court house in this land that we examine our beliefs, that it is possible they may be wrong. Now I submit that this is a fundamental tenet of tolerance, of respect for the opinions of those

with whom we find ourselves in disagreement. We know that perfect harmony is impossible and certainly on a document, on a matter like reapportionment, perfect harmony can never be obtained. This is part and parcel of the human condition, but harmony is something that we should strive for; after all, it might even improve the melody. So in order to help bring this special session to a reasonably speedy conclusion, I am willing to go along and remove districting and I hope that this matter will be settled at least for this session of the legislature.

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

HOUSE AMENDMENT "A" to H. P. 1167, L. D. 1676, Bill, "An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine."

Amend said Bill by striking out all of sections 3, 4 and 5.

Further Amend said Bill by renumbering section 6 to be section 3.

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

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I arise this morning in opposition to this amendment to strike districting from the reapportionment resolve. I would like to point out to you that this legislative bill under which we have been operating and under which we have reported out this legislative resolve is a Democratic bill. I would also like to point out to you that this Democratic bill calls for legislative districts, but I note this morning in the report from the committee which was signed by all the Democrats, they do not favor districting. I wonder why. They wanted the district bill at the last session and they got it. They wanted districts subject to a two-thirds vote and they got it, and now they don't want districts. Why? There is only one answer, because at this particular time it is not legisla-

tively expedient for them to go for districts, because they know very well that without districts the results of the 1964 fall election will mean that there will be more Democrats here in this body today—next session rather, and if there are more Democrats here next session they will be in a better position to control what the legislative districts will mean. This is a very important issue to the progress of the State and to the philosophy of the Republican as opposed to the Democrat Party. I think we are making a grave mistake at this time in doing away with legislative districts, and I certainly hope that the amendment does not carry.

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

Mr. JALBERT: Mr. Speaker, I would like to pose a question to the great champion of the Republican cause in Maine. If this redistricting bill—

The SPEAKER: The gentleman may pose a question through the Chair.

Mr. JALBERT: —if this redistricting bill affects his district in any way, shape or manner. He represents York. Does this bill affect you in any way, shape or manner? We will pick up the rest later, but just answer that one question first.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from York, Mr. Rust, who may answer if he wishes.

Mr. RUST: Mr. Speaker, I would be glad to answer the gentleman from Lewiston, Mr. Jalbert. This issue does affect my community, but I am not looking at it as a community problem. This is a state-wide problem and I therefore look to the state-wide issues that are involved and not the local issues.

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

Mr. JALBERT: We may be reading the wrong bill here. The gentleman says this does affect—

The SPEAKER: Will the gentleman restrain himself and await the time to be recognized. The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: It certainly wasn't my intention to get tangled up in this thing, but the gentleman from York just said "this does affect this district." Now reading the County of York, it says here: York, one representative. What else do you represent now besides York?

The SPEAKER: The gentleman has posed his question.

Mr. JALBERT: The Town of York now. The Town of York. What else do you represent besides the Town of York?

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

Mr. GILL: Mr. Speaker, I thought I had the procedure on this bill down quite well. However, this suspension of the rules bit has caught me short a little, but however, I will try to proceed.

I rise to oppose this particular amendment as taking one of the most worthwhile parts of the entire reapportionment law right out of it. You are cutting the heart out of the people of the State of Maine in our larger communities when you remove this part. I know to a certain extent as I read somewhere, the only problem with the reapportionment of State Legislators is it is done by State Legislators. I feel we are the only group that should do it, but I would certainly like to see us do it in a different manner by which we are, and there is one concept of the proponents of the removal of this that I cannot understand. Now I understand through Washington and Aroostook Counties and various areas we have as many as twelve small communities that are being represented by one representative, and to this day I cannot see how that we from the larger communities can feel that our citizens, the type of individual as I that has got a short haircut and a little stocky and everything, should be able to vote for more than one person to come up here and to represent us. I strongly believe that the one vote for one representative, whether or not we are entirely sure as to if it is in exactly an equal vote, is far more fair

than what we have upon our books now, and which the Democratic Party and a large part of the Republican Party want to force upon the State of Maine.

This particular bill, I feel, eventually will be back here to form the legislative districts. I feel the courts are going to force it eventually, and for this particular reason I more than wholeheartedly endorse the motion of the gentleman from York, Mr. Rust, for the indefinite postponement of this amendment. Thank you.

The SPEAKER: The Chair would inform the House that there is no motion before the House except the motion of the gentleman from Houlton, Mr. Berman, that the amendment be adopted.

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

Mr. MCGEE: Mr. Speaker and Members of the House: I've no need any more to express my position, you know it entirely on this bill. I was in hopes that this redistricting of multiple districts would not be included in the bill but would be taken up separately. I honestly believe that we are here, one of our chief objects of being here is a reapportionment, and I'll warn you on this thing that if this redistricting or this districting of cities or multiple districts is left in this bill, it is going to be almost impossible to pass a reapportionment bill. Without it, the reapportionment bill can be passed. We will accomplish one of the purposes we came here for and won't go home and leave our work undone and leave reapportionment to some other source, because it ought to be done right here. Therefore, I enthusiastically support this amendment. Later on if this thing wants to come up by itself I wouldn't object so strongly to it.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I wish to say that I am in favor of this districting of all the municipalities having more than one representative. I realize that

the gentleman that put this amendment in, Representative Berman of Houlton, has put this amendment on in graciousness to the wishes of the majority of the caucus that was here last night, and I compliment him for taking the attitude that he is taking and for doing the tremendous work that he has done on this Committee and is still doing.

The reason that this section of the bill, the districting of cities, is included in this bill is to give those who wish to speak on the matter a fair chance to speak on it, and I believe that would answer the gentleman from Auburn, Mr. McGee's question, as to why it was put here. This is a representative government, a representative House, we all have the right to speak on this, and so it has been included because some of us feel strongly for districting; others do not.

My reasons are primarily that I believe this to be the only right and equal method of demonstrating the meaning of voting. Democracy by the people has always involved the thought of rights and equality. One vote for one issue. This method of government has always had its provincial and its parochial hindrances. This method that has been so long practiced in Maine of permitting some voters in municipalities to vote for more than one representative, is one of these provincial and parochial things we have been operating under for a long time and it is time that forward-looking people removed this inequality. I should hope that the people of the State of Maine would realize that there are folk here in Augusta that are looking forward and progressive enough to dare to attempt a change, regardless of where the axe might fall. Regardless of how it has worked in the past, this is not true voting equality, and progressive people in Maine should think in terms of what is right in representative government, and not just in terms of what is best for their political party or what is more advantageous for their personal seat in this House; and

that is why I am for this districting of all these municipalities with more than one representative, because it is the right thing to do.

A man running for a seat in Portland will have to campaign before 70,000 plus people. It costs him a tremendous amount of money. It makes it almost impossible for a man of ordinary income to get elected.

The people cannot vote intelligently on all eleven or twenty-two of them because they cannot possibly get acquainted with all of them. And representation would be closer to the people if these districts were made. I thus move, Mr. Speaker, that this House Amendment "A" be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Strong, Mr. Smith, that House Amendment "A" be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker and Members of the House: Originally I had not planned on speaking on this matter, but my good friend, the gentleman from York, Mr. Rust, has used the technique of attempting to label this as a party matter, therefore hoping that he can get all of the Republicans to go with him in defeating this amendment and the Democrats being by themselves. May I remind the gentleman that this is an amendment that came out of the Constitutional Committee's amendment which required the two-thirds voting which was made up of a majority of Republicans originally.

It also was rather amusing to me for at one time he championed the two-party system, and now he at this time says that if we apportion this way that there will be more Democrats here. In other words, saying that if we do not apportion this way, there will be more Republicans in the House. At the present time there are only 41 Democrats and 110 Republicans. Apparently he feels that the two-party system only goes as far as having Democrats in the House but they shouldn't have anything

to say or have any voice in the House. In other words, keep them down to nothing.

Now as far as districts are concerned, I think it is rather an insult to the voters in our communities by saying that you have the intelligence to vote for one, but you do not have the intelligence to vote for more than one. The people of Portland are not interested in districting because there are those who come from the City of Portland who will be representing all of the City of Portland and not only one district. Also, you run into the situation in the City of Portland and other municipalities where you may have two or three capable men in one district, and yet they will be unable to get elected because only one person can come from that district, and in other districts we would have a hard time finding somebody to run, so there is absolutely nothing wrong with electing multiple representatives. We have been doing it in Portland for years, and may I thank the gentleman from Strong, Mr. Smith, for his comment by saying that it would be impossible for a person only of moderate means to get elected because he has to campaign before 70,000 people, because there are seven of us now from Portland who campaigned the last time and who have campaigned before, so the assumption must be that we must be more than of moderate means. So therefore, I hope that the motion to indefinitely postpone will not prevail.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I think that I would be lax in my duties this morning if I did not rise to the support of the amendment as introduced by the Representative from Houlton, Mr. Berman. I too, like many previous speakers, am a believer in the principle of districting, but at this moment, I feel very strongly, particularly in the light of what transpired last evening, that I should subject any personal desires or opinions to the will of what I feel is a very

large segment, if not majority, of my party.

Last night to you I pledged my word. To me, I feel my word is sacred that I would support this amendment. I urge you not to indefinitely postpone this amendment, but to adopt it, that we might process this bill with dispatch and go home. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Waterboro, Mr. Bradeen.

Mr. BRADEEN: Mr. Speaker, Ladies and Gentlemen of the House: Believe it or not, it was not my intent to say anything with reference to this measure. However, I have to live with myself, and I have found over the years great difficulty in compromising with conscience.

A few short weeks ago, a matter of a few months, the distinguished President of Harvard University published a book under the title of *The Age of the Scholar*. I commend it highly to you. Dr. Pusey followed Dr. Conant as the Administrator of Harvard College. He has held that position and discharged the duties for something over ten years. This book, *The Age of the Scholar*, represents a compilation of some twenty lectures or speeches that he has given during the period of his incumbency. In one of those he quotes the Principal of Aberdeen University who passed along an old Scotch saying, this: a long look in the dark is better than all your penny candles. Now we have taken a long look in the dark at this debatable and perhaps explosive measure for too long a time. This bright sunny morning is a very good time to bring it out into the light and have a closer look.

You are well aware that some two centuries ago when the Abnakis wandered through the pine-lands of the district of Maine and the Seminoles roamed the savannahs of Florida, that we fought a war on the Atlantic seaboard between the crest of the Appalachians and the shoreline of the Atlantic Ocean, and what was that war over? You know as well as I do, taxation without representa-

tion. You also know as well as do I that when you have a pronounced inequity, a pronounced inequality, or an imbalance, if you will, in the ratio of representation, you have taxation without representation.

Now I would like sincerely to compliment the members of our Committee on Reapportionment. I think they have done a fine job. They worked long hours and they deserve credit for what they have done and for what they have tried to do, but I am profoundly disturbed at the implications of this amendment, which in my considered judgment proposes that we perpetuate a political procedure, an election formula, which I believe to be not in the best interests of the State of Maine. If I lived on Munjoy Hill, which is a pretty spot, and I get up early enough in the morning to see the sun come up over the waters of Casco Bay, at the moment, when this new law goes into effect and we come down to the time when we are charged with the responsibility and have the privilege of voting for representation in this honorable House, I vote for eleven people. Most of them never heard of me. They are not particularly interested in my wishes, and by the same token I probably have not heard of them and am not particularly interested in them.

I don't believe that it is in the best interest of the State of Maine that one man—that you should have eleven people elected at large over a municipality that has seventy or seventy-five thousand people, I don't think that is any contribution to sound representation in the House of Representatives of the State of Maine. I have only one more thought. Some years before the turn of the century, Conan Doyle, better known for his Sherlock Holmes, wrote several most interesting historical novels. In one of them he places certain words in the mouth of a marshal of the French Army. It appears that one of the officers had been engaged or had been caught we will say in a disgraceful episode.

The marshal called him to his quarters. I will give you a brief paraphrase of the remarks. He said: "Sir, go. You take your shame with you. You leave your honor here," and I say my good friends in this House this morning, if we go our several ways, if we go our several ways without taking the proper action to resolve this most important matter within the area of substantial justice, we shall go with the sense of defeat and we shall leave behind us a golden opportunity, gone with the wind. I thank you. (Applause)

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel pleased that from Penobscot County we have a lot of harmony in relation to this piece of legislation. I would like to say too that in Penobscot County we have one of Maine's largest cities known to you all as Bangor. In view of the fact that I have been a member of this House quite a few years and I have seen the nice delegation that we have been able to come down here with from Penobscot County, and the fine candidates that we receive from Bangor under the present form. As it is now when a candidate runs in the City of Bangor, he has to be a pretty good candidate. He has to be known all over town, and I feel as though under the present form that our delegation from the Penobscot delegation would get better representation to come here to this House to represent the people of Penobscot County if we are allowed to do it as we have been doing it from the beginning of time, because as I have already stated, these people in the City of Bangor have to be a pretty popular person to carry the whole City. Now under districting the City of Bangor, you would get people from certain parts of the town that would only have to be known in their particular part of the town. For that reason, I would like to support the amendment to do away with districting in the State of Maine. I can see no place where it would help us in the State of Maine. It would certainly do us no

good in Penobscot County. Thank you.

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

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I never thought I would even try to speak on the same day after my friend the gentleman from Waterboro, Mr. Bradeen. However, I would like to point out several things. We have heard expressions from a great number of people here that they think that districts are a good idea. They don't think this is the time. Well there possibly are a couple of concepts of why this is not the time. With one group of them I believe they feel the time is not right because of the balance in this House. With another group I feel that they sincerely feel at a later time they will be able to form these legislative districts, but I feel strongly and firmly that this is not the case. These legislative districts will not be formed if it is not enacted here at this special session unless we are told to by the courts.

It would seem likely that a group of all you fine gentlemen, as I know you all are, can, just for one time, think of the people of the State of Maine. Don't necessarily think of party, of section, of town or county. The State of Maine is made up of people, and whether we know it or not, these people are the government of the State of Maine. We are only sent up here to do their job, and one of the reasons why I feel so strongly in this, in these larger communities many of these people do not know their representatives. This is the actual truth. They have problems and I truthfully believe that this would bring the people of Maine closer to government and at the rate we are spending their money, I think the closer they are, the better for them. Thank you.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I would request a roll call vote.

The SPEAKER: A roll call vote has been requested.

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

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen of the House: I believe that I would be lax if I didn't speak my little piece in regard to this reapportionment plan as it does affect me and my district or the people of my district by the present plan of reapportionment in Aroostook County.

I am not speaking from a partisan point of view because one party holds the majority of the registration in that district, and the one that is being drawn up to take its place. My pet complaint is that the law has not been properly consulted or prepared before going to this measure of redistribution, and could it be so arranged that one town, which is a town with an overlay, something over 2,000 people, giving that town two legislators which is not in my opinion, a matter of equality, so I feel that due to those facts, that I shall have to go along with my good friend the gentleman from York, Mr. Rust, and ask for postponement at this time. Thank you.

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

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: We are considering a matter at the present time because of a Federal Court decision which in my humble estimation will guarantee equal representation of the people in the various state legislatures. This question of equality of representation was raised in a case, if my memory is correct, involving the question of urban representation as opposed to rural representation.

Now if we might leave the idea of partisan politics for just a second, I think it would be obvious to each of us that it would be grossly unfair to the people who are being represented here today, if for example, the county of Androscoggin, with its 85,500 people as adjusted population for this reapportionment, were to vote at large for its fourteen representatives. It would be grossly unfair if the people of Franklin County,

for example, with its 19,866 inhabitants, were to vote for its three representatives at large. I would certainly feel that way if the county from which I come, Lincoln, with its 18,497 inhabitants were to have to vote at large for its three representatives. It seems to me that this is the basic question with which we are faced, and which the Federal Court was faced when it interpreted the Constitution as providing for equality of representation of the people in state legislatures. We are asked now simply to district cities. The City of Lewiston, for example, with less than 40,000 people, are asked to vote at large for six representatives. The City of Portland with its 72,000 plus population being asked to vote at large for eleven representatives.

Certainly what we believe would be a fair treatment for the County of Androscoggin, and I am sure the people of Lewiston in not voting at large in the County of Androscoggin, should and can be well applied to the issue as it applies to the City of Lewiston itself. The same holds true in Cumberland County with its 179,000 population. We certainly wouldn't ever expect that that county with that population to vote at large for its twenty-nine representatives, and I am sure the people of Portland would oppose such a thing, for with its less than half of the county population, they might expect to receive no seats, and yet the people of Portland are asked to vote for the eleven rather than dividing it so that an equal number of people or an approximately equal number of people may have an equal say in this House of Representatives and the government of the State by being able to vote for one representative. These are my convictions. This is why I voted as I did with the other ten members of the Committee on Constitutional Amendments and Reapportionment, and this is why at this time I will vote to indefinitely postpone the amendment that is presently before us.

Getting back to partisan politics for a minute, I think that it is a practical impossibility to adopt a reapportionment system at this

session of the Legislature which will provide for districting, and sooner or later I know that I am going to be faced as I think more than a hundred others are going to be faced, with voting for a reapportionment plan which does not district the cities. My convictions are, however, that it is unfair and that perhaps the gentleman from South Portland, Mr. Gill, is entirely correct, when he indicates that a Federal Court would require city districting, and I think it only need be brought to the attention of a court by an individual who is unhappy with this Legislature or any legislature's failure to district cities according to population.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I shall not bore you with a long speech. I only want to go on record for districting, and I only want to tell this House what I told the gentleman from Portland when he tried to discuss this issue with me, and believe me, the only reason that he wished to discuss it was because it benefitted himself and their party personally. The reason I gave was that the only thing I am interested in in my vote is not what they may say publicly, but the image I present to the public, and if I can defend that image and feel I am right in my own conscience, I am perfectly willing to stand up and be counted, and I intend this morning to stand up and be counted for districting. I think we shall lose that measure. I shall then accede my defeat which I feel I usually do when the time has come, and we will vote for the bill and go out of here with a reapportionment bill. I hope we are all going to do that. But let's make a decision on the amendment, and then let us abide by that decision.

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

Mr. LIBBY: Mr. Speaker, Ladies and Gentlemen: I haven't much voice this morning. Mr. Childs, the gentleman from Portland, in-

ferred that everyone from Portland, all Representatives, were of his thinking in this matter, or he would like you to think so. I come from Portland. I admit I am a Republican. He is a Democrat. My district, or the district that I assume that I would have in Portland, if districting went through, I am told that I would lose my seat. This of course is just a matter of opinion, but this opinion is held by many of my friends, and I concur in it. Nevertheless, in the face of this, I feel that as a Republican, the Party is much more important than any individual. I have always thought that, and I believe it from the very bottom of my heart. And because of that, I am for districting. All of the good and valid reasons for this have been given by Mr. Gill, the gentleman from South Portland, and recently by the gentleman from Wiscasset, Mr. Pease. They were good sound, solid reasons. But beyond that, as a political expediency, for the good of the Republican Party, I am for the districting of cities. Thank you very much.

The SPEAKER: The Chair will interrupt debate again for just a moment to recognize in the balcony of the House twenty-five pupils from the eighth grade of the Alfred School, accompanied by their Principal, Mr. Brown, and teacher Mrs. Therianos, and also by some parents, Mrs. Chick, Mrs. Folsom and Mrs. Hobbs who is the wife of our Representative Hobbs from Alfred.

On behalf of the House, the Chair extends to you a cordial greeting and we trust that you will profit by your experiences with us here today. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I just want to go on record as being in favor of the district idea, and if you go along and vote for this plan I would be very happy to go along with Mr. Plante, the gentleman from Old Orchard Beach, and

his amendment "B" at the proper time. I think it would be in the interest of the people of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker and Members of this House: I have listened to some good arguments this morning about the poor people in the cities not knowing their man, and I believe that is true, but there is one thing that somebody hasn't considered in giving no consideration to—is in the country or in these upstate areas sometimes it is forty-five miles in the district, forty-five miles, so it would appear to me that all of a sudden the cities are getting a lot more concerned about their people than they were concerned about us when this reapportionment thing came along.

The SPEAKER: Is the House ready for the question?

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

Mr. MCGEE: Mr. Speaker and Members of the House: I just want to indulge a moment. The question of Federal Supreme Court has been brought up here, and I don't want to get into any entanglement with legal minds because I probably couldn't hold up my end on that, but the questions have come before the Federal Courts and the Supreme Courts are entirely different from this situation here, and if these people will pursue those decisions a little farther, I think they will find the decision has already been handed down which says that the Federal Supreme Court has no jurisdiction over purely state elective officers. I think the courts have already had all of these questions they would like to have; they would like to get away from them, and we would like not to bother them with it. And among those officers which are appropriate or come under that jurisdiction are representatives in this State Legislature, and I think there you will find the decision if they go further they will find they are mentioned. I don't think we need to take into consideration

what the Federal Courts are going to do whatsoever.

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

Mr. BERRY: Mr. Speaker and Members of the House: The point which the gentleman from Auburn, Mr. McGee just made about the Supreme Court decision I think is the basis of what we are worried about this morning. The Supreme Court in Baker vs Carr said that one man's vote was the most important point, and that is our problem here this morning. One voter should vote for one person, regardless of where he is located, be it in the country or be it in the city. And to our rural representatives may I say this: If you do not district any multiple representative district, you are going to have the vote weighted in favor of the urban representative area. The vote will be weighted anywhere from two to eleven against one. This is against the thinking of the Supreme Court. I feel that this is not partisan politics as has been brought out by several preceding speakers. This is for the good of the State. We have labored for a long time under a cloudy method of representation. Let us settle it once and for all here with a clear, concise statement that the House of Representatives will be elected with a representative representing one voter. I move indefinite postponement of House Amendment "A".

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to ask a question of the gentleman from Cape Elizabeth, Mr. Berry, if I may.

The SPEAKER: The gentleman may pose his question.

Mr. JALBERT: If Baker vs Carr interpretation is correct of one person voting for one voter, then why don't we district—would he be in favor of redistricting the Senate, and if so, why don't we district the Senate?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses

a question through the Chair of the gentleman from Cape Elizabeth, Mr. Berry, who may answer if he so chooses.

Mr. BERRY: Mr. Speaker and Members of the House: I believe that the matter of redistricting the Senate is a problem which has been avoided to date. What will happen when that becomes a legal issue, certainly I am not qualified to answer. My personal opinion is that the Senate is not elected on a proportionate basis. The Senate house of the Congress is elected generally on a geographical basis. The little State of Rhode Island has just as much voice in the Senate as the great State of California. I think this theory was started by our founding fathers and should be maintained as far as the Senate of the Congress is concerned, and I believe the principle applies to the Senate of the State of Maine.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: Since I have been in this House I have never voted against my conscience. I have voted for legislation that bothered me. I have voted against legislation that I was in favor of, but it never was a matter of conscience. I am now going against my County Committee who voted unanimously against districting. I am going against the Penobscot County delegation who voted against districting. If this districting vote fails, I will accede to the majority and go along with the amended bill, but after listening to the gentleman from Waterboro, Mr. Bradeen, and the gentleman from Strong, Mr. Smith, and the gentleman from Wiscasset, Mr. Pease, and many others, I can't help but feel that if we do not district the State of Maine, we are not being fair to the voters of the State. If Portland some day is 120,000, which is very likely in the next few years, all the cities are growing larger, no one can stand here this morning and tell me that the electorate can intelligently vote for fifteen or twenty or perhaps forty candidates in a primary. I will vote for districting and then

accede to the majority. Thank you.

The SPEAKER: The Chair will interrupt debate for just a moment to again recognize in the balcony of the House 49 students from Bridgton High School, accompanied by Mrs. Parker and Mrs. Glass.

On behalf of the House the Chair extends to you a cordial welcome. We trust that you will profit by your experiences here with us this morning. (Applause)

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

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: I had no intentions of saying anything on this matter this morning. I sat in caucus last night and listened and I said nothing. And as I listened to several debates in the regular session on these two bills I also sat and said nothing. Up to this point I have listened this morning and said nothing, but all the time I have been thinking, and I have not been thinking of the Democratic Party or the Republican Party, but I have been thinking why must we reapportion the 151 seats of this Legislature. It is to give the people the proper representation which they need. And as I sat and listened to the gentleman from Wiscasset, Mr. Pease, the very things that he said had been running through my mind. Not to take any glory away from any of the speakers that spoke this morning, because I believe they all were sincere, but the way that the gentleman described his position, I think was a clear, concise picture of this whole problem, that we in our rural districts, we are a district, and that if all of these cities had to be combined with the whole county, think what it would mean. I think that the way it was described, it should be a clear cut picture to us all. I am sure he did it much better than I could, and I hope that all of you listened to what he said, and I certainly shall support the plan for districting. Thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. EWER: Mr. Speaker and Ladies and Gentlemen of the House: Coming as I do from a city which will be affected by our action on this amendment, I have hesitated to speak on it, but I would like to make one or two points. The gentleman from Strong, Mr. Smith, has spoken of the progressiveness of ideas. I don't think by any considerable stretch of the imagination I could be classed with the conservative bloc, and I do not think that because an idea is old and has been in existence a long time that it is necessarily the best idea, but I do feel that there is possibly an aspect of representation which has not been considered up to this point, and that is representation by occupation. We have heard a lot about districting. Apparently there is not more than one or two of the multiple unit towns which are for this thing, and they are not unanimous about it in their delegations, but there is such a thing as representation of the people as a whole through profession. We have a balanced representation in our five seats from Bangor which I think is a good one, and I think before we take any vote on this perhaps we should consider this matter as well as geographic representation.

I have never been in favor of this districting. I think when we talk about electing our House of Representatives from an entire county, we are talking something that is a little bit fishy to begin with and a little way out in space. I think the matter of electing the Senators in the county is a matter of tradition set up by the founding fathers, as has been said, and I think it is a good one. But I do not think we have any towns or cities in the State of Maine, with the possible exception of Portland, which are yet big enough so but what the voters in that city can secure the adequate knowledge of the people presenting themselves as candidates for this House. I think that if we get a balanced representation, regardless of the geographic area, we are going to be better off when we come to vote for the people of the whole state,

and for that reason I hope that the motion to indefinitely postpone 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 would like to clarify just one point, and that is the point which was raised by the gentleman from Lewiston, Mr. Jalbert, as to why we do not district the Senate. In answer to that, I would like to state that the cases, the United States Supreme Court cases of Baker vs Carr and the others in the same series which involved legislative reapportionment in state legislatures clearly indicate that the most numerous branch of the legislature of the state must be so apportioned that each representative represents one person or the so-called one vote, one person, and therefore, this branch, the House of Representatives, being the most numerous body in our legislative system, this is the one that must be representative of the people on a one-vote, one-person, basis.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I would like it to be very clear when we are voting on Mr. Berry's motion, to indefinitely postpone my amendment, I would submit to this House that if Mr. Berry's motion to indefinitely postpone the amendment happens to be successful, we could very well involve ourselves in a very unpleasant and unhappy stalemate at a special session, and for at least that very basic reason, I hope that you will presently defeat that motion to indefinitely postpone.

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

Mr. BERRY: Mr. Speaker and Members of the House: I feel that it is not in the method of solution of problems in this House to say that we have got to take a certain avenue of approach because it is either hopeless or it will entail more work on the part of the members of this House to find the

equitable solution. It has been voiced once or twice in this House. I trust it was really not meant.

I think that the gentleman from Bangor, Mr. Ewer, put his finger on the nub of the problem. We will be, if we do not district, applying an undemocratic principle to the cities or to those towns with more than one representative exactly in the same spirit that it now exists in the rural versus urban representative. If we were to have a city say with three representatives in it, to be elected at large, and one section of the city preponderantly, let's be theoretical and say it completely included people of one viewpoint. These people represent thirty-three and one-third per cent of their representation in the House, but they cannot be represented if they are elected in a district at large principle. This is the problem. This is the one-vote, one-representative theory, which I feel we should fight for and strive for. If not, we are perpetuating this undemocratic method of election to the House of Representatives.

The SPEAKER: For what purpose does the gentleman arise?

Mr. GILL: To request unanimous consent to address the House briefly.

The SPEAKER: The gentleman from South Portland, Mr. Gill, has spoken twice and he requests consent to speak a third time. Is there objection? For what purpose does the gentleman arise?

Mr. BERRY: I wish to make a point of information. I made a motion, Mr. Speaker, and I believe anybody has to speak twice after my motion before he needs majority consent to speak.

The SPEAKER: The Chair would remind the gentleman that the motion before the House was made by the gentleman from Strong, Mr. Smith.

Is there objection to the gentleman speaking a third time? The Chair hears none.

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I thank you. I would like to very truthfully just bring out one point

again. I don't want a long special session here, but I think this matter is certainly important enough to the people of the State of Maine, and I am a little bit afraid of the fact that possibly we won't give this the proper consideration because of the fact that we want to be out of here so we can be home with our family by a certain time, because actually I believe that this is important enough that we have got to give it the proper consideration, and I know that actually all you people that you do really feel this way on this matter. Thank you.

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

Mr. COPE: Mr. Speaker, because I feel this issue is basic and fundamental to the well-being of the State, I urge a roll call because I want to be counted on this issue.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I think Mr. Gill, the gentleman from Portland has put his finger on the problem that we have here today. We have reconsidered this reapportionment for six months last winter. We put the issue to the public for a vote, and I think the people of the State of Maine have spoken, and they have not spoken in favor of districting, so therefore, I see no point in trying to re - present something to the public that we didn't make up our minds on in six months, we can now make up our minds that we want to district. The people of the State of Maine have spoken. They said reapportion the House of Representatives with 151 seats without the districts, and I think this is our basic problem that we have to decide here today. Reapportion it to the desires of the people of the State of Maine. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Strong, Mr. Smith, that House Amendment "A" be indefinitely

postponed. 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 who desire 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 recognizes the gentleman from South Portland, Mr. Brown.

Mr. BROWN: Mr. Speaker, inasmuch as I am going to put my vote on a recorded vote, I think it is time that I explained the reasons why I am going to vote the way I do. There really are three reasons. I am just going to name two and then I am going to go into one. Until such time that I can be assured or some assurance can be given to me that through districting a political party cannot bring pressure where-by certain functions can be entered in a city, whereby pressures can be brought on one district or another district so that a political combine can be built up, I certainly will have to go with the amendment as written. I also believe that in South Portland, Maine, we recently had a vote on a new city charter which was overwhelmingly adopted by the people, and in that charter it said that the five districts, the five wards, a man must live in those wards in order to be voted on by all the people of the City of South Portland to serve on the city council. So therefore, it is my opinion that the people of South Portland do not want districting. Thank you very much.

The SPEAKER: The question before the House is the motion of the gentleman from Strong, Mr. Smith, that House Amendment "A" to Bill "An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine" be indefinitely postponed. All those in favor of indefinite postponement will answer "yes" when their name is called. All those opposed to indefinite postponement will answer

"no" when their name is called. The Clerk will call the roll.

ROLL CALL

YEA — Benson, Berry, Bradeen, Bragdon, Brown, Fairfield; Choate, Cope, Coulthard, Cressey, Crockett, Curtis, Bowdoinham; Dunn, Evans, Gilbert, Gill, Hawkes, Hobbs, Jewell, Jones, Kent, Libby, Lincoln, Linnekin, Littlefield, MacLeod, MacPhail, Mendes, Oberg, Pease, Prince, Harpswell; Prince, Oakfield; Rand, Richardson, Ross, Rust, Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Susi, Treworgy, Vaughn, Viles, Waltz, Waterman, Watkins, White, Guilford; Williams, Wood.

NAY — Albair, Anderson, Ellsworth; Anderson, Orono; Ayooob, Baldic, Bedard, Beran, Bernard, Binnette, Birt, Boissonneau, Boothby, Bourgoin, Brewer, Brown, So. Portland; Burns, Carswell, Carter, Cartier, Chapman, Childs, Cookson, Cote, Cottrell, Crommett, Curtis, Searsport; Davis, Dennett, Dostie, Drake, Dudley, Ewer, Finley, Foster, Gallant, Gifford, Gustafson, Hammond, Hanson, Hardy, Harrington, Henry, Humphrey, Hutchins, Jalbert, Jameson, Jobin, Karkos, Katz, Kilroy, Lacharite, Laughton, Lebel, Levesque, Lowery, MacGregor, Maddox, McGee, Meisner, Minsky, Mower, Nadeau, Noel, Norton, Oakes, O'Leary, Osborn, Osgood, Philbrick, Pierce, Pike, Pitts, Plante, Poirier, Rankin, Ricker, Roy, Snow, Taylor, Thaanum, Thornton, Townsend, Turner, Tyndale, Wade, Ward, Welch, Wellman, Whitney, Wight, Presque Isle; Young.

ABSENT — Blouin, Bussiere, Edwards, Hendsbee, Knight, Reynolds, Roberts, Tardiff.

Yes, 51; No, 91; Absent, 8.

The SPEAKER: The Chair will announce the vote. Fifty-one having voted yes, ninety-one no, with eight absent, the motion to indefinitely postpone does not prevail.

Thereupon, House Amendment "A" was adopted.

Mr. Plante of Old Orchard Beach offered House Amendment "E" and moved its adoption.

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

HOUSE AMENDMENT "E" to H. P. 1167, L. D. 1676, Bill, "An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine."

Amend said Bill by striking out all of the last paragraph of section 1 which relates to the County of York and inserting in place thereof the following:

'The County of York shall choose 16 Representatives to be apportioned as follows: Biddeford, 3 Representatives; Saco, 2 Representatives; Sanford, 2 Representatives; Kittery, one Representative; Arundel and Old Orchard Beach, one Representative; Kennebunk and Kennebunkport, one Representative; North Berwick and Wells, one Representative; York, one Representative; Eliot and South Berwick, one Representative; Acton, Berwick, Lebanon and Shapleigh, one Representative; Alfred, Cornish, Limerick, Limington, Newfield, Parsonsfield and Waterboro, one Representative; Buxton, Dayton, Hollis and Lyman, one Representative.'

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: I have listened here this morning to quote, about imbalances, about pronounced inequities and about the rights of equality. These are very nice phrases, and I would like to see the individuals that are concerned about such phrases, see how they would vote on this amendment after I discuss the inequalities that exist in the re-apportionment of York County. I am primarily concerned with the City of Saco which has a population of 10,515, and is entitled under the draft which you have accepted to only one State Representative. This means that an inhabitant of district 13 in the County of York has voting rights in the Legislature 2.3 times greater than

a citizen of the City of Saco. Now this is where the historical value of the doctrine, one man entitled to one equal vote comes in. It is an intellectual distortion of history to claim that the courts or that history or that democratic principles are violated by multiple representations. They are not. But we are concerned with the equal value of a vote. To point it out another way, there is a difference, mind you, a difference of 134 percent between the smallest district of York, District 13, and Saco, 134 per cent. As you well know, the Constitutional Commission recommended a spread no greater than 20 percent. Others interested in government on a non-partisan basis have said that possibly 30 percent would be more flexible and easier to work with, but at no time have I ever seen anyone who understands government reform ever recommend a spread any greater than 30 or 40 percent. Here, you have in the County of York a spread of 134 percent, and we feel that this is not equitable, and we feel that the citizens of Saco are being deprived of what we can, within the formula we are working now, rectify. So those of you who are sincerely interested in one man being entitled to one equal vote, this will give you an opportunity to support this doctrine with your votes.

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

Mr. DENNETT: Mr. Speaker, I rise to move the indefinite postponement of House Amendment "E" and would speak to my motion. Ladies and Gentlemen of the House, this would change the representation in the County of York contrary to the manner in which it appears in the bill. The gentleman from Old Orchard has dwelled briefly on the inequity that he feels exists in the City of Saco, along with some of the smaller districts in the County. Now I will agree with him to the extent that we have gone along with the formula. The Town of Kittery is a town larger than the City of Saco in population, but it—according to the formula, we deducted arbitrarily a number of people supposedly

military population. I will not argue with it in any way, shape or manner. I believe it to be all right. I gladly accept it, and I accept the formula, but I would remind him that despite this, we are a larger community than Saco. We are perfectly satisfied with one representative, perhaps not the particular representative, but one representative. I feel too that we have tried and we have worked very hard in committee to follow out the Constitution whereby these towns would be contiguous, and if you will note in the district which Mr. Plante, the gentleman from Old Orchard would represent, he includes Arundel. Arundel is not contiguous with Old Orchard, although at one time the gentleman from Old Orchard represented that town as well as Old Orchard, and may I add I think represented it well. However, this amendment would take out of the County of York a Republican district, and for all purposes substitute a Democratic district for it.

I believe that despite the fact that he has brought certain representations before this body which he is not entirely incorrect upon, this again is a political move, and as we all to a degree play politics, and I do not condemn him for it, but I believe it is political, I believe the amendment should be indefinitely postponed and we should go along with the bill as far as the County of York is concerned as written and presented to you in the bill.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that House Amendment "E" be indefinitely postponed.

Mr. PLANTE: I would request a division.

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

A division of the House was had.

Ninety-three having voted in the affirmative and twenty-five having voted in the negative, the motion

to indefinitely postpone House Amendment "E" did prevail.

Mr. Jalbert of Lewiston offered House Amendment "F" and moved its adoption.

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

HOUSE AMENDMENT "F" to H. P. 1167, L. D. 1676, Bill, "An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine."

Amend said Bill by striking out all of the 2nd paragraph of section 1 which relates to Androscoggin County and inserting in place thereof the following:

"The County of Androscoggin shall choose 14 Representatives to be apportioned as follows: Lewiston, 6 Representatives; Auburn, 4 Representatives; Durham and Lisbon, one Representative; Livermore and Livermore Falls, one Representative; Mechanic Falls, Minot and Poland, one Representative; Greene, Leeds, Turner, Wales and Webster, one Representative."

The SPEAKER: The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker and Members of the House: This proposal was originally submitted to the committee as a formula, as a draft of the entire measure. This would reduce a 58 per cent spread between the smaller single member district and the larger member district. Further, Livermore Falls and Livermore are mutually compatible whereas Turner would be more at home in the legislative district which this amendment would create. Livermore Falls is purely industrial and Turner is purely agricultural. And unlike the previous amendment of the gentleman from Old Orchard Beach, Mr. Plante, this is not a political amendment.

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

Mr. BOOTHBY: Mr. Speaker, Ladies and Gentlemen of the House: I would make the motion that this amendment be indefinitely postponed and I will speak very briefly. The district as it is now is competitive. This is what

I told the committee and what I say now. We don't desire any change. I would point out to the House that in the last five elections to this House the Democratic Party has won three of them, the Republican Party has won two. I say that it is competitive now and we don't care to lose the town of Turner from that district.

The SPEAKER: The question before the House is the motion of the gentleman from Livermore, Mr. Boothby, that House Amendment "F" be indefinitely postponed.

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

Mr. McGEE: Mr. Speaker and Members of the House: This apportionment as written and presented without the amendment has the support I think of most of the people in that district and with Turner and Livermore and Livermore Falls they have more common interests and I will support the gentleman from Livermore for indefinite postponement of that amendment.

The SPEAKER: The question before the House is the motion of the gentleman from Livermore, Mr. Boothby, that House Amendment "F" be indefinitely postponed. All those in favor will say yes; those opposed, no.

A viva voce vote being taken, House Amendment "F" was indefinitely postponed.

Mr. Plante of Old Orchard Beach offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1167, L. D. 1676, Bill, "An Act to Apportion One Hundred and Fifty - one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine."

Amend said Bill by striking out all of the 5th paragraph of section 1 which relates to the County of Franklin and inserting in place thereof the following:

"The County of Franklin shall choose 3 Representatives to be apportioned as follows: Jay and Wilton, one Representative; Farmington, Chesterville, New Sharon

and Temple, one Representative; Avon, Carthage, Eustis, Industry, Kingfield, Madrid, New Vineyard, Phillips, Rangeley, Strong, Weld, Coplin Plantation, Dallas Plantation, Rangeley Plantation, Sandy River Plantation and the Unorganized Townships of Coburn Gore, Freeman, Jerusalem, Lang, Lowelltown, Perkins, Redington, Salem, Sugarloaf and Washington, one Representative.'

The SPEAKER: The Chair recognizes that gentleman.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: This is another amendment that we would like to add to what has been referred to as a "Democratic" reapportionment bill. This bill is not satisfactory in the makeup of Franklin County because from what was originally recommended by the ad hoc committee on Legislative Reapportionment which constituted only a six per cent spread between the smallest single member district and the largest single member district the proposed bill would create a thirty-six per cent spread. In addition to this, we feel that Jay and Wilton, although we admit that Chesterville does border on Jay, New Sharon under the proposed bill is off by itself. And we feel that in the apportionment of Franklin County this amendment would make it more equitable.

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

Mr. SMITH: Mr. Speaker and Members of the House: I am going to move indefinite postponement of House Amendment "B" and I wish to speak briefly to that motion. Franklin County is losing a representative. We're not too happy with it. We would like to retain our four. We feel that in due time we will merit four, for Franklin County is growing. We have a fifty-four million dollar industry that is coming in this year, the skiing industry is growing. We believe there are reasons for leaving us with four—but as of now, according to the last Federal Census, under the formula under which we are working we have no reason to dispute the fact that we have got to return to three.

In returning to three, losing one representative, the county has had to be changed around. Under the committee's plan that you have taken this morning there are, contrary to what you have just immediately heard, there is not one instance in Franklin county where there is any division of district, New Sharon is not set off by itself.

I wish you had a map of Franklin County; you would find that Jay and Wilton and Chesterville and New Sharon are all lined up together, no division whatsoever. This amendment here again is a political amendment, a political move, and I am not blaming our good friend from Old Orchard Beach, Mr. Plante for making it. In the last Federal Census there were unorganized territories throughout northern Franklin County that were not taken into consideration, about seven hundred votes to be exact. In order to take care of these seven hundred voters we have had to include Wilton and Jay and New Sharon and Chesterville in one group, Farmington and Temple, Carthage, Weld, New Vineyard and Industry in the second group and the third group takes care of the rest of Franklin County north. There has been no intention here of doing anything to elect certain ones; for instance I will probably lose my — my seat is the one that is being divided up. Yet I was on the committee.

I trust that the motion to indefinitely postpone House Amendment "B" will prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Strong, Mr. Smith, that House Amendment "B" be indefinitely postponed. All those in favor will answer yes; those opposed, no.

A viva voce vote being taken, House Amendment "B" was indefinitely postponed.

Mr. Townsend of Baileyville offered House Amendment "G" and moved its adoption.

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

HOUSE AMENDMENT "G" to H. P. 1167, L. D. 1676, Bill, "An

Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine."

Amend said Bill by striking out all of the 16th paragraph of section 1 which relates to Washington County and inserting in place thereof the following:

'The County of Washington shall choose 5 Representatives to be apportioned as follows: Addison, Beals, Beddington, Centerville, Cherryfield, Columbia, Columbia Falls, Deblois, Harrington, Milbridge, Steuben and Whitneyville, one Representative; East Machias, Jonesport, Machias, Machiasport, Marshfield, Northfield, Roque Bluffs, Jonesboro and Whiting, one Representative; Cutler, Dennysville, Eastport, Lubec, No. 14 Plantation and the Unorganized Townships of Edmunds, Marion and Trescott, one Representative; Calais, Charlotte, Pembroke, Perry and Robbinston, one Representative; Alexander, Baileyville, Cooper, Crawford, Danforth, Meddybemps, Princeton, Talmadge, Topsfield, Vanceboro, Waite, Wesley, Baring Plantation, Codyville Plantation, Grand Lake Stream Plantation, No. 21 Plantation and the Unorganized Townships of Brookton, Forest City, Indian Township, Kossuth, Lambert Lake, 10 R-3 and 27 E. D., one Representative.'

The SPEAKER: The Chair recognizes that gentleman.

Mr. TOWNSEND: Mr. Speaker, Ladies and Gentlemen: I have put out a Washington County map here showing the districts A and B. The plan that I have proposed is on Plan A. Now the reason why — some of the reasons I would like to say — on Plan B is the fact that from Eastport, Maine to Danforth, Maine would represent over a hundred miles that the representative would have to travel and at the present time I represent the third largest district in Washington County, population wise, fifty-eight hundred some odd. What I had proposed was to put Lubec and Eastport together. The reason for this was for the decline in population within that area and the increase of population in what is known as

the "wildcat district" above the Baileyville area, as you can see in this funnel shaped, as I say, in the "wildcat district" down to Eastport, funnel shaped; and it goes against, in my opinion, all the plans of the Constitution, because you have to cross another district, you have to go through another district in order to get to this — you are dividing two districts, but under the plan that I present we would be contiguous, and I am saying in the "wildcat district."

The other reason for it is because of the increase of employment within our area and the expansion, because this expansion will increase population very quickly; and the decline in the population within this Eastport and Lubec area amounts to roughly one thousand people; and this is my reason and only reason, because I feel in fairness to the representative of the people that this district that has been proposed is too, too large.

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

Mr. PIKE: Mr. Speaker and Members of the House: Some of you at least have these two maps before you. My purpose in rising is to make a motion to indefinitely postpone the amendment, and I should like to speak briefly to the point. We have in Washington County four large centers of population, in other words, about 2,500 people on the formula of the 1960 census, Calais, Eastport, Lubec and Machias. Each one at the moment is the center of a district. To the west of the Machias district is the district represented by the Speaker, composed of six or eight medium-sized towns. To the north is the so-called wildcat district represented by a substantial town, Baileyville, and a great many other small towns and unorganized townships. Now in the plan, either of the plans splits the population fairly well. When you get down to cut from six to five you come up with something funny on the map the best you can do. I would call to your attention that in Plan A as proposed by the gentleman from Baileyville, if we had made

a provision for Cobscook Bay to be represented, the district would then have contiguity. As it is now, the Town of Prescott in the district does not touch the Towns of Edmunds and Dennysville in the district, and then to get from Dennysville to Eastport you have ten or twelve miles of water or road. In either case, you are outside of the district. This is not an easy matter to debate. It is not political. I guess we are all Republicans excepting this, that one Democrat in the County would have been shoved out of his own home by Plan A. This I am not sure he is pleased with, but I do hope that the amendment as proposed will be indefinitely postponed.

The SPEAKER: Does the gentleman make that as a motion?

Mr. PIKE: I make that as a motion, that House Amendment "G" be indefinitely postponed.

The SPEAKER: The gentleman from Lubec, Mr. Pike, moves the indefinite postponement of House Amendment "G".

The Chair recognizes the gentleman from Eastport, Mr. MacGregor.

Mr. MacGREGOR: Mr. Speaker, Ladies and Gentlemen of the House: This obviously, this amendment before you, House Amendment "G" to 1676 is putting a larger set of wheels under this chair behind me than the House did provide when it placed the chair here, I feel strongly on the issue at hand. As the previous speaker has indicated to you, Washington County does have only certain population centers, and Eastport is one of them, and Eastport of course is very interested in maintaining its identity of a seat. The Washington County delegation and other interested representative parties within the county busied themselves to study this matter carefully and thoroughly, and by a simple majority vote such as we saw exercised in our caucus last evening, a decision was made to draw districts as you see presented to you in the L. D. 1676 as is reported out from the committee which thoroughly studied this matter. I feel strongly in the fact that Wash-

ington County is losing ground populationwise, industrywise and otherwise. It is an unfortunate circumstance to see us lose one more seat of representation, but we are facing the facts of life. We appreciate the fact that we cannot currently justify any more than five seats. This is our means of division as you see before us. It is unfortunate also that we have to air this situation here on the House Floor. I appeal to you in fairness and justice creating and presenting proper representation within the county that you support the motion of the gentleman from Lubec, Mr. Pike, to indefinitely postpone House Amendment "G". Thank you.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I want to go on record as favoring this amendment "G" to our reapportionment document. Now this amendment is almost exactly the same line-up of towns for the Washington County districts as appeared in the original bill which was drawn up by the Reapportionment Committee, number 1664, and this is also basically the same line-up that appeared in the original sheets that were sent around to you and drawn up by the interim committee. Now these districts, as you can perhaps see from your maps, as set up in the amendment here, are reasonably contiguous, reasonably equal in population and they also most importantly they form economic and social units. The new setup which appears in the bill as you may note from one of your maps, represents an effort to maintain representation, separate representation for two of the towns, Eastport and Lubec, but the only way that can be done is by means of a what I would call a very classic gerrymander, one which runs from the seacoast, Eastport, up through some of the wild lands and then back again into the populated area of the northern part of Washington County, a distance of about 100 miles.

This is not a common sense district because the representative

there would have to cover such a huge area, and he also would cover diverse economic interests. He would be dealing with the problems of the fisheries in the southern end of the district and with the problems of forest products in the northern end of the district. The district of Eastport and Lubec, which was in the original bill, and I can understand why some of the folks there want to continue their own separate districts, but nevertheless, this district does make sense. Eastport and Lubec are perhaps some 40 miles from each other by land and perhaps a mile away by water, but their problems are the same; their people have a great interchange of interest there; economically and socially they are certainly more of a unit, much more of a unit than this gerrymander setup. Now to me it seems that in all fairness that if we are here to reapportion according to the Constitution with consideration for population, consideration for contiguity and to do these things as equitably as possible, our answer to this situation here for Washington County is let's do it on the merits. Let's set up the districts as they would appear best for the population of Washington County. Let us not set them up perhaps to give advantage—temporary advantage to some group of politicians here or some group of politicians there, whether they be Democrats or Republicans, but let's do it in the best interests of the people there, the people that we all represent, and if we are standing here as representatives of good government, as I hope that I am and everybody else is, I strongly urge that you support this amendment "G." Thank you.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Townsend.

Mr. TOWNSEND: Mr. Speaker and Members of this Legislative Body: What I would like to say, and I would say it again and again, for the good of the Republican Party in Washington County, I hope that you accept Plan A. Thank you.

The SPEAKER: Is the House ready for the question? The ques-

tion before the House is the motion of the gentleman from Lubec, Mr. Pike, that House Amendment "G" be indefinitely postponed.

Mr. DAVIS: Mr. Speaker, I would request a division.

The SPEAKER: A division has been requested. All 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. Seventy-one having voted in the affirmative and thirty-seven having voted in the negative, House Amendment "G" was indefinitely postponed.

The SPEAKER: The question now before the House is the passage of this Bill to be engrossed.

Thereupon, Bill "An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine," House Paper 1167, L. D. 1676, was passed to be engrossed as amended by House Amendment "A" and sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Wellman of Bangor,

Recessed until 1:30 this afternoon.

**After Recess
1:30 P.M.**

The House was called to order by the Speaker.

The SPEAKER: The Chair would call the attention of the members to the little red banners on your desks. These flags are presented to you by the Boy Scout Troop 147 of Hallowell, Maine. These are endorsed by the Highway Safety Committee. The first one was installed on the Governor's car last week, with his hearty endorsement that everyone use these during the winter months so that they may be seen above the snowdrifts should we have any.

I would further say to the House that this program is partially sponsored by a former Representative

of this House, the Honorable Richard P. Choate of Hallowell. These flags are to be placed on your antenna and anyone travelling in the direction of Hallowell, they will be put on without charge at the Murphy Memorials in Hallowell, one mile south of the State House.

Order Out of Order

Mr. Berry of Cape Elizabeth presented the following Order and moved its passage:

ORDERED, the Senate concurring, that it is the intent of the Legislature that the State Park and Recreation Commission be authorized to accept Federal matching funds for Crescent Beach State Park development in addition to those state funds already available. (H. P. 1168)

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

Mr. BERRY: Mr. Speaker and Members of the House: Briefly, the Director of our State Parks, Mr. Stewart, has found out that it will be possible practically to double the appropriation for Crescent Beach without any expense to the State, and I appreciate very much if the members would assist this program.

The SPEAKER: Is it the pleasure of the House that this Order receive passage?

The motion prevailed. Sent up for concurrence.

The SPEAKER: The House is proceeding under Reports of Committees.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to be adopted" on Joint Resolution Ratifying the Proposed Amendment to the Constitution of the United States relating to the Qualification of Electors (H. P. 1162) (L. D. 1668)

Report was signed by the following members:

Messrs. CAMPBELL of Kennebec
BOARDMAN

of Washington
FARRIS of Kennebec
— of the Senate.

Messrs. SMITH of Bar Harbor
 PEASE of Wiscasset
 CHILDS of Portland
 BERMAN of Houlton
 KNIGHT of Rockland
 THORNTON of Belfast
 — of the House.

Minority Report of same Committee reporting "Ought not to be adopted" on same Joint Resolution.

Report was signed by the following member:

Mr. RUST of York
 — of the House.

Reports were read.

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

Mr. SMITH: Mr. Speaker and Members of the House: As the sponsor of this Resolution L. D. 1668 in the House, I would like to make an explanation to give some indication of the background and significance of the proposed amendment. On page 2 of the L. D., I will read the very brief Article, which, if adopted by a sufficient number of states in the United States, would be an amendment to the United States Constitution. "The right of citizens of the United States to vote in any primary or other election for President or Vice-President, for electors for President or Vice-President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax."

First, I would like to make it clear that the poll tax reference in this article has nothing to do whatsoever with the poll tax as we know it in the State of Maine. The poll tax in the State of Maine is a revenue-producing measure. Poll tax in certain southern states is a revenue-producing measure, but it is also a condition to voting, the payment of it a condition to voting. You will note the wording of this proposed amendment is very similar to the wording of other amendments in the United States Constitution having to do with the qualifications for voting. The XV Amendment has al-

most identical wording. It says: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude." The XIX Amendment says: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." It is now proposed that the XXIV Amendment add to the list of conditions which shall not be imposed and abridge the right of voting by the citizens of any State. Article I, Section 2, of the United States Constitution provides that the voters in each state for members of the National House of Representatives, shall have the qualifications, now that is important, that word, the qualifications required of the voters for the Maine House of Representatives, that is the larger House in each state. The XVII Amendment of the United States Constitution has almost an identical provision with relation to voters for members of the Senate of the United States. Now Article I, Section 4, of the United States Constitution has a very significant clause. Section 4: "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators." You will note that that Section 4 makes no reference to the qualifications of citizens to vote, merely the times, places and manner of holding elections, and the Congress may prescribe regulations in that regard, but Section 2, which I just indicated to you under Article I, reserves to the States of the Union, the right to fix the qualifications for electors.

Now when the states adopted the Federal Constitution, they expressly reserved certain rights, and this was one of them, to exercise authority over voter qualifications. Any change in voter qualification for the National House or for the President or Vice-President, must

be made by the States of the Union. Now the case of *Breedlove vs Suttles*, 302 U. S., 277, is authority for that statement. As a State Legislature, we have under the Federal Constitution most important privileges, responsible privileges, which were reserved to us when the Constitution of the United States was first adopted. The right of participating in amendments, in making of amendments to the Federal Constitution certainly is a highly valued right, and the exercise of that right by this Legislature is not a surrender to the Federal Government, it is not a surrender of State rights, so-called, as some opponents of this Resolution have contended. It is a participation in Federal law-making if you will. By exercising our rights and adopting this Resolution and taking part in an amendment to the Federal Constitution, we are subscribing to a cause of basic political freedom on which our entire country was founded, that is, the unencumbered privilege to vote, too long denied to many citizens in this country.

Now our own Constitution, the Constitution of Maine, in Article I, Section 2, has these words: "All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit."

Now the writers of this Maine Constitution in those words were not referring to the people of Maine alone, they were referring I think rather obviously to all power of government. That is a principle of government. If a voter is deprived of the right of voting in some other state, he is not participating in the government of the United States, and this poll tax amendment so-called is designed to remove that as a condition of voting. Among the states outside the south, only Maine, South Dakota and Wyoming have failed to ratify this proposed XXIV Amendment. Now in those states which have repealed, and some states have repealed in the south, the poll tax, the numbers of persons voting have increased appreciably. This increase is shown in a table of total votes cast as set

forth in the majority report of the Congressional Judiciary Committee in its report on this subject. If adopted, we would be exercising a Constitutional privilege requiring a change in voting qualifications in one regard only. This is not an encroachment in other states' qualifications for voting for their own officers. It pertains to national officers only. Now ample precedent for this, as I have indicated, is in the XV and XIX Amendments.

In my view, to ratify the XXIV Amendment will be a demonstration to the world, particularly to those countries in which there is no political freedom, that the United States and the State of Maine truly believe in and require that there be extended to its citizens those freedoms which are consistent with our own heritage of freedom. We profess to believe in political equality for all and, in my opinion, we have political equality in this State. It seems only reasonable that we extend that protection to all qualified citizens in the entire country. For these reasons, we elect two Congressmen to sit in the House of Representatives in Washington. They sit in the same House with others who are elected on a different basis, because the voters in other jurisdictions are subject to this poll tax payment requirement. We also vote for a President and a Vice-President who is a representative of all the people in all the states, but those persons who vote or do not vote in the south for President or Vice-President because of the poll tax requirement are not enjoying the same freedom to vote which we in the State of Maine and in most of the northern states also of course enjoy.

I urge you to vote for and favor the ought to adopt report of the Judiciary Committee which had a nine to one vote in favor. There is a legal basis for our action. There is a historic precedent, and it is right in principle. Thank you.

The SPEAKER: Is it the pleasure of the House to adopt the Ma-

majority "Ought to be adopted" Report?

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

Mr. DENNETT: Mr. Speaker and Members of the House: It is really with reluctance that I arise to debate this particular constitutional resolution. In the last regular session of the Legislature this thing was defeated in this House. Frankly, I see no reason that it should rear its head again, but it has. The gentleman from Bar Harbor, Mr. Smith, has gone on at considerable length. I find that I am not very far apart from his thinking in principle, but I think he has missed the entire point. I don't oppose the law as such; I oppose the amendment to the Constitution. I think it is a frivolous and trivial amendment, something that can easily be accomplished by statute, that they are using the Constitution of the United States to dump unwanted legislation. It is a Civil Rights situation. I don't think you can call it a Civil Rights bill, because all the Civil Rights organizations are closed to the adoption of this amendment when it came up before the Congress of the United States. I think this bill could be well entitled "Who is kidding who." There is no basis for it.

We will agree that there is a great social problem in this country. We know that five states in this Union impose a poll tax as one of the qualifications for voting. They are: Alabama, Arkansas, Mississippi, Texas, and Virginia. Now according to all reports that seem to be reliable in any manner, there are only two of these states who attempt to use this method of prohibiting certain people from voting and they supposedly are Alabama and Mississippi, two states of the real deep South. Now, I contend that Congress can pass this legislation, others contend that they can't. The Attorney General of the State of Maine apparently gave the Judiciary Committee an opinion that they couldn't, but the Attorney General of the United States states that it can. I wonder just who is

Attorney General of the United States. I always supposed it was Robert Kennedy. I think the Attorney General of the State of Maine went a little far afield. I think that he got into a matter that he shouldn't be delving in. But that's neither here nor there; perhaps somebody will bring this out, some of the opposition to my motion, that the Attorney General did make this decision. If he did, he made a decision that he shouldn't have bothered with.

I want to call to the attention of the Members of this House that in the states where a great social problem exists, the jaws of Her Justice have fangs far more potent than anything that a poll tax could ever inflict. I have before me here the election laws of the State of Virginia and in the election laws of the State of Virginia they are fairly mild, even compared to some of the other southern states. But here are the qualifications of voters in the Commonwealth of Virginia. Section 23, and this goes on to a new rate of qualifications, "Persons excluded from registering and voting. The following persons shall be excluded from registering and voting: Idiots; insane persons and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretenses, embezzlement, forgery or perjury; persons who while citizens of this State, after the adoption of this Constitution" and this is really one for the books, "have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such a duel, either within or without this State, or knowingly conveyed such a challenge, or aided or assisted in any way in the fighting of such a duel."

These qualifications that are necessary would disqualify a person who stole a chicken, and I im-

agine a lot of them have been missing from chicken coops in the State of Virginia. They also have literacy as qualification in about all these states, and incidentally Maine too has a literacy qualification, but it's rarely used. Now in many of these southern states and states other than poll tax states, Louisiana, Florida, Georgia, they all have these laws that whereby in most of them the person who is being examined for his qualifications as a voter can be made to write and explain a portion of the Constitution of his own state to the satisfaction of the Board of Registrars. Now I can well imagine, as you can probably well imagine, that any man whom they don't want to vote, regardless of his color or anything else, would find it very, very difficult to explain the Constitution to the satisfaction of the Board of Registrars.

In other words, I am pointing out that this poll tax amendment is a trivial thing, it still doesn't get at the root. This was acknowledged in the hearings by these several Civil Rights organizations, that this was no way to accomplish this thing. But it is a way of ducking what might be a very serious issue and put it in the Constitution of the United States.

Now to my mind, I think to the minds of everyone here the Constitution is a great and a solemn instrument. In it are the basic rights of the men and women who inhabit this land of ours. It is not a place to dump unwanted legislation. It is not a place to duck an issue. Face it fairly and squarely. Now it will probably be brought out to you by those who contend that this cannot be done by statute, that it must be done by Constitutional Amendment. I am not going into any legal gobble-dy-gook because I don't understand half of it myself and I know that two-thirds of the Legislature don't understand the technicalities of the thing.

But let's talk in simple language, in things that we all understand. They will go on to say, in Article I, Section 2, of the Constitution of the United States, how the qualifications for voters shall

be the same qualifications as the largest legislative body. Therefore it cannot be changed save by Constitutional Amendment.

I would point out to you also, in the Constitution of the United States, in the same Article but in Section 3, which goes on to say, "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union," and it goes on to say "Numbers, which shall be determined by adding the whole number of free persons," of course that excluded at that time the slaves, "including those bound to service for a term of years," that would include a white bond servant, "and excluding Indians not taxed." The Fourteenth Amendment of the United States brought into being the right of the negro as a citizen of the United States. But it was very particular to mention that Indians not taxed were still not American citizens and they still did not have the right to vote. But in the year 1924 the Congress of the United States by Statute, not by Constitutional Amendment, gave the Indian of the United States his full rights as a citizen including the right to vote.

Now, in the last session this same resolution came into this House. It had already passed the other body and as I recall the Speaker on the rostrum stood ready with a gavel in hand ready to bring it down and the State of Maine would have adopted this amendment — ratified this amendment to the Constitution of the United States. This seemed to be pretty poor business. To think that something so important, so solemn as an amendment to the Constitution of the United States would be passed without consideration. Consequently it was tabled, ultimately sent to committee, and reported back to this Legislature where it was heard.

Now, you will be told or probably already have been told, that thirty-six states in the United States have already ratified this amendment to the Constitution. You were told the truth, there is nothing wrong there at all. But to engage in a little speculative thought, I am wondering how many states

adopted that resolution in exactly the same way that the State of Maine was about to do. I frankly couldn't tell you, I don't know. But I did have occasion this last week to talk with a legislator from a neighboring state who is quite prominent in that state legislature and I wondered, how did that state come to ratify the Constitution of the United States? Did they give it consideration, did it go under the hammer? In talking with the gentleman and asking how he ratified, or the legislature ratified this amendment to the Constitution, my answer was — what amendment, when did we ratify it? The gentleman didn't even know the state had ratified the amendment. I feel this is the case in many, many cases.

The thing has been thoroughly debated in the State of Maine. I think the Legislature of the State of Maine knows well what is before them. However, it went in, it came in here and it was tabled, and during the few short days it was tabled and I was the tabler of the measure; and I really wasn't an opponent of it, I didn't know anything about it, I don't think any member of the House knew very much about it.

A clipping was passed to me, a clipping from a newspaper called the Christian Science Monitor, and I thought it contained quite a bit of information; and as I read on I felt that this was no thing for the State of Maine to ratify. I would like, ladies and gentlemen, to read briefly from this article in this paper. Now we know very well that this is a paper which is noted for being factual in reporting, it doesn't indulge in sensationalism, and it is really up at the top of the list as far as newspapers in this nation are to be considered. And it is entitled the "Poll Tax Detour," and it is written by one Richard L. Strout and date-lined Washington, D.C. And it goes on to say.

"Probably the most trivial amendment ever offered to the Constitution has now been approved by 12 state legislatures and seems likely to get the necessary 38 ratifications (three-fourths of

the states) shortly. This is the so-called 'anti-poll tax' amendment which, if adopted will be the 24th in 175 years.

"In 1963 the legislatures of 47 states meet in regular session and there seems little opposition to the latest amendment, although the Legislature of Mississippi rejected it." And it goes on to give a list of the twelve states which adopted it.

"To call the amendment 'trivial' may be exaggeration, but it hardly seems to rank in importance with some of the tremendous enactments of former days—the Bill of Rights, the post-Civil War amendments, the income tax, woman's suffrage amendment and the like.

"Some historians deplore what they see as a latter-day tendency to make the Constitution a receptacle—a kind of storage bin—for material which, they argue, could better be handled by statute; certainly prohibition and the repeal of prohibition, raise questions about this procedure.

"At present only five states require poll taxes for voting in national elections: Alabama, Arkansas, Mississippi, Virginia and Texas. In only two of these, Mississippi and Alabama, is the requirement extensively used to prevent Negroes from voting and in these two states other tests like literacy requirements, are more restrictive.

"The pending amendment does not apply to state, municipal, or other local elections but only to the election of president, vice-president, senator, and congressman. Indeed, by the time all the exceptions are counted the number of voters affected will be small.

"The historical significance of the XXIV Amendment, if adopted, probably lies elsewhere. It offers a precedent for Congress to shunt aside other uncomfortable civil rights issues to constitutional amendment rather than dealing with them by simple statute. In the long run the amendment may be a defeat for civil rights' hopes rather than a victory.

"This paradox was noted at the time. Seven civil rights groups," and bear some of these names well, ladies and gentlemen, "including

the NAACP, the ADA, the American Jewish Congress, the United Auto Workers and the like, urged Congress last year not to pass the amendment declaring it would 'provide an immutable precedent for shunting all further civil rights legislation to the amendment procedure.'

"Attorney General Robert F. Kennedy testified for the amendment but said that Congress could achieve the same thing by simple statute."

Now, ladies and gentlemen, I think that this amendment has come into you under the cloak that it is a Civil Rights amendment. On the contrary, it is an anti-Civil Rights amendment. Any amendment to the Constitution of the United States that would make it serve as a receptacle for unwanted legislation is not a fair amendment. Now as stated before, this would permit those people in these states who did not pay a poll tax to vote only for President and Vice-President, Senators and Congressmen. They would not receive any Civil Rights in the states in which they resided, they could not vote in state or municipal elections. Perhaps it would be a political expediency for them to vote for members of Congress, but I still entertain grave doubts that any man who didn't pay a poll tax would go into a voting booth and demand his rights to vote just for these officers on the basis that he didn't want to pay a poll tax.

Now there is another thing, and it probably will be read to you—I know it was submitted to the Committee, an editorial in a paper in the State of Maine that has been beating a drum for the adoption of this amendment without a rhyme and reason, except apparently they thought it was a Civil Rights amendment. I think they misunderstood things, they have been quite misinformed. And they stated in their editorial that it prevents the Negro who was too poor to pay a poll tax from voting. I can hardly swallow a thing like that. People didn't pay poll taxes because they didn't want

to be bothered. Apparently in these states unlike the State of Maine, you can get a license to operate your automobile and your registration and fishing license and hunting license without paying a poll tax. Here in Maine we insist if you want these things you have got to pay a poll tax. They don't say they will stop you from voting, but we also have penalties for failure to pay a poll tax.

In the State of Alabama, whose poll tax is a dollar, that money is earmarked for education. I don't defend that, I don't think under that one dollar poll tax they can raise too much money for education; but nevertheless, that is the Alabama law. I think instead of granting Civil Rights, this would definitely create a class of second-class citizens. I would feel that in my community if I went to the polls and for any reason whatsoever I was only permitted to vote for a certain few officials and denied the right to vote for others, that I would be a second-class citizen.

Now it is purely speculation, but I think that as time goes on these states will probably eliminate the poll tax required by themselves. They've got enough dynamite in these states so that they don't have to rely upon any poll tax measures. Some southern states have already eliminated. There was in 1937 quite a celebrated Georgia case relative to the refusal of a white man to pay the poll tax and yet he wanted the right to vote. Georgia has since repealed the poll tax law, so has North Carolina, so has South Carolina, so has Florida, so has Louisiana. Tennessee does not require the payment of a poll tax. I feel that we would be very much remiss if we ever adopted this resolution to amend the Constitution of the United States by something that could be well handled by Statute. I now move, Mr. Speaker, that this resolution and both its reports be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Kittery, Mr.

Dennett, that both Reports and the Resolution be indefinitely postponed.

The SPEAKER: The Chair would like to recognize in the balcony of the House eighteen government students from Somerset County, in Athens. They are accompanied by Miss Frith and Mr. Hilton.

On behalf of the House the Chair extends to you young people a cordial and hearty welcome, and we trust that you will benefit by your experience here this afternoon. (Applause)

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

Mr. BERMAN: Mr. Speaker and Members of the House: I submit that this proposed Resolution to amend the United States Constitution is not trivial. It is not any more trivial than the Constitutional Amendment which was proposed and which has long since been adopted of giving women the right to vote. For giving women the right to vote could also have been done by statute. It was not done by statute by the Congress of the United States, it was done by Constitutional amendment, and in looking about this House this afternoon and seeing the honorable ladies who are members of this House, I submit that giving them and their predecessors the right to vote by Constitutional amendment was not trivial.

Now I am sympathetic to some of the views expressed by my very good friend, the eloquent gentleman from Kittery, Mr. Dennett. However, I feel that we should go along with the House Chairman of Judiciary, Mr. Smith of Bar Harbor and oppose Mr. Dennett's motion to indefinitely postpone; that we should pass out this Resolution. Now this Resolution, as I understand it, is part of the culmination of man's long struggle from darkness into some semblance of light. It is one of human dignity. It is certainly one of human agony. In 1964 Maine should do its part in wiping out some of the stigma, some of the dismal consequences

of some of the former citizens of this state some hundreds of years ago, seafaring men who travelled across the seas and brought the colored man from Africa to America and sold him into bondage. The American saint of fair play and high conscience told this nation more than a hundred years ago that we could not continue to exist just half free. This afternoon, should we refuse to give our assistance to correct a great human wrong; should we continue to deny or have a part in denying the right to vote for President, Vice President, United States Congressmen, United States Senators solely because of the dollar requirement?

This is one of the centennial years of the war between the states. That war, as I understand it, was a war in which the little State of Maine, the small State of Maine, in proportion to its citizens and its wealth, contributed far higher in blood, in treasure, in suffering, to help save the Union and the last best hope on earth. If we would respect ourselves, we must respect the right of others, for if we refuse to pass out this resolution with good will, I say that the American creed could be ashes in our mouths and humiliation in our hearts. This afternoon this House, in my opinion, will stamp itself either on the side of right or on the side of wrong. The future is going to judge us without fear and without favor. This afternoon, we are going to judge ourselves.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: The question of whether we should do what needs to be done either by Constitutional amendment or statute is not a genuine issue. The United States House has passed on five different occasions anti-poll tax bills. The U. S. Senate has passed Constitutional amendments on two occasions. We should not avoid the real issue. The free right of all American citizens to vote in Federal elections by displaying undue concern for legislative or congressional mechanics. The gen-

tleman from Kittery, Mr. Dennett has stated and has named several states that have repealed poll tax requirements as a prerequisite for voting, but he neglected to tell you that the records clearly indicate that when those states did this, the voting registration and the voting participation increased, whereas the other five states are in the category in the 1960 Presidential election of being in the five of the lowest seven in voting participation in a Federal election. As proof, one can refer to the Mississippi participation vote of only twenty-five percent; of Alabama, only thirty percent; of Virginia, thirty-four percent; Arkansas, forty-one percent, and Texas, forty-three percent. Certainly it has been proven that if you take away this additional barrier on the individual's right to vote that voting participation and registration increases.

This is not a trivial matter. If but one man, one American citizen had to go around with a price on his head, it is exactly what this poll tax as a prerequisite to vote is, then we should show some serious concern. Now those of you here, the Majority Party, a giant Majority Party, the party of Lincoln, the author of the Emancipation Proclamation; the party of Theodore Roosevelt, who when Governor of New York repealed segregation of schools; you, the party who is claimed to have won human dignity during the Civil War, to have preserved this during the interim period and to have improved upon it up to this day, you yourselves will be more accountable if this bill or this resolution is defeated today, more so than we, a small minority, but it is our hope that our small minority will join the giant majority and pass this out by substantial vote.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker and Members of this House: I could give a long talk today on this, but I think we have heard enough. I just want to get on record as concurring with my good

friend and clear thinker, Bill Dennett, the gentleman from Kittery.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker and Ladies and Gentlemen of the House: I want for a moment to address myself to those of you who are in favor of the principle of what is before us, that is, the elimination of the poll tax as a prerequisite to voting, and I wish to address myself to those of you having accepted this principle who may be in doubt as to whether you think it should be done by a statute, the Federal statute, or whether it should be done by an amendment to the United States Constitution.

Let us assume that it could be done either way. If you say that it can be done by a Federal Statute, you are then putting into the hands of the Federal Government the rights which you have as state legislatures and state legislators to determine those rights. If you agree with me that this must be passed, you are reaffirming the principle that these rights belong in our hands here, and that we are the ultimate judges of this matter, and not the Federal Legislature. I think that those of you who will vote with me on this will be thus doing two things, you will be eliminating this disqualification against voters and you will also be reaffirming this principle that these matters do rest in our hands and must continue to rest in our hands as part of our rights as states. Now Mr. Speaker, I request that when the vote is taken that it be taken by the yeas and the nays.

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

Mr. SMITH: Mr. Speaker, briefly there are one or two points I would like to mention which the gentleman from Kittery, Mr. Dennett spoke about. One is the gentleman from Kittery said that the Civil Rights groups do not back this, and he mentioned the NAACP, the Americans for Democratic Action and the United Auto Workers. Well the pro-

ponents of this resolution are not seeking the support of those liberal organizations. We are seeking the support of those who believe in political freedom, and this is not frivolous, it is a resolution which should be backed by those who believe in political freedom for all the United States.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: As a lone signer of the Minority "Ought not to pass" Report, I feel it my duty to make my views known as to why I so voted. This bill was before us at the regular session last spring, and I voted against it at that time. I have seen nothing since then to make me change my mind. This is a problem which can be solved by the Congress by a Federal Statute, and I don't think that it will solve the problem of the colored people of the south by taking away the payment of a poll tax to give them the right to vote. There are so many other things that prevent them from voting in the south that the simple repealer of the poll tax will not solve that particular problem.

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

Mr. DENNETT: Mr. Speaker, just one word in rebuttal. Much talk has been made here particularly about the rights of the Negro in the south. Now this is where this whole thing is focused, and regardless of what anyone thinks is liberal or otherwise, the National Association for the Advancement of Colored People has never been known to make any stand which was detrimental to the negro, and they did oppose this bill. I only make this remark in passing, that this is not a Civil Rights thing, and furthermore, I would say that I am very much in disagreement with the gentleman from Bangor, Mr. Wellman, because I have never known Congress to consult us on very much.

The SPEAKER: Is the House ready for the question? The question before the House is the mo-

tion of the gentleman from Kittery, Mr. Dennett, that Joint Resolution Ratifying the Proposed Amendment to the Constitution of the United States Relating to the Qualification of Electors, Legislative Document 1668 be indefinitely postponed. 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 members present. All those desiring a roll call will please rise and remain standing until they are counted.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having expressed a desire for a roll call, a roll call is ordered.

The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that this Joint Resolution be indefinitely postponed. All those in favor of the indefinite postponement will answer "yes" when their name is called; those opposed to the indefinite postponement will answer "no" when their name is called. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Ellsworth; Bragdon, Brown, Fairfield; Chapman, Choate, Cope, Cressey, Dennett, Dunn, Ewer, Finley, Harrington, Hobbs, Humphrey, Jones, Libby, Linnekin, Littlefield, Norton, Osgood, Philbrick, Pierce, Prince, Oakfield; Rankin, Rust, Sahagian, Scott, Smith, Strong; Turner, Viles, Waltz, Ward, Welch, Williams.

NAY—Anderson, Orono; Ayoob, Baldic, Bedard, Benson, Berman, Bernard, Berry, Binnette, Birt, Boissonneau, Boothby, Bourgoin, Bradeen, Brewer, Brown, So. Portland; Burns, Bussiere, Carswell, Carter, Cartier, Childs, Cookson, Cote, Cottrell, Coulthard, Crockett, Crommett, Curtis, Bowdoinham; Curtis, Searsport; Davis, Dostie, Drake, Dudley, Edwards, Evans, Foster, Gallant, Gifford, Gilbert, Gill, Gustafson, Hammond, Hanson, Hardy, Hawkes, Hendsbee, Henry, Hutchins, Jalbert, Jameson, Jewell, Katz, Kent, Kilroy, Knight, Lacharite, Laughton, Lebel, Leves-

que, Lincoln, Lowery, MacGregor, MacLeod, MacPhail, Maddox, McGee, Meisner, Mendes, Minsky, Mower, Nadeau, Noel, Oakes, Oberg, Osborn, Pease, Pike, Pitts, Plante, Poirier, Prince, Harpswell; Rand, Richardson, Ricker, Ross, Roy, Shaw, Smith, Bar Harbor; Smith, Falmouth; Snow, Susi, Taylor, Thaunoy, Thornton, Townsend, Treworgy, Tyndale, Vaughn, Wade, Waterman, Watkins, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Wood, Young.

ABSENT—Albair, Blouin, Jobin, Karkos, O'Leary, Reynolds, Roberts, Tardiff.

Yes, 34; No, 108; Absent, 8.

The SPEAKER: The Chair will announce the vote. Thirty-four having voted in the affirmative, one hundred and eight in the negative, with eight being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Majority "Ought to be Adopted" Report was accepted.

The SPEAKER: Is it the pleasure of the House that the Resolution be adopted?

(Cries of "no")

All those in favor of adopting the Resolution will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred seven having voted in the affirmative and twenty-two having voted in the negative, the Resolution was adopted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Revising the Maine Employment Security Laws" (H. P. 1144) (L. D. 1615) reporting same in a new draft (H. P. 1166) (L. D. 1675) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. HINDS of Cumberland
JOHNSON of Somerset
COUTURE
of Androscoggin
— of the Senate.

Messrs. DUNN of Denmark
EWER of Bangor
PRINCE of Oakfield
GIFFORD of Manchester
NOEL of Waterville
BROWN of South Portland
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. MENDES of Topsham
— of the House.

Reports were read.

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

Mr. BROWN: Mr. Speaker, I move we adopt the Majority Report "Ought to pass" of the Committee and I would like to speak to my motion.

The SPEAKER: The gentleman from South Portland, Mr. Brown, moves the acceptance of the Majority "Ought to pass" Report. The gentleman may proceed.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: You have before you today one of the most intricate pieces of legislation that you ever will be called on to decide. I am sure through the lobbying, the newspapers and so forth, you have already come to that conclusion. This legislation certainly affects the lives of many of our citizens. Therefore you must, and I know you will, give it your most careful consideration, ever mindful that you are of necessity the deciding factor between two groups, management and labor, as to how this Employment Security Law shall be administered. Contrary to what you have heard here in the halls that the special session is no place to decide these issues, and of course you recognize this as an excuse by those who seem to think this the best way to halt the corrections of the law that are punitive to one side.

I, as Chairman of your Committee on Labor, am thankful for this special session. For you will be the first legislature to decide these administrative changes the vast majority of your Committee

on Labor feel necessary in order to correct the inequities that are in the present law and yet protect the fund necessary to insure the implementation of the Employment Security Law. Yes, the first legislature with the experience that is necessary to even partially comprehend the intricate parts of this necessarily complicated law. The interim committee report, the long weeks of the regular session, the debates of the Thaanum Bill, the passing in the early morning hours of the Brown Bill, this thrust at you from behind closed doors when there were not the statisticians or technicians of the Commission to consult with, the Veto, and the meeting with your Labor Committee in the presence of experts from the commission and others to attempt to answer your questions.

Yes, Ladies and Gentlemen, your committee is extremely fortunate that you have been so well informed and are in a better position to judge these additions to the law, much better than any previous legislature or any future legislature with a 50% turnover.

Now I know you realize you have not become experts, nor do I profess the members of your Labor Committee are experts, but contrary to belief in some places, the Labor Committee is composed of human beings, and Ladies and Gentlemen of the House, I feel we are offering you a bill today that is reasonable and that certainly reflects the fact that your joint standing Committee on Labor are human after all.

Ladies and Gentlemen, your committee will now give you the particulars. Please listen attentively and vote your conscience.

There is one afterthought that has come to my attention in talking to some of you in the House, that if we, the House Members, could sit down and compile the figures that have been thrown at you from the members of the Third House, and we were to use their method of computing, I was going to say that we probably would come up with a cost as far as they were concerned, I was go-

ing to say billions of dollars, but I am not going to use their methods, I will say probably millions of dollars. Ladies and Gentlemen, please be fair about this thing and let's stick to proven facts or nearly proven facts as best we can get them, and give this a fair and decent hearing. Thank you very much.

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

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from South Portland, Mr. Brown, to accept the Majority "Ought to pass" Report on this piece of legislation, and in support of it. In rising, I am reminded somewhat of the age-old hypothetical problem of the scientists as to what the outcome would be if an irresistible force were to encounter an immovable object. These scientists would have felt quite at home in some of the many and long meetings which preceded your deliberations today on this matter, as members of your Joint Standing Committee on Labor have attempted to reconcile the widely divergent views and strongly adverse interests of those parties affected by this legislation.

I would readily concede that L. D. 1675 is probably not the best of all possible bills, yet it is far from the worst. It does not give labor all the things that it would like to have, nor does it take away from them all those things they consider essential. By the same token it does not give to industry all those things it would like to have, nor deprive them of all those things they consider necessary. This is not a labor bill. This is not an industry bill. It was drafted by neither, but by the members of your Joint Standing Committee on Labor. It is a middle-of-the-road bill, a sort of compromise by a form of arbitration, if you will. It does, however, take steps in several desirable directions. In some instances small ones, yet desirable. And it is because those directions are desirable ones, that I give my support to this particular bill.

What simply does it do? First of all, it increases the annual earnings necessary for eligibility to draw unemployment compensation from \$400 per year to \$500 per year. In the mid 30's when the employment security law was first enacted, this requirement was \$300. But let us bear in mind that at this time the average weekly wage was perhaps \$15.00 per week, and in effect this was a requirement that the employee should work for twenty weeks in the year before he became eligible for benefits. Through deterioration in the American dollar accompanied by substantial increases in weekly wages and living costs, this \$400 in the present law can now be earned by the average employee in only four to five weeks. This relaxation of the requirement is not by legislative action, not by intent, but simply by reason of changing extraneous circumstances.

This change will increase it slightly to perhaps on averages of six to seven weeks, still far from the original twenty weeks of the law of the 1930's, but still in the right direction. It increases the weekly benefit from the present range of \$9.00 to \$34.00 to a new range of \$10.00 to \$35.00. This is desirable because benefits simply have not kept pace with wage levels and living costs. A common rule of thumb is that weekly benefits should be fifty per cent of weekly wages. The average weekly wage in covered employment today is about \$80.00 requiring a \$40.00 benefit to fit the rule. The Thaanum Bill so-called in the regular session would have established this as a maximum, not as an average. The revised Thaanum Bill, L. D. 1615 of this session, reduced that figure to a flat \$38.00; our redraft to \$35.00. Again, not enough, but in the right direction. The net cost to the fund of the increased weekly benefit reduced by the saving from increase to \$500 of the annual earnings requirement is estimated based upon 1962 expenditures at \$160,000. Next, the disqualification provisions of the Estey Amendments, which have been widely publicized and criticized for their harshness have been eased, but not entirely as they were in L. D.

1615, and in particular the misconduct revision has been deleted while others have been retained. It is estimated that the cost of this relaxation to the fund, based upon 1962, will be \$988,400. The ten dollar partial employment provision of L. D. 1615 has been retained in the redraft at an estimated cost to the fund over 1962 of \$85,800.

Next the so-called double-dip, and in order to use the existing law which permitted employees after drawing their full twenty-six weeks of unemployment compensation under certain circumstances to draw a second time, which was never intended or foreseen when the present law was written and is contradictory to sound principles of the employment security law, has been eliminated in this redraft; principally they're redefining the benefit year. The saving to the fund of this provision, a saving and not a cost, is estimated at a minimum of \$207,680.

Finally, the employer contribution table has been revised to require higher rates of contribution by those employers having negative fund balances; that is those whose employees have over the years received more in benefits chargeable to their employers than the employers have contributed into the fund. To the extent of these increases and contributions, these employers would then more nearly pay their own way in the employment security insurance program. The additional revenue which would have been derived from the entire rates in 1962 is \$453,258. Adding and subtracting these various figures, as I have given them to you and as they appear on information sheets which have been distributed among you, the net cost of all the proposed changes is \$573,262, roughly one-half that of the bill originally introduced into this special session, L. D. 1615.

Employment security is not an easy field in which to enact legislation. It is highly complex and truly controversial. However, its problems have been under study by you and by the Joint Standing Committee on Labor for over a year now. It is widely recognized that some action is called for in this field by this Legislature, and

I submit to you that giving full consideration to all the groups who are involved, with their divergent views and adverse interests, this is the best that can be accomplished at this time. And I strongly urge you to join with the majority of your Standing Committee on Labor in support of this measure and in support by your voting when the hour for voting is upon us.

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

Mr. YOUNG: Mr. Speaker and Members of the House: I rise in opposition to the L. D. 1675 and I would like to make a few remarks. I had hoped that shelving of the Thaanum Bill would have settled the matter of hasty revision of the Employment Security laws at this Special Session.

However, the proponents apparently see fit to pursue their cause to some kind of a conclusion and I sincerely hope and believe that the conclusion will be a negative vote in both Houses.

It is obvious to me that the people of the State of Maine in general do not want or expect any action to be taken at this time. There appears to be a widespread feeling that there is no immediate emergency that could possibly justify a Special Session tampering with a law that is of such vital importance to our state and its citizens.

We are all aware of the pressures being applied on every last one of us to bow to the will of the proponents. For one I resent such pressure and intend to stick to my guns. I say let's dispose of this issue in the fastest possible manner which is to vote it down by an overwhelming margin.

The original Thaanum Study Group worked for several months to come up with a bill that could not stand the test of public and legislative approval. Another group came up with a revised version of the same bill which the Labor Committee scuttled because apparently it did not believe that it stood a ghost of a show of being passed. Now the same Committee after quick deliberation has brought before us a patched up version of a revision that neither

the Legislature, the public or industry has had an opportunity to study.

I certainly hope that all of you will, like myself and many others, refuse to be pressured and stampeded into helping those who may be involved to get off the hook.

If necessary let's set up a new Study Committee with all factions of labor, industry and the public being given an opportunity to participate in its deliberations and prepare a revision for leisurely and objective consideration by the 102nd Legislature that will be a fair, just and logical approach to the problem.

I reiterate that this is not a matter for this Special Session to dispose of and that any other course will be a grave abuse of our responsibilities and authority.

Now I have some figures here that do not agree with the previous speaker, they came from the Employment Security Commission, Mr. James George, and I was handed these figures this morning and they are estimates based on 1962 what this law would do based on the same conditions. The raising of the four to five hundred dollars would bring in roughly \$35,000. The benefit increase — the increases in the benefits, the previous speaker you had was around \$160,000. My figures I have are \$250,000. And the partial — that is raising the seven dollars to ten, the figures that were given a few minutes ago were \$85,800. I have a figure of \$400,000. And on the disqualification — lowering the standard for disqualification, the figure you had was \$987,400 and I have a figure of \$1,250,000. And the increase in the penalty rate would bring in \$450,000. Therefore, subtracting that from those increases and I have roughly \$1,450,000 that this bill would cost. That is about a million dollars more than the estimate here.

And I at this time would like to move that the bill and both reports be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Gouldsboro, Mr. Young, that both

Reports and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: There seems to be quite a discrepancy in figures here and while we can't argue too much on those, our figures were given to us by the statistician of the department and as far as we know are as accurate as anything that can be brought up. I am supporting this bill because the parts of the so-called Thaanum Bill that I objected to are taken care of in this one and there are three or four provisions which I believe are long overdue. The raise in the qualifying wage, the proposed \$500 is only about ten weeks work at the minimum wage of a dollar and a quarter at this time. And by ten weeks work you are qualifying for twenty-six weeks benefit, and that doesn't seem too realistic to me that it should be able to do that. I think that the qualifying wage should and will over a period of years be raised quite a bit more, and if it is done gradually it will not hurt anyone too much at any one time.

I would like to speak about the double-dip a little bit. That is a loophole in the present law that is expensive and it never was the intention of the law in the first place. I think the sooner it is done away with the better. This proposed law does not do away with it entirely; I am told that it is almost impossible to get a writing that will do that. But we were told that it would do away with at least eighty-five percent of this provision.

I would like to give an example of the double-dip, just in case someone is in doubt of how it works. A person who became unemployed at this present time, this week, could apply for benefits and after a one week waiting period, would be entitled to benefits based on his earnings for the year April 1, 1962 to April 1, 1963. That is going back quite a ways. And he would draw benefits from now until the

first of April in '64 based on those earnings. Then he could reapply and would be eligible for twenty-six weeks benefits based on his earnings from last April, April 1, 1963, up until the present time when he became unemployed. That gives him thirty-four or five weeks benefits without any work in between.

Now if, on the other hand, this happened last fall in, say, September, it would be possible to draw full—or within a week or two, of full unemployment up to the first of April on one year's earnings and then go on and do this again for the last few months earnings. So that he would in reality draw fifty to fifty-two weeks of benefits without any work in between. I think that is something that should be changed.

The third point is the raise in rates to the marginal industries. Now at all of our hearings the representatives of these marginal industries have signified that they would be willing to pay a little bit more where the employees withdraw a great deal more from the fund than the employer is paying in. Now that seems fair and just to me that they should pay just a little bit more, and the rates therefore were — the change was made to raise those rates a little bit. I believe these changes are necessary and desirable and to me they outweighed the easing up of the disqualifications. Now as to the statement on the timing of not having sufficient time to study this. I think this committee probably has had as much time as any one committee will and I doubt if the next committee coming up a year from now, which will in all probability be composed of their fair share of new members who are not familiar with the provisions of this law. I don't think it will be any easier for them and I think perhaps they will have to start from the beginning again the same as we did and you will have to go right through the whole thing. I think that time element, we probably have had as much time to work on this

as the next one will, so I am voting for this measure.

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

Mr. MINSKY: Mr. Speaker and Members of the House: I think that perhaps the person who has not grappled with this as perhaps the Labor Committee has, we are in a bit of a state of confusion, and perhaps I speak for many on the Floor of this House. We came here last January and we were presented at that time with a bill which was supposedly the cure-all and then saw this disintegrate into a fight that was finally resolved at two o'clock in the morning and then later went home and found it wasn't resolved at all. We came back here and finally were presented a new bill that cured all the errors of the old bill and saw that disintegrate in committee, and now we are told at ten o'clock in the morning that there is a new bill that is passed out and put on our desks and all we have to do at three o'clock in the afternoon is vote for it and the problems are solved again.

I find it a little bit difficult to believe that a bill which was evidently concocted in two days after a year of study had failed is going to do much, but I don't know, and I suppose at this time I can do no more than plead ignorance. But I think in all fairness, each member of this House has got to look at this more than five hours which they have been allowed, and I think in all fairness each member of this House might wish to consult with some of their constituents back home, and a decisive vote on this today might not allow that. For this reason for what it may be worth, at least what I am going to do; I will vote "yes" or rather I will vote against indefinite postponement of this bill, and I will vote "yes" for the acceptance of the report. This will at least give me twenty-four hours to look this over. I make no guarantee of how I am going to vote on this tomorrow, but I at least would like to have twenty-four hours to try to make up my mind and to contact

people at home and see what they think of this thing. Then perhaps I can vote half-way intelligently and perhaps I can clean up the cobwebs that have been put there by three bills in two weeks time.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, there have been several references made by members of the Labor Committee to the experts which were called in to appear to answer questions of the Legislature. I believe there were approximately sixty of us present at the hearing on the second day that this was brought up. There was one expert present from the Employment Security Commission, and to the best of my knowledge, I think I stayed from the beginning until the end of the hearing. The expert failed to answer a single question by fact. The expert issued a few surmises, a few guesses, which I submit would be a guess is as good on my part as they would on his part, and secondly, I would like to ask any member of the Labor Committee to name an industry who appeared in favor of this bill.

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

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

Mr. BROWN: Mr. Speaker, to a degree I concur with what he has said, the person who has asked the question, but I will remind the people of the House that of necessity an expert from the Commission cannot say that these are the figures. The only way that this can happen is by it being tried or by physical evidence in the past of what has happened. The expert from the Commission certainly came up with a basic knowledge of what has happened in the past. He is a man well thought of and sought by very many people in this state because of what they think of him. He has done this on the very soundest basis on which experience in working with this law has been able to assure

him of. As far as industry is concerned, outside of the—as I remember it, from the Restaurant Association and one other association, the only ones that appeared were lobbyists that appeared for the whole groups. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Winthrop. Mr. Tha anum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from South Portland and in support of your Labor Committee. The apportionment of this House and the revision of the employment security law were two of the most important reasons for the calling of this special session of the Legislature. This morning we had placed before us perhaps for the first time a revised employment security law or bill that the Labor Committee has spent many long days and hours during this special session attempting to iron out some of the differences between the parties at interest. Hearings were held all day last Tuesday and again on Wednesday afternoon, and since that time many executive sessions of the Committee have been held. In my opinion, this Committee is to be commended on some of the compromises that now appear in this committee bill, which meet in part some of the differences that were brought out at the hearings on the original bill. During the last few days many of you have asked me about the bill and I have sat down with you and tried to explain to you some of the problems concerned with the unemployment compensation program at this time.

Ladies and Gentlemen, I want to say to you now that the unemployment compensation program needs your attention here in Maine now and not two years from now or four years from now. I am astounded at the figures that the gentleman from Jonesboro presented, because as has been said previously, the figures that were presented at the hearing and the figures that have been available to me have come from the best source that you could get in the State of

Maine, and that is the management and the accounting division of the Commission itself. Now I have worked with these people. They are honorable people. They make reports to the Bureau of Labor Statistics in Washington. They not only have a responsibility to give us correct figures but they also have a responsibility to give those figures to Washington, and if they weren't giving right figures, I am sure that Washington would be making some complaint.

Now I think this matter was very well covered by the gentlemen from Manchester as to what is the trouble with the unemployment insurance program at the present time and why I am trying to do my little bit as a legislator who feels duty bound to do my best while I am here to see that some of these corrections take place now, not ten years from now, because I know that the present fund of the employment security reserve is in jeopardy. You have got to build it up to get your employers taxes down. Now to be sure, somebody asked if any employers appeared against this bill. I am quite sure that quite a number of the smaller employers would have appeared in favor of this bill, but they are not organized. You have got employers back in your town that weren't represented here except by you, and I think it is your duty to vote in their interests. Now when I tell you that I believe that this bill is a good bill, that it is putting this program back on the track, it needs some more revision to be sure. Our committee tried to make revisions with it, but apparently they were a little too much and too fast.

When I brought the bill in that I brought in I had great complaint from the fish packers again that I was taking the benefits away from their people. Now this committee has in part solved that problem. You don't hear any more today about taking away the payment from four out of five fish packers, because the law is just the same as it was—as it is at the present time for the fish packers except the committee has proposed to raise the minimum just \$100.00 and those of you that were in the

100th Legislature with me will remember the problem that we had at that time when that bill came in with \$600 and I was a member of the Labor Committee and I signed the Majority Report at \$500 and then finally again we wound up with \$400.00. Now gentlemen, I think \$500 as a minimum is very fair. Mr. Gifford, the gentleman from Manchester, has explained how this minimum wage has not kept up with the rising wages over the last twenty years.

Now what I am here for is to try to put this thing back on the track so that we can see in the next four or five years a little larger reserve than what we will see now under present legislation, and I think if you have a corporation who sets up a \$45,000,000 reserve and now that it is down to 25, 24, 23, 26 or 27,000,000 that your company, your board of directors would certainly say that something has got to be done about this, that you can't be taking money out of reserve all the time to pay benefits. Now it is just as simple as that.

Now this bill is a good bill, and I am not going to reiterate a lot of things that I said at the regular session of the Legislature, but I think this bill is a start. I think it is a beginning. And I think we in this Legislature have a duty to do something about this, and help put this thing back on the track. Now that is what Mr. Gifford told you at the regular session. This is all that he is trying to do, is put unemployment insurance that has got badly off the track, you need to put it back there, and it is your responsibility. You're here representing the small employers. You are here representing the people that have four and five employers in your town and whose taxes have doubled up in the last four or five years. I'm talking for them. Those are the people that are not around here lobbying. We have got thousands of employers in the State of Maine, not hundreds. I have talked with some of them. Some of you here are employers. Some of you here are paying these taxes, and you know your taxes have gone up.

Now let's go to work and try and get some of these employer taxes down and let's get this fund built up. That's all I am trying to do. Now Ladies and Gentlemen, I am very much concerned about this, and I hope that you will vote with your committee. I think they have done a commendable job, and as I understand it, we are going to have tonight to think it over and find out some things. Good. I think that was a good suggestion. But I would like to see this bill go through its first and second readings today and a favorable vote; go along with your committee, and I can assure you you can go home satisfied that you have done something for unemployment compensation. Thank you, ladies and gentlemen.

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

Mr. HARDY: Mr. Speaker, ladies and gentlemen of the House: I have long appreciated the many years that the gentlemen from Winthrop, Mr. Thaanum, has been associated with the labor of the Employment Security Commission. I spent two sessions on the Labor Committee and I have a question that I would like to direct to Mr. Thaanum. I feel that he can answer it. We have heard here this afternoon that there was no double-dip in, we have heard here this afternoon that there was a little double-dip in, and a few minutes ago we hear that we are trying to build this fund up, and we are trying to build this fund up, but why is it that we can't write into this law a provision in plain English that will keep this double-dip—this isn't what we are insuring. We want to insure them for a payment when they are unemployed, but the double-dip, why can't we write into this law a provision that will eliminate this double-dip feature?

The SPEAKER: The gentleman from Houlton, Mr. Hardy, poses a question through the chair to the gentleman from Winthrop, Mr. Thaanum, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: Forty-seven states out of the fifty states used the formula that was originally in the committee bill; there are three left. Now until you change this formula that we have been using in this state, you cannot get rid of a double-dip. Because under our present formula the benefit year as it is called in the base period is back to back. The base period is the previous calendar year, the benefit year is April, we say the year 1963, the benefit year is April first 1964 to April first 1965. The point is that anybody who files in October, one year, can exhaust their benefits before April first and then they come into a new benefit year and collect twenty-six more—that's double-dip.

Now under this proposed bill and under the committee bill, this proposal to change the fixed benefit year to the flexible benefit year. Benefit years will be the first day that the claimant comes into the office in his new benefit year; that is if he goes in today, his benefit year will start today and go on until this day next year. And if he collects twenty-six benefits between this day, today, and a year from today, that's it. He will get no more until—he cannot claim any more benefits from the fund until this day next year when he can start a new benefit year. But under the present conditions he can draw fifty-two weeks because the benefit year and the base period are back to back. It is very technical. Did I answer your question, sir?

The SPEAKER: Does the gentleman consider his question answered?

Mr. HARDY: Yes.

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

Mr. BROWN: Mr. Speaker, I am sure I heard the gentleman from Hope, Mr. Hardy, include my name in his asking the question. I may be mistaken. I certainly will have to check the records and find

out. I would like to say that it has been brought to your attention that as far as we can figure it eliminated this by at least eighty-five percent. Now we have sent for a ruling from the legal minds of the state, and on top of that I have a proposal that I am going to give the committee that I feel might further tie this down; and you will be hearing from those soon.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I probably figure that this issue has been debated very well in this House in the special session, in the regular session, and over the 100th Legislature. Those of you who were here during the 100th Legislature can very well remember how the Estey amendment came about. The members of the House were assured that the Estey amendments were only supposed to take care of temporary adjustments. And that is why it was pressed at the time that they were going to use the interim committee to find out just where the errors or what was wrong with the Employment Security Laws.

During the regular session the interim committee submitted to this Legislature a bill which they thought was fair and equitable to all. It was passed in the House of Representatives, died in the Senate, and then was finally killed in both houses. So this problem is not a new one. It's not something new that we are dealing with; it is something that has been with us now for at least three and a half years. Inequities have been made. Inequities have been before us to try to correct some of them. So those inequities that are still with us in part, we are trying to remedy some of those inequities. I believe—and this I firmly believe in, that the Employment Security law has got now before them enough laws to take care of anything that might come up before them as far as the fund is concerned. My primary concern here is to make sure that everybody

gets what is due to him at a fair and moderate cost.

Now this is something for the protection of everybody. If we buy insurance we would like to collect what we pay for. In this instance here we find that in some of the industries in the State of Maine—and they have come out point blank for the committee, although I am not a member of that committee. Some of these industries have come out point blank and said well—if you will pardon my expression, we have rode high off the hog for this many years anyway, so if they do pass something now—as if to say it wouldn't make any difference to them because they have had the cream of the crop and now even if they mix a little skim milk with the cream it could still be swallowed.

Now those things have persisted for years. These industries that have been lamenting to the legislature for years have been subsidized by the bigger industries in the State of Maine, what the bigger industries in the State of Maine have not been able to subsidize or have cut short some of their subsidies, they have gone to the Health and Welfare Department. So actually the Health and Welfare has been subsidizing some of these industries and bigger and substantial industries in the state have also subsidized part of these Employment Security laws which they have not voiced too much objections to at this time, but there comes a point of saturation. Can they do it forever and ever? These unfortunate people that have to draw unemployment insurance are not doing it in most part of their own free will. It is a situation that they get into and they have to put up with it temporarily.

I don't think that you will find that the Employment Security law is now the homing grounds of people that are willing and able to work. And they have got laws to protect that. And these unfortunates that have to draw unemployment insurance I don't think they are going to make a fortune or a mint by drawing thirty-four or thirty-five dollars a week. It is

just something to carry them over until they get some kind of work that will carry them throughout the week. Now I believe that a question was asked by the gentleman from Stonington, Mr. Richardson, a few minutes ago if any industries voiced their opinions as far as this bill was concerned. And I thought he had made his remarks or directed his question to any members of the Labor Committee, which I was not.

Now this afternoon after lunch I contacted one of the industries in my area, or an individual in that industry, and asked him how they felt in regards to this proposed bill, and his answer was that he as an individual did not feel that the industry that he was talking for were against the bill. He said, although this is not the official word from the officials of the company, he says I am only one person so I cannot tell you officially for the company and we have no word from our lobbyist in Augusta.

Now again you have heard over this special session how many times the word lobbyist was heard. Now this is not—the company official tells that as far as he is concerned they had no objection but then the lobbyists who are here to perform the job have not talked to them to tell them what to do one way or the other. So the company official told me over the telephone that as far as he was concerned it was perfectly all right with them. So there again, something that we don't need until we are in dire need and when we do need it somebody is there to take it away from us. So it is not because you want to draw unemployment insurance. It is just like the little fellow that was going around the street without his shoes. Everybody felt sorry for this poor little fellow that lost his shoes until such time as they saw this other little fellow in the next street without any feet.

Let us try to join our forces together and pass some good legislation to help these unfortunate unemployed in our own state. Thank you.

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

Mr. SNOW: Mr. Speaker and Members of the House: I did not intend to rise on this bill, except that I want to correct one thing that apparently is written into the records of the gentleman from Jonesboro—and pardon me Mr. Thaanum—did not quote wrong figures. I quoted none. I said in the regular session of the Legislature that I could not argue the intrinsic merits of the bill on its statistical properties; I cannot still. I do, however, know what it does to a large section of the people of the State of Maine. Members of the committee have stood before us and said they were thoroughly adequate to write a bill. I have no doubt of it. And still one member stands up and tells us it is not the best of all possible bills but it is the best bill that can be accomplished at this time.

Sometimes in Maine we have tried to pass bills as other states. I think at this time we should pass a bill when we pass one that has to do with the wants and the needs and the desires of the State of Maine alone, not the forty-seven other states or thirty-eight others. I want to correct one more thing. They say they have raised us, one of the members of the committee came to see me and said, we have not hurt you as much. My answer is, why hurt us at all. And \$100 although it is very small, is twenty-five percent, one-quarter of my people's yearly income in earned salary. Thank you.

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

Mr. GILL: Mr. Speaker, I would like the opportunity to address a question to the gentlemen that have been quite closely associated with this matter. I am up here to represent a large amount of labor, a large amount of people in business and in small business as I am. I understand the purpose of this is to help us increase the fund and make it stronger, but yet I see there is a report from the

Committee on Labor, this would cost us about \$573,000, and my question is, I don't see how the fund can grow and increase if it is going to cost us this much. Thank you.

The SPEAKER: The gentleman from South Portland, Mr. Gill, poses a question through the Chair to anyone who may answer if they wish.

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

Mr. GIFFORD: Mr. Speaker, there have of course been many comments made today, and it is easy sometimes to take one of them out of context and perhaps change what was in the individual's mind when he said it. I do not think that the entire purpose of this bill is to strengthen the fund. There are some provisions in it, the elimination of the double-dip, the increased annual earnings requirement from \$400 to \$500, the higher rates of contribution for the employers with negative balances, which tend to strengthen the fund. Some of the other provisions include the attractiveness of the program to the working man. These of course cost money and do not strengthen the fund, so that I think the intent of the gentleman who mentioned the desirability of strengthening the fund was to refer to those portions of the bill which do this. This is not the sole purpose of it, and in total according to our best estimates, although these estimates were made conservatively, for example on the double-dip it has been stated that while the minimum savings would be \$207,000 it could conceivably run into millions. We have not chosen to use that figure. There have been too many wild figures thrown about in the Halls of this building already. So that the costs which we have presented to you, cost estimates, if anything, are on the high side. The savings on the low side. But the figures which we have given you netted out to show a net added cost to the fund. There are, however, provisions in the bill which do tend to strengthen it.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Gouldsboro, Mr. Young, that the reports and bill be indefinitely postponed. The Chair will order a division.

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

Mr. BROWN: Mr. Speaker, I would request the yeas and nays.

The SPEAKER: A roll call vote 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 desiring a roll call will please rise and be counted.

Sixteen members having arisen, this being less than one-fifth of those present, a roll call was not ordered.

A division of the House was had.

Sixty-four having voted in the affirmative and seventy-four having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the New Draft read twice.

The SPEAKER: Is the pleasure of the House that the rules be suspended and the bill be given its third reading at this time?

(Cries of "No")

The SPEAKER: All those in favor will say yes, those opposed, no.

A viva voce vote being taken, the rules were not suspended. Mr.

MacGregor of Eastport offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H.P. 1166, L.D. 1675, Bill, "An Act Revising the Maine Employment Security Laws."

Amend said Bill by striking out all of section 5 and inserting in place thereof the following:

"Sec. 5. R. S., c. 29, § 13, sub-§ II, repealed and replaced. Subsection II of section 13 of chapter 29 of the Revised Statutes, as last amended by section I of chapter 361 of the public laws of 1961, is repealed and the following enacted in place thereof:

'II. Weekly benefit amount for total unemployment. On and after April 1, 1964, each eligible individual who is totally unemployed in any week shall be paid with respect to such week, benefits at the rate shown in column (C) of the schedule below on the line on which in column (A) there is indicated the individual's wage class and such rate shall be the individual's weekly benefit amount; and the maximum total amount of benefits payable to any eligible individual during any benefit year shall be the amount listed in column (D). The individual's wage class shall be determined by the total amount of wages paid to him for insured work, during his base period as shown in Column (B).

Column A	Column B	Column C	Column D
1. \$ 400.00 up to	\$ 449.99	\$ 9.00	\$234.00
2. 450.00 up to	499.99	10.00	260.00
3. 500.00 up to	599.99	11.00	286.00
4. 600.00 up to	699.99	12.00	312.00
5. 700.00 up to	799.99	13.00	338.00
6. 800.00 up to	899.99	14.00	364.00
7. 900.00 up to	999.99	15.00	390.00
8. 1,000.00 up to	1,099.99	17.00	442.00
9. 1,100.00 up to	1,199.99	18.00	468.00
10. 1,200.00 up to	1,299.99	19.00	494.00
11. 1,300.00 up to	1,399.99	21.00	546.00
12. 1,400.00 up to	1,499.99	22.00	572.00
13. 1,500.00 up to	1,599.99	23.00	598.00
14. 1,600.00 up to	1,699.99	25.00	650.00
15. 1,700.00 up to	1,849.99	26.00	676.00
16. 1,850.00 up to	1,999.99	27.00	702.00
17. 2,000.00 up to	2,149.99	28.00	728.00

Column A	Column B	Column C	Column D
18.	2,150.00 up to 2,299.99	29.00	754.00
19.	2,300.00 up to 2,449.99	30.00	780.00
20.	2,450.00 up to 2,599.99	31.00	806.00
21.	2,600.00 up to 2,749.99	32.00	832.00
22.	2,750.00 up to 2,899.99	33.00	858.00
23.	2,900.00 and over	34.00	884.00 "

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

(Cries of "No")

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

A viva voce vote being taken, the amendment failed of adoption.

Mr. Brown of South Portland offered House Amendment "B" and moved its adoption.

"16.	1,950.00 up to 2,099.99	28.00	728.00
17.	2,100.00 up to 2,249.99	29.00	754.00
18.	2,250.00 up to 2,399.99	30.00	780.00
19.	2,400.00 up to 2,549.99	31.00	806.00
20.	2,550.00 up to 2,699.99	32.00	832.00
21.	2,700.00 up to 2,849.99	33.00	858.00
22.	2,850.00 up to 2,999.99	34.00	884.00
23.	3,000.00 and over	35.00	910.00 "

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

Mr. BROWN: Mr. Speaker and Members of the House: This amendment is to correct a clerical error in making out the bill. You will see in the next to the last column you take 26 times these amounts and they total these instead of the ones that are actually in the bill. It is just a clerical error.

Thereupon, House Amendment "B" was adopted on a viva voce vote and the Bill assigned for third reading the next legislative day.

**Third Reader
Indefinitely Postponed**

Bill "An Act to Amend the Paris Village Corporation" (S. P. 667) (L. D. 1640)

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

Mr. Rust of York offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 667, L. D. 1640, Bill, "An

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

HOUSE AMENDMENT "B" to H. P. 1166, L. D. 1675, Bill, "An Act Revising the Maine Employment Security Laws."

Amend said Bill in section 5 by striking out the last 8 underlined lines and inserting in place thereof the following underlined lines:

Act to Amend the Paris Village Corporation."

Amend said Bill in the title by striking out all of the title and inserting in place thereof the following: 'An Act to Amend and Clarify the Charter of the York Harbor Village Corporation.'

Further amend said Bill by striking out everything after the title and inserting in place thereof the following:

'Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the following legislation will permit the York Harbor Village Corporation to place its assessors on a more permanent basis; and

Whereas, in the interest of good government and the welfare of the people within the village corporation, the following legislation is necessary; and

Whereas, it is vital that the legal voters of the York Harbor Village Corporation be permitted to vote upon the merits of the proposed legislation as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, Be it enacted by the People of the State of Maine, as follows:

Sec. 1. P. & S. L., 1901, c. 481, § 7, repealed and replaced. Section 7 of chapter 481 of the private and special laws of 1901 is repealed and the following enacted in place thereof.

'Sec. 7. Officials, how chosen; qualification of clerk, treasurer, collector and overseers; appointment of police officers; bylaws; officers shall be sworn; collector and treasurer shall give bond; compensation of officials. The officers of said corporation shall be a clerk, treasurer and 3 overseers, who shall be residents within the limits of the corporation and who shall be chosen by ballot; 3 fire wardens, who shall be residents within the corporation and who shall be appointed annually by the board of overseers; and such other officers as the charter or the bylaws of the corporation may require. The clerk, treasurer and overseers shall be chosen by ballot at the annual meeting of said corporation or at a special meeting called for such purpose as occasion may require and they shall hold office for one year, or until the next annual meeting and, thereafter, until their successors are chosen and qualified. Said officers severally shall have all the powers and authority within the limits of said corporation that corresponding municipal officers elected or chosen by towns now have or may hereafter have. Further, the corporation may determine, at a special meeting held at least 30 days before any annual corporation meeting that the term of office of the overseers shall be for 3 years. Once such determination has been made, it shall stand until revoked at a special meeting held at least 30 days before any annual meeting. The first year in which the overseers are to be

elector who receives the highest number of votes shall be elected for a 3-year term, the overseer receiving the next highest number of votes shall be elected for a 2-year period and the overseer receiving the third highest number of votes shall be elected for one year, and each year thereafter one overseer shall be elected for a full 3-year term. The board of overseers shall elect by ballot a chairman from its own membership before assuming the duties of office and if no member receives a majority vote for chairman then the clerk shall determine the chairman by lot.'

Sec. 2. P. & S. L., 1901, c. 481, § 17, additional. Chapter 481 of the private and special laws of 1901, as amended, is further amended by adding a new section 17, as follows.

'Sec. 17. Definition. The term "assessor", "assessors" or "board of assessors" wherever used in the chapter shall be interpreted hereafter to mean overseer, overseers or board of overseers whenever and wherever the context of this chapter so requires.'

Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the York Harbor Village Corporation at any annual or special meeting of the corporation to be held within 18 months after the approval of this act. Such special meeting shall be called, advertised and conducted according to the charter of the York Harbor Village Corporation.

The Clerk of said corporation shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act Amending the Charter of the York Harbor Village Corporation, passed by the first special session of the 101st Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect for all purposes hereof immediately upon its acceptance by a majority of the voters voting at said meeting and the filing of the certificate of the result of the vote with the Secretary of State.

The result of the vote shall be declared by the assessors of the York Harbor Village Corporation and due certificate thereof shall be filed by the corporation clerk with the Secretary of State.'

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I will beg your indulgence for a very few brief moments while I speak on this amendment. It appears that the gentleman from South Paris, Mr. Hammond, has a problem with this bill and does not wish to have it passed, and I have a problem in regard to some people down in my area who could be benefited by this particular bill, and therefore I present this amendment for that purpose. Now I have noticed—first, let me explain what this simple bill will do. It will take care of Mr. Hammond's problem and it will take care of the problem of a small village corporation which I represent, and allow them to put their board of overseers on a rotation basis where instead of electing three members each year, they can elect one for a three year term, so that each year hereafter they will be electing one member instead of three. This will give them a better form of government, a continuity of management which is very essential in any small business. Now the purposes of this particular piece of legislation, or this amendment, was voted on and approved by this Village Corporation at its annual meeting last April; and this has been the first opportunity which has been presented to have this matter taken care of to amend the Village Corporation charter. Now I would go one step further and say that if there is no objection here that will be no problem.

This matter was originally presented to certain members of the other body and it was going to be

taken care of over there. However, it appeared that someone didn't like the color of my tie or more probably the way I voted and they chose to take it out on my bill by raising the pertinent question, which I hope no one here will do. I have also noticed during this session that there are at least five or six bills which have come from the other body which have contained matters not particularly pertinent and no one has raised any question as to those. And I therefore—

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

Mr. JALBERT: Mr. Speaker, point of order.

The SPEAKER: The gentleman may state his point of order.

Mr. JALBERT: Can the gentleman debate the action of another branch?

The SPEAKER: The gentleman may not debate the action of another branch.

Mr. RUST: I am stating facts, I don't believe I am debating anything.

The SPEAKER: You cannot persuade this body by the actions of the other.

Mr. RUST: Very well, I will continue. Therefore I feel that this particular branch of the Legislature is entitled to some consideration and on that basis I move this amendment and hope that it receives passage.

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

Mr. EWER: Mr. Speaker, while I have no objection to the color of the gentleman's tie, from York, nor I have no objection to the way in which he has been voting, I am very much inclined to raise a point of order in regard to this bill as to whether the germaneness exists or not.

The SPEAKER: The gentleman has raised the point of order as to the germaneness of this amendment and the Chair is forced to rule—

For what purpose does the gentleman arise?

Mr. RUST: Mr. Speaker, in view of the pertinent question raised by the gentleman from Bangor, Mr. Ewer, I will withdraw my amendment.

The SPEAKER: The gentleman withdraws his amendment.

The Chair recognizes the gentleman from Paris, Mr. Hammond.

Mr. HAMMOND: Mr. Speaker, I move that item one, Bill "An Act to Amend the Paris Village Corporation," Senate Paper 667, L. D. 1640, and all its accompanying papers, be indefinitely postponed.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act to Correct an Inconsistency in the Educational Foundation Program Allowance and Providing for Supplemental Payments of 1963 and 1964 Educational Subsidies for Various Special Programs (S. P. 650) (L. D. 1656)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 118 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to False Alarms and Reports Made to Municipal,

County and State Departments (S. P. 672) (L. D. 1635)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Make Allocations from the General Highway Fund for Motor Vehicle Driver Examination Program and for Maintenance of Certain Roads in Baxter State Park (S. P. 691) (L. D. 1666)

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

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

Mr. PEASE: Mr. Speaker, just as a matter of record, I have not been in my seat during all of the procedures here. I am wondering if anyone raised the question of germaneness when this was amended. I don't intend to raise the question now, I am only asking if this was raised during normal House procedure earlier.

The SPEAKER: The question having not been raised, the time has gone by for the—

Mr. PEASE: Mr. Speaker, I did not intend to raise the question. I merely asked if the question had been raised by anyone as this went on its way previously.

The SPEAKER: The Chair will inform the House that the bill now before us for enactment was a new draft from the Committee on Highways and the question of germaneness has not been raised anywhere, in either branch.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Incorporate the South Berwick Sewer District (H. P. 1154) (L. D. 1625)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Providing Funds for a Special Court Counselor-at-large in the Division of Alcoholic Rehabilitation (H. P. 1159) (L. D. 1660)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 110 voted in favor of same and 11 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Finally Passed
Emergency Measure**

Resolve Authorizing the Maine Defense Commission to Convey Certain Land in Gardiner and Authorizing Maine Sardine Council to Purchase Property in Brewer (S. P. 666) (L. D. 1642)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 118 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Providing for an Additional Medical Examiner for York County (H. P. 1157) (L. D. 1628)

An Act Providing for Use of Photostatic Reproduction of Rec-

ords as Evidence (H. P. 1161) (L. D. 1667)

Finally Passed

Resolve Appropriating Funds for Development of Owl's Head Lighthouse Area (H. P. 1133) (L. D. 1604)

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

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter: Bill "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." (H. P. 1164) (L. D. 1674) New Draft of H. P. 1135—L. D. 1676. In House Read the Third Time.

Tabled—January 14, by Mr. Smith of Bar Harbor.

Pending—Passage to be Engrossed.

Mr. Berry of Cape Elizabeth offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1164, L. D. 1674, Bill, "An Act Appropriating Funds for Grants-in-Aid for Construction of Municipal Treatment Facilities and Relating to Issuance of Water and Sewer System Revenue Bonds by Municipalities."

Amend said Bill in section 6 by striking out all of that part designated subsection III of Sec. 15-D and inserting in place thereof the following:

'III. That if the rates, fees or charges for the use of or for the services furnished by any sewer system owned or operated by the municipality by or in connection with any premises not served by a water system owned or operated by the municipality shall not be paid, such rates, fees and charges shall be collected in accordance with chapter 96, sections 134 to 136.'

Further amend said Bill in section 6 by striking out all of that part designated "Sec. 15-P."

Further amend said Bill in section 6 by striking out the underlined figure "15-P" and figure "15-P" wherever it appears and inserting in place thereof the underlined figure "15-O" and figure "15-O"

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

Mr. BERRY: Mr. Speaker and Members of the House: This House Amendment "A" incorporates the corrective action which I mentioned yesterday. It has been cleared with the sponsor of the bill, the Chairman of the House Judiciary Committee. It makes no changes basically in the bill whatsoever, and in no way whatsoever affects the money part of the bill, and we believe will make the revenue bond issue part of it which is permissive legislation of a general nature workable.

Thereupon, House Amendment "A" was adopted, the Bill passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

The SPEAKER: The Chair now lays before the House item 6 on page 2 of your Advance Journal and Calendar which was tabled earlier in today's session for consideration later in today's session, tabled by the gentleman from York, Mr. Rust, pending the motion of the gentleman from Rockland, Mr. Knight, to accept the Majority "Ought to pass" Report on Bill "An Act Repealing the Shortening of the Period of Real Estate Mortgage Foreclosure," Legislative Document 1633.

Is it now the pleasure of the House to accept the Report?

The motion prevailed, the Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 671, L. D. 1633, Bill,

"An Act Repealing the Shortening of the Period of Real Estate Mortgage Foreclosure."

Amend said Bill by adding at the end before the emergency clause the following section:

"Sec. 5. Application. It is the intent of the Legislature that the provisions of the Revised Statutes, chapter 177, section 7-B as it relates to application of surplus shall in no way affect the validity of title to property on mortgages executed between January 1, 1964 and the effective date of this act."

Committee Amendment "A" was adopted in concurrence. Under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended by Committee Amendment "A" in concurrence.

Mr. Jalbert of Lewiston was granted unanimous consent to briefly address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: I know that we have all put in a hard day, including the Clerk and the personnel. However, I have noticed as many of you have, that our good House Reporter and stenographer, Ray Gidney, has put in six hours alone at taking debate with his right hand, and I think that deserves a round of applause. (Applause)

The SPEAKER: The Chair would inform the membership that we have disposed of just about everything that was in our hands this morning, with the exception of one order that is tabled and one third reader. Tomorrow morning we will have matters from the Senate; we will have enactors to take action on, and I appeal to you all to be here.

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.