

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

Friday, January 17, 1964

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

Prayer by Brigadier William O. Wilbur of the Salvation Army, Augusta.

The journal of yesterday was read and approved.

The SPEAKER: The Chair is most pleased this morning to recognize in the balcony of the House, pupils from the Civics Class of St. John's High School of Winslow, accompanied by Mother St. Mary. These young people are the special guests of Representative Roy of Winslow.

On behalf of the House, the Chair extends to you young people a most cordial welcome, and we trust that your experiences here today will be of benefit to you through your lives. (Applause)

**Papers from the Senate
Non-Concurrent Matter**

Senate Joint Order relative to Study of Hydro-electric projects by Public Utilities Commission (S. P. 692) which was indefinitely postponed in non-concurrence in the House on January 16.

Came from the Senate with that body voting to insist on its former action whereby the Order was passed as amended by Senate Amendment "A" and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. CYR of Aroostook
PHILBRICK of Penobscot
BOISVERT
of Androscoggin

In the House: On motion of Mr. Jalbert of Lewiston, on a viva voce vote the House voted to insist on its former action and join in a Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. ANDERSON of Ellsworth
JALBERT of Lewiston
PIKE of Lubec

**Passed to Be Enacted
Emergency Measure**

An Act Creating the Damariscotta Sewage District (S. P. 649) (L. D. 1655)

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. 21 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 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. 1135) (L. D. 1606)

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. 124 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 Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (H. P. 1167) (L. D. 1676)

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

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

Mr. PRINCE: Mr. Speaker, I move that we reconsider our action whereby we voted to engross this document, to offer an amendment, and I would like to comment briefly.

The SPEAKER: The gentleman from Harpswell, Mr. Prince, moves that the House reconsider

its action whereby this bill was passed to be engrossed.

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

Mr. WELLMAN: Mr. Speaker, it appears to me that the amendment that the gentleman from Harpswell, Mr. Prince, intends to offer at this time is one very similar and is exactly the same, I believe, as the one that was offered by the gentleman from Raymond yesterday. I can see no point in reconsidering this motion at this time.

The SPEAKER: If the amendment is identical, the amendment will be ruled out of order.

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

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen of the House: A very serious technicality is the result of the setting up of this bill as it is, and I wish that you would consider that in Cumberland County that the coastal towns, not too plentiful, but cover a great area of Casco Bay, which is a great fishing area. It seems to me that it is important for State legislation and especially this House of Representatives to have men who are conversant and familiar with the conditions that exist with our fisheries, which is the third largest industry of our State. I cannot conceive of any other town in Cumberland County that could produce men who are any more familiar with those conditions than the Town of Harpswell, and even though we would be very proud to be classified with the Town of Yarmouth, we, as a small town of twenty-two hundred to be classified with a town almost double that population, might possibly make it as such that the Town of Harpswell could not send personalities to this House of Representatives.

So far as I am concerned, the Town of Harpswell has been kicked around quite a lot in reapportioning. From the beginning we once were a part of Cape Elizabeth until they got larger. We were taken from that category and placed with the Towns of Casco and Naples. As I told you

yesterday, their wants and our wants were entirely different. However, they were very lovely towns to be with. Then we were reapportioned again, and this time we were classified with the Town of Cumberland, which was very near our size, and being a coastal town we had a lot in common. Now again under reapportionment, Harpswell is taken out of the Town of Cumberland and thrown in with the Town of Yarmouth. The only danger that I can see is that men who live on the shore of coastal towns, men who are conversant with fisheries, men who are familiar with the conservation and the propagation measures and the dangers that pertain to our fisheries that it is important to this State Legislature to have someone in Cumberland County that can carry the banner in that direction.

I don't want to do anything to hold up or stop the action of our Legislature. I am the last one in the world to do that, but this is a serious situation, and I am hopeful that you could be courteous to the Town of Cumberland, as we have with other Counties and other Towns, to correct the condition which I think is worthy of your consideration. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: While technically we might have been able to ask for a ruling before the gentleman from Harpswell spoke as to whether this amendment could be offered at the time, we did not want to invoke it; we wanted to give Mr. Prince an opportunity to express his point of view, even though some of us may have felt that once there has been a day in court that that should be the end of the matter, and shortly, I would ask the Chair to rule on the submission of the gentleman from Bangor, Mr. Wellman, that this amendment could not be offered at the time. However, I would like to say, reasonably briefly, that enactment of this legislation

as we have passed it to be engrossed could be to the everlasting credit of the special session. This House has gone ahead and reapportioned itself without court action and with very substantial improvements over the 1961 reapportionment act.

The very excellent committee consultant, Miss Hary, and her assistant, Mrs. Warner, noted that the task which this committee accomplished, this committee which consisted among others of the extremely capable gentleman from Kittery, Mr. Dennett, and the scholar in politics, the gentleman from Portland, Mr. Cottrell, that of the present House of 151 Members, where only 92 seats are within the twenty per cent variation from the norm that the Constitutional Commission of some of the finest legal minds in the State of Maine suggested as the permissible variation, this committee has come up with a plan which you have adopted whereby not 92 seats are within the twenty per cent variation, but 122 seats. Now an accomplishment of thirty additional seats within the twenty per cent variation suggested by the legal brains on the Constitutional Commission, I say is to your everlasting credit. And even more important, eighty-eight seats under the present plan come within ten percent variation of the suggested norm.

Now there was a certain amount of partisan politics involved, but I say to this House, that partisan politics was really kept at a minimum. This committee operated with a great deal of tolerance. We could have squeezed the variation or we could have expanded it, but we did neither. In a problem of this sort, and I would suggest to the Members of the House who were not members of this Committee, we had a very, very complicated problem, and in dealing with this problem, the committee members at least recognized that there would have to be some sacrifice for the common good. Now one of our most able members on that Committee, the gentleman

from Anson, Mr. Viles, made a tremendous sacrifice, and two of the members from Cumberland County, one from the other body and one from this body, committed one of the most unselfish acts in my legislative experience, of not insisting on another seat to which they would have been entitled if we would have gone down the line and followed the rule of thumb that was adopted under the 1961 reapportionment act. At this stage of the proceedings I would say that we have accomplished substantial justice, and I do hope that with that explanation, and if the gentleman from Bangor, Mr. Wellman's parliamentary inquiry is correct, that we not reconsider our action whereby the bill was passed to be engrossed.

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

Mr. JALBERT: Mr. Speaker, I move the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one-third of the membership present. All of those in favor of the Chair entertaining the motion for the previous question will rise and be counted.

An insufficient number arose.

The SPEAKER: Less than one-third having expressed the desire for the previous question, the matter is still open for debate.

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

Mr. PRINCE: Mr. Speaker, I move to table this bill long enough for me to get an amendment.

The SPEAKER: The question now before the House is the motion of the gentleman from Harpswell, Mr. Prince, that this matter be tabled, and the Chair will ask the gentleman to assign a specific time.

Mr. PRINCE: Mr. Speaker, as quickly as it can be drafted and printed, and I don't know how long that will take, but I am guessing probably fifteen minutes

or half an hour. Probably fifteen minutes.

The SPEAKER: The gentleman from Harpswell, Mr. Prince, moves that this matter be tabled until 10:30. Is this the pleasure of the House?

(Cries of "No")

All those in favor of the tabling motion will answer yes, those opposed, no.

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

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

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

Mr. DAVIS: Mr. Speaker, I wish to support the motion for reconsideration because there is another amendment here which can be considered under this motion, and this amendment is in proper order I believe, and I do not think that it will be questioned. Accordingly, I feel that in fairness to the persons who have presented this amendment and feeling that the House wants to be fair and equitable in this very, very important matter of reapportionment, accordingly, I very strongly support the motion to reconsider our former action.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Yesterday I advised you that the eleventh hour was at hand. At this moment, the zero hour is at hand. If this thing is reconsidered, it is going to drag out this whole proposition, and I firmly believe to no avail. The only thing that we will do is consume a lot of time.

Now there are inequities in this reapportionment. It is absolutely impossible to get a perfect reapportionment. The rise and wane of the fortunes of towns, the inevitable shifts of population, they make today's perfect reapportion-

ment the inequities of tomorrow. In many, many places there are representatives here sitting who are now cast into a single district and they will have to vie with each other for the seats in the coming election, yet I have heard not a murmur out of them. They have taken this thing. They know this reapportionment must be done. They know the committee worked to the best of their ability to make it just and equitable. If we try to correct one inequity today, we create two inequities for tomorrow. If we go into this thing, we get deeper and deeper and pretty soon we have got nothing but a hodge-podge and we haven't got any reapportionment, we haven't anything, and we won't go home to boot. I strongly advise you not to take on this reconsideration, but to get this bill enacted and let's get going. Thank you.

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

Mr. JALBERT: Mr. Speaker, am I to understand that the reconsideration motion would have to have a two-thirds vote or a majority?

The SPEAKER: It was passed to be engrossed yesterday. A majority vote will be required.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: We are about to embark on a very important decision in the reapportionment of this House. Now yesterday in several debates it was brought out very clearly and we acted in that behalf that the employment bill was being hurried and rushed through to completion, and a proper type of a job could not be done in a hurried manner. Now it is quite apparent that this is a rush job too, and in order to avoid any unfortunate mishaps, I think we should take a little time and open the door for any further amendments and discuss this problem a little further. I move

for reconsideration and ask for a roll call.

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

Mr. BERRY: Mr. Speaker and Members of the House: I think the Members of the House will realize that my position right along has been that this bill has incorporated in it a few — perhaps one basic principle with which I am in complete disagreement. However, at this stage of the game I feel that all those of us who believe as I do have expressed their opinion, and that the time has now come for us to solidly support the bill in its present form, and I urge that you vote against this motion for reconsideration, and for the ultimate passage of the bill as it stands now.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: It has been stated that the zero hour is at hand, and I feel that it is not only my responsibility to the people back home, but to you folks, to state my position on this important matter. I did have the privilege of being a member of the Constitutional Committee which studied the reapportionment problem, and it was my thinking on that committee that it was not right for Portland to be deprived of its rightful representation. I went along with it. I supported it last winter when we were here discussing and passing the Constitutional amendment. But I do feel that there is a problem pertaining to those towns in my section that is not right. I do not feel that they have been used as they would wish to be used, and I feel that when I first came down here to this special session and asked in regard to it, that I should have been told that this was it and this was as it is going to be. I want to say to you this morning that those people back in my section are not going to be pleased with this

bill as it is written, and I do not feel that it is justified. Therefore, if you do not vote to reconsider, my only course is to vote against the bill.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Harpswell, Mr. Prince, that the House reconsider its action whereby 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," L. D. 1676, was passed to be engrossed. A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All those desiring a roll call will please rise and be counted.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. All those in favor of reconsideration will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-one having voted in the affirmative and ninety-six having voted in the negative, the motion to reconsider did not prevail.

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. 123 voted in favor of same and 13 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Appropriate Moneys to Increase Rates of Payment for Nursing Home Care for Public Assistance Recipients (S. P. 654) (L. D. 1646)

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

The SPEAKER: Is there objection to these matters upon which the House has just acted being sent forthwith to the Senate? The Chair hears none. It is so ordered.

The SPEAKER: The Chair is very pleased at this time to recognize in the rear of the Hall of the House, the recently crowned Apple Queen of Maine, and I will ask the Representative from Farmington, Mr. Jones, to escort the Apple Queen to the rostrum to be introduced and recognized.

Whereupon, Miss Susan A. McCleery, the Maine Apple Queen, accompanied by Mr. Jones of Farmington, was escorted by the Sergeant-at-Arms to the rostrum amid prolonged applause of the House, the Members rising.

The SPEAKER: It is a great pleasure for me to introduce to you people, Susan McCleery, a sophomore at Farmington State Teachers College, who is the Maine Apple Queen. Miss McCleery.

Miss McCLEERY: Thank you. Mr. Speaker of the House, distinguished Legislators, Ladies and Gentlemen: It is a great honor for me to bring greetings to you from the Maine Pomological Society and the Maine Orchardists. I would like to express my thanks to Commissioner of Agriculture, Mr. Newdick, Representative Jones, and Mr. Gerald Young, for inviting me to attend this session of the Maine Legislature.

Maine apples are exported to all parts of the world. One reason for this popularity is the supreme taste and texture of Maine apples. I am very proud to represent this industry as Maine's 1964 Apple Queen. Thank you. (Prolonged Applause, the Members rising)

The SPEAKER: The Chair is again very pleased to announce that there is nothing before the House at this time, but we will wait for matters from the Senate.

Mrs. Carswell of Portland presented the following Order out of order under suspension of the rules and moved its passage:

WHEREAS, the House has learned of the promotion and transfer of United Press International, State House Reporter, Jack O'Brien;

AND WHEREAS, Jack will be leaving the State for duties in Hartford, Connecticut soon;

AND WHEREAS, the members of this House have held this fine reporter in very high esteem;

AND WHEREAS, we wish him to know we'll miss his smiling face in the hall of the House of Representatives, but we are pleased to learn of his promotion;

BE IT ORDERED, that the House, through this Order, commend Jack for a job well done and wish him much success for the future; and be it further

ORDERED, that a copy of this Order be transmitted forthwith to Mr. O'Brien.

The Order received passage. (Applause)

Mr. Childs of Portland presented the following Order out of order under suspension of the rules and moved its passage:

ORDERED, the Senate concurring, that House Paper 1166, L. D. 1675, Bill, AN ACT Revising the Maine Employment Security Laws, be recalled from the legislative files.

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

Mr. CHILDS: Mr. Speaker and Members of the House: Yesterday, I think that without question this House defeated one of the most important pieces of legislation that has been before the Legislature in a long time. It is with some reluctance that I get up here and still want to fight for this. As I said before, this is not a party matter, this was voted against by both Republican and Democrats, and I am not attempting to make a party matter out of it.

The Governor of this State is disappointed and 62,000 workers shall be disappointed. I would like to read to you again what your Governor said at the address of the special session: "When this Legislature convened originally on

January 3, 1963, I expressed to you my concern relative to the problem of resolving the inequities existing in the employment security law. I stated at that time the necessity for legislative action, in order that we could more adequately meet the needs of the working people of the State of Maine.

A conscientious and diligent interim study committee presented to this body, legislation which I believe would have corrected the existing inequities. It is commendable that this committee of diverse interests arrived at a nearly unanimous decision for solving the matter.

The legislation which was ultimately presented to me for consideration failed, in my opinion, to rectify the problem. I shall set forth in a later message to you my specific objections to this legislative document.

I recognize the time and study you have applied to this matter and know that you share my concern for arriving at an equitable solution. I am equally confident that you too are determined that by working together we shall find the proper answer.

Legislation will be introduced that I believe will provide a satisfactory conclusion to this issue.

The employment security program affects approximately 62,000 Maine workers. We must, therefore, fairly discharge our responsibilities to the citizens, and before the record of the 101st Legislature is finally written you and I are duty bound to resolve this complex problem."

I don't think there can be any question in anybody's mind that the record doesn't show that we did absolutely one thing about it. In the eight years that I have been in the Legislature I have never heard such fantastic and ridiculous arguments against a bill. It reminds me of trying a case in court, and when you have no case at all, you run in circles and you scream and shout. You attempt to get the jury to think of everything else but what the true issue is.

Your Assistant Floor Leader yesterday pointed out the great principle that was involved in here, and yet we had Members of the House get up and say let's wait for the next session, we haven't had enough study, even though it has been under study for over a year now. We talked about what was in the bill; what wasn't in the bill. If anybody had all this interest in the bill they could have attended the Committee hearing and found out the answers to this. This, I say, Members of the Legislature, is a matter that we should dispose of, and we should do it correctly. I say that if we leave here now and we do not do something about this, that we have been derelict in our duties, and I hope that you will see fit to bring this back, and if there are amendments, let's put the amendments on. I don't want to stay here any longer than anybody else does, but if it is necessary to stay three or four more days to do the job, then I think that we should do it, and I hope that you will go along with my order and this is recalled.

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

Mr. PIKE: Mr. Speaker, as one of those who voted against the bill yesterday, I would have to confess that if it were to come up today I should have to vote against it again, for the very simple reason that I found it completely impossible to understand the bill. Now what we had before us, and I think we are all aware of that, was a series of amendments to a bill which none of us had. I suppose we could have gotten it by bringing up the Revised Statutes with all their amendments since 1954. I was unable to get any assistance at the point. Now I make this very humble suggestion, I don't know whether it makes any sense or not, that somebody, whether it be the House or the Senate or the Governor's Office, make a print of this bill which was defeated yesterday, not just the amendments, but so that the full bill would read as follows, with the stamping out and elimination of the things that have been eliminated, and the putting in in deep

type the things that are now, so that somebody, not only the members of the committee and not only the legal lights, but that most of us people in the Legislature could see the bill as it would finally be when these things were adopted.

Now the reason I make that suggestion is first, I would like to clear my head, which is quite confused. It would not be clear today, but somebody has told me, a little bird, I guess, that sometime in the late summer or early fall there will have to be another special session of this same Legislature. If at that time this thing were brought in in the form that a poor fellow who is not a professional at reading statutes, but can at least follow from A to Z if he has got the other twenty-four letters in between, I think I could vote for it, but I never have been able to make sense out of these amendments to a bill that I have not seen for years. Thank you very much.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I am not a labor man, and I know very little about this labor bill, and I know it would take me all winter perhaps to get a little knowledge about it with very careful study. I think what I am concerned with more than anything else is our representative system of government, not only in this State, not only in all of our other States, but in the Congress of the United States, where we see good legislation held up time and again. Now our representative government consists of the committee system. The committees have been working on this. They came in with a nine to one Committee Report in favor of this bill to pass. I must follow the Committee's judgment. I know a little bit about reapportionment. I know a little bit about taxation. I know very little about labor, but I am willing to take the Committee Report and support this idea of representative government which has been successful.

Now I am also one of those dishonorable wretches that went to

Hawaii, and maybe I can help pay my debt for going to Hawaii by quoting from the great address we got at the first plenary session there from the President of the University of Hawaii. The Image of the Legislator was the title of his address, and some of the things he said, I'll never forget. He said that our knowledge is doubling every fifteen years. Ninety-nine percent of the scientists who ever lived on the face of this earth are still alive; ninety percent of the technical engineers that ever lived on the face of this earth are still alive. He said our problems are going to be increasingly complex. He said the job of the Legislator is imponderable almost, but with all these complexities, the Legislator must be catalyst, he must resolve these differences. I think we have a chance, the Republican Party has a chance, to do something that their leader wants, and that the people want. They have worked on this bill; it is not a perfect bill, it is a step in the right direction. Thank you.

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

Mr. CHILDS: Mr. Speaker, I shall be very brief. The gentleman from Lubec, my very good friend, Mr. Pike, criticizes the bill because it is made up of amendments referring to a general statute. That is exactly the way that every bill in this House is drawn up, every bill amended by repealing something, adding something. No bill will take your whole chapter or your whole section of what it refers to, it only amends it. If it concerns you and it bothers you, you have got to sit down with the bill and take your general statute and do it yourself. Bills are not drawn up that way. If this particular bill was drawn up as a whole statute it would be 150 pages and you would never get through it, so that isn't any different than any other bill. Now we talk about referring it to a special session, the next special session, you will have exactly the same arguments, you are going to hear the same arguments as this one, this is a special session, we shouldn't be doing it now. I say

we have a responsibility and an obligation to take care of this problem now, and all I am asking is that this bill be brought back again, give the Labor Committee the opportunity to answer the questions the gentleman from Wiscasset, Mr. Pease, asked. And I say let's discuss it, let's talk it and let's resolve it, and I am asking you to bring this thing back and let's discuss it, and when the vote is taken I request it be taken by roll call.

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

Mr. WELLMAN: Mr. Speaker, I would inquire of the Chair what vote is necessary to carry out the wishes of the motion of the gentleman from Portland, Mr. Childs?

The SPEAKER: The Chair understands that if this order should pass, due to the fact the bill has been reconsidered and killed in both branches, it will require a two-thirds vote for reconsideration. The question before the House is the passage of this order as read by the Clerk. A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the membership present. All those desiring a roll call will rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

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

Mr. HARDY: Mr. Speaker, I move at this time that this order be indefinitely postponed.

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

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

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

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

remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

The question now before the House is the motion of the gentleman from Hope, Mr. Hardy, that the order be indefinitely postponed. All those in favor of indefinite postponement of this order 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 — Albair, Anderson, Ellsworth; Ayob, Benson, Beraman, Berry, Bradeen, Bragdon, Brewer, Brown, Fairfield; Chapman, Choate, Cope, Cressey, Crockett, Curtis, Searsport; Davis, Dennett, Drake, Dudley, Dunn, Evans, Finley, Gilbert, Hammond, Hanson, Hardy, Hawkes, Humphrey, Hutchins, Jewell, Jones, Kent, Knight, Laughton, Libby, Lincoln, Linnekin, MacGregor, MacLeod, MacPhail, Maddox, Meisner, Mendes, Minsky, Mower, Norton, Oberg, Osborn, Pease, Philbrick, Pike, Rand, Richardson, Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Snow, Susi, Townsend, Treworgy, Turner, Vaughn, Viles, Waltz, Waterman, Watkins, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Williams, Wood, Young.

NAY — Anderson, Orono; Baldic, Bedard, Bernard, Binnette, Birt, Boissonneau, Boothby, Bourgoin, Brown, So. Portland; Burns, Bussiere, Carswell, Carter, Cartier, Childs, Cookson, Cote, Cottrell, Coulthard, Crommett, Curtis, Bowdoinham; Dostie, Edwards, Ewer, Foster, Gallant, Gifford, Gill, Gustafson, Harrington, Hendsbee, Henry, Jalbert, Jameson, Karkos, Katz, Kilroy, Lacharite, Lebel, Levesque, Littlefield, Lowery, McGee, Nadeau, Noel, Oakes, O'Leary, Osgood, Pierce, Pitts, Plante, Poirier, Prince, Harpswell; Prince, Oakland; Rankin, Ricker,

Ross, Roy, Rust, Taylor, Thaunum, Thornton, Tyndale, Wade.

ABSENT — Blouin, Hobbs, Jobin, Reynolds, Roberts, Tardiff, Ward.

Yes 78; No 65; Absent 7.

The SPEAKER: The Chair will announce the vote. Seventy-eight having voted in the affirmative and sixty-five in the negative, with seven being absent, the motion does prevail.

The SPEAKER: The House will be at recess until the sound of the gong.

After Recess

Called to order by the Speaker.

The following papers from the Senate, appearing on Supplement No. 1, were taken up out of order by unanimous consent.

From the Senate: The following Communication: (S. P. 704)

STATE OF MAINE
BUREAU OF
PUBLIC IMPROVEMENTS
AUGUSTA

January 17, 1964

To the Senate and House of Representatives of the One Hundred and First Legislature

In accordance with the provisions of Section 25, Chapter 15-A of the Revised Statutes (1954) of Maine, as amended, we are submitting herewith the Status of Capital Improvement Projects including cash expenditures through June 30, 1963.

Respectfully,

(Signed) NIRAN C. BATES

Niran C. Bates

State Director of

Public Improvements

Came from the Senate, read and with accompanying papers ordered placed on file.

In the House the Communication was read and with accompanying papers ordered placed on file in concurrence.

From the Senate: The following Order:

Joint Order Relative to Legislative Appreciation for Assistance

in Carrying out the Caribou Project (S. P. 703)

WHEREAS, the 101st Legislature, during its regular session, passed "RESOLVE, Appropriating Moneys for Stocking Baxter State Park with Caribou" (Resolves, 1963, c. 70), introduced by Senator Ida M. Harrington of Penobscot, effective September 21, 1963; and

WHEREAS, moneys were appropriated under the resolve from the funds of the Department of Inland Fisheries and Game for the purchase of 20 caribou from the Province of Newfoundland for importation and release in Baxter State Park; and

WHEREAS, the terms of the resolve were carried out through the generous assistance of many people who made the successful transfer of the caribou possible; now, therefore, be it

ORDERED, the House concurring, that the Senate and House of Representatives of the State of Maine, by and on behalf of the Legislature and the people of the State, gratefully acknowledge and express their sincere appreciation for the assistance of the following named persons, firms and agencies and directs that attested copies of this Order be immediately transmitted to each by the Secretary of the Senate:

Dr. Lore Rogers, Mr. Caleb Scribner, Senator Harrington and Biologist Francis Dunn, all of Patten, who gave initial impetus to the project;

The Maine Truck Owners Association, Cole's Express of Bangor, and Boston and Rockland Transportation Co. of Rockland for providing gratis two pre-adapted trailer trucks and three drivers for the 2,300 mile round trip to Newfoundland;

Mr. Clinton Peary, Cole's Express truck driver; Mr. Gilbert Lane, Maintenance Supervisor and Mr. Guy Penney, driver, for Boston Rockland Transportation Company for their untiring efforts during the long hours spent on all phases of the truck trip;

The United States Navy and Helicopter Unit H U 4 with its commanding officer, CDR. Claude C. Coffey Jr., of Lakehurst, N. J.

Naval Air Station for their wholehearted and congenial support in air-lifting eighteen of the animals to the top of Mt. Katahdin on December 3, 1963;

Brunswick Naval Air Station Personnel, under L. Cdr. L. C. Owen for their assistance preceding and during the air-lifting operation;

Dr. Ladd Heldenbrand, Portland Veterinarian, who donated his time and expenses to assist in the transfer from Newfoundland to Millinocket;

Dr. C. W. Wilder and Dr. Robert Rice, U. S. Dept. of Agriculture veterinarians of Augusta for special consideration in making a trip to the Togue Pond corral to inspect the animals.

Came from the Senate read and passed.

In the House: The Order was read.

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

Mr. BIRT: Mr. Speaker and Members of the House: Although this order is quite clear and it is an order that I am very happy to have seen come through, this project has seemed to develop a great deal of interest in the area I come from. Many of the people who are mentioned here are people who live in the district which I represent. I am particularly pleased to see this order come through. I feel that this Caribou project may be something that eventually may give a great deal of publicity to the state and I am very appreciative of the department developing this order.

Thereupon, the Order received passage in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Attorney General's opinion to the Governor, of March 22, 1963, on the interpretation of Revised Statutes, 1954, chapter 29, section 15, subsection 1, as amended by public laws, 1961, chapter 361, section 4 (disqualification for benefits under the Maine Employment Security Law), reflects the intent of the Legislature on this section (S. P. 765)

Came from the Senate read and passed.

In the House: The Order was read.

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

Mr. WELLMAN: Mr. Speaker, it is my understanding that the order which we now have before us, refers to the Attorney General's opinion wherein he indicated about the sickness disqualification. At that time you will remember he wrote the Governor and informed him that this was not the intent of the Legislature and that the sickness qualification did not exist in the law. For that reason I hope that you will support the passage of this order.

Thereupon, the Order received passage in concurrence.

Conference Committees Reports

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Detention by Counties and Municipalities of Persons Arrested by Law Enforcement Officers" (S. P. 694) (L. D. 1672) reporting that the Senate recede from its action whereby it passed the Bill to be engrossed, adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Senate Amendment "A" and Conference Committee Amendment "A"; that the House recede from its action whereby it indefinitely postponed the Bill, accept the "Ought to pass" Report in New Draft, adopt Senate Amendment "A" and Conference Committee Amendment "A" and pass the Bill to be engrossed in concurrence.

(Signed)

STITHAM of Somerset
CRAM of Cumberland
JACQUES

of Androscoggin
—Committee on part of Senate.

RUST of York
KNIGHT of Rockland
WELLMAN of Bangor

—Committee on part of House.

Came from the Senate with the Report read and accepted and the

Bill passed to be engrossed as amended by Senate Amendment "A" and Conference Committee Amendment "A."

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

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. O'Leary.

Mr. O'LEARY: Mr. Speaker and Members of the House: I would like to ask anyone who can inform me as to whether the right of the person who has been arrested is going to remain intact where he will, if he is falsely arrested, be still able to sue.

The SPEAKER: The gentleman from Mexico, Mr. O'Leary, poses a question through the Chair to anyone who may answer if they choose.

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

Mr. KNIGHT: Mr. Speaker, that portion of the bill has been deleted and the person has his right to go into court for any wrong that he feels may have been done to him.

Thereupon the House recessed from its action whereby the Bill was indefinitely postponed. Senate Amendment "A" was read and adopted in concurrence.

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

Conference Committee Amendment "A" to S. P. 694, L. D. 1672, Bill, "An Act Relating to Detention by Counties and Municipalities of Persons Arrested by Law Enforcement Officers."

Amend said Bill by striking out everything after the enacting clause, except the emergency clause, and inserting in place thereof the following:

"R. S., c. 15, Sec. 2, amended. Section 2 of chapter 15 of the Revised Statutes, as amended, is further amended by adding at the end 2 new paragraphs, as follows:

'Municipal and county jails shall at all times be available for detention of persons arrested by state or any other law enforcement officers. In those municipalities where full-time supervision of the jail is not provided by the

municipality, full responsibility for the safekeeping and welfare of such person detained shall rest solely with such arresting officer. Expense of any municipality or any damage to the jail resulting from the use of its jail by such officers shall be reimbursed to the municipality by the law enforcement agency for which the arresting officer is acting.

County commissioners of all the several counties are authorized to provide and pay for liability insurance protection for the keeper of the county jail.' "

Conference Committee Amendment "A" was adopted in concurrence.

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

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Senate Joint Order relative to Study of Hydro-electric Projects by Public Utilities Commission (S. P. 692) reporting that they are unable to agree.

(Signed)

CYR of Aroostook
BOISVERT

of Androscoggin
PHILBRICK of Penobscot
—Committee on part of Senate.

ANDERSON of Ellsworth
JALBERT of Lewiston
PIKE of Lubec

—Committee on part of House.

Came from the Senate read and accepted.

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

On motion of Mr. Wellman of Bangor,

Recessed until two o'clock this afternoon.

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

Called to order by the Speaker.

The SPEAKER: We have matters from the Senate on Supplement No. 2. Is there objection to

taking them up at this time? The Chair hears none.

**Passed to Be Enacted
Emergency Measure**

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

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. 123 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.

The SPEAKER: So far as the Chair knows this is the last matter for enactment and the House is merely waiting for matters from the Senate to adjourn. And we will be at recess until the sound of the gong.

After Recess

Called to order by the Speaker.

The following paper from the Senate, appearing on Supplement No. 3, taken up out of order by unanimous consent:

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee be directed to study the Employment Security Law; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature (S. P. 707)

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. O'Leary.

Mr. O'LEARY: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that the laboring man is being used like a football, kick him off two years from now and away he goes. It seems to me that the

Legislative Research Committee studied this bill once and came up with what is known as the Thaanum Bill, and it was turned down in this House after a favorable report from the Committee.

Now we had a redraft come up with all parties concerned that were interested in it agreeing to it and then turned down again in this House. Now this right here seems to me as though it is just another prolonging of it and another year from now the same arguments will be heard all over again, it is hastily drawn, and I can't see the purpose of this order. I move indefinite postponement of this order.

The SPEAKER: The gentleman from Mexico, Mr. O'Leary, moves that this Joint Order be indefinitely postponed. All those in favor of the indefinite postponement of this order will say yes; those opposed, no.

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

Thereupon, the Order received passage in concurrence.

Mr. Knight of Rockland presented the following Order out of order and under suspension of the rules:

ORDERED, the Senate concurring, that the members of the Reference of Bills Committee that served as the screening committee for the special session be reimbursed from the legislative funds for their actual expenses incurred in the performance of their duties. (H. P. 1169)

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

Mr. JALBERT: Mr. Speaker, I would move passage of the order, and after the passage of the order I would suggest that the Clerk ring the gong so that the leadership can come back in.

Thereupon, the Order received passage. Sent up for concurrence.

The Speaker appointed the following interim committee on Senate Joint Order, Senate Paper 699:

Messrs. MINSKY of Bangor
BERRY of Cape Elizabeth
CHILDS of Portland

The Speaker also appointed the following interim committee on Senate Joint Order, Senate Paper 702:

Messrs. KNIGHT of Rockland
HUTCHINS of Kingfield
WATKINS of Windham

House at Ease

Called to order by the Speaker.

At this point, a message came from the Senate borne by Senator Edmunds of that body, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

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

Mr. WELLMAN: Mr. Speaker, I move that a message be sent to the honorable Senate informing that body that the House has completed the business before it and that it is ready to adjourn without day.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves that a message be sent to the Senate informing that body that the House has acted on all matters before it and is ready to adjourn without day. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair will direct the Majority Floor Leader, Mr. Wellman, to discharge this duty on behalf of the House.

Subsequently, Mr. Wellman reported that he had conveyed the message with which he was charged.

House at Ease

Called to order by the Speaker.

The following paper from the Senate was taken up out of order and under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that a Committee of three on the part of the Senate with such as the House may join, be appointed to wait upon His Ex-

cellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them, and are ready to receive any further communication he may be pleased to make. (S. P. 706)

Came from the Senate read and passed, with the following members appointed on its part: Mr. Brooks of Cumberland, Mrs. Christie of Aroostook, Mr. Jacques of Androscoggin.

In the House, the Order was read and passed in concurrence.

Thereupon, the Chair appointed as members of the committee on the part of the House: Mr. Wellman of Bangor, Mr. Tyndale of Kennebunkport, Mr. Ricker of Wales, Mr. Katz of Augusta, Mr. Curtis of Bowdoinham, Mrs. Kilroy of Portland, Mr. Burns of Westbrook, and Mr. Evans of Freedom.

Subsequently, Mr. Wellman for the Committee reported that the Committee had delivered the message with which it was charged.

House at Ease

Called to order by the Speaker.

Whereupon, His Excellency John H. Reed, Governor, entered the Hall of the House of Representatives, accompanied by his Council, amid applause, the members rising, and the Governor addressed the House as follows:

Mr. Speaker and Members of the House of Representatives:

The hour of adjournment has arrived and it is my duty to submit to you a tabulation of the results of your action at this special session.

There were 37 Acts approved.

There were 5 Resolves approved.

There was one veto presented.

You have complied with the provisions of the Constitutional Amendment requiring reapportionment of the House of Representatives in 1964.

You have met the need for additional funds for the public assistance programs administered by the Department of Health and Welfare.

The State of Maine will also be able to comply in part with new Federal Regulations of the Department of Health Education and Welfare with respect to public welfare programs by the authorization of additional positions in the Department of Health and Welfare. You have provided additional funds for the nursing home care program.

I am pleased by the unanimous approval which you gave my request for legislative action to increase the lending capacities of the Maine Industrial Building Authority.

You have also given favorable consideration to a number of other items of an emergency nature. I have mentioned only those which I outlined to you in my message of January 6.

There remains, however, one vital problem that has not been resolved at this special session. This, of course, is the matter of corrective amendments to the Employment Security Law.

House action emphatically agreed with me that Legislative Document 1259, which I vetoed, did not rectify existing inequities, but regrettably you were not successful in arriving at the proper answer.

Failure to reach a satisfactory conclusion on this issue has not lessened a severe problem which affects thousands of Maine people.

The problem continues to exist and I can assure you that I shall work unceasingly on behalf of the working men and women of this State to achieve an equitable solution to it in the next special or regular session.

I am encouraged in this goal by the knowledge that many of you share my conviction in this matter of urgent import.

I wish you God Speed and a safe journey home.

(Applause, the Members rising)

Thereupon, Governor Reed and his Council retired from the Hall of the House.

Mr. Chapman of Norway was granted unanimous consent to address the House.

Mr. CHAPMAN: Mr. Speaker, Ladies and Gentlemen: My vocabulary, if I have any, does not permit me at least here my last day, to properly express my deep thanks and appreciation to all the Members of this House who have been so courteous and helpful to me during three sessions and three special sessions.

I also want to thank the Speaker and all of the staff with whom I have come in contact. I have enjoyed every minute of it, and I shall never forget you. I hope the good Lord blesses you all, and thank you. (Prolonged Applause, the Members rising)

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Chapman.

Mr. CHAPMAN: Mr. Speaker, Ladies and Gentlemen: I have no words that may express my appreciation for the ovation.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Thornton.

Mr. THORNTON: Mr. Speaker, I now move that the House of Representatives of the 101st Legislature of the State of Maine adjourn without day.

The SPEAKER: The gentleman from Belfast, Mr. Thornton, moves that the House adjourn sine die. Is that the pleasure of the House?

The motion prevailed and the House adjourned without day at 3:22 P.M.