

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Special Session*

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

1966

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Wednesday, February 2, 1966

Senate called to order by the President.

Prayer by the Rev. Douglas H. Robbins of Augusta.

On motion by Mr. Girard of Androscoggin the Journal of yesterday was read and approved.

### Joint Order

On motion by Mr. Snow of Cumberland

ORDERED, the House concurring, that the Museum Study Committee be continued as a Legislative Committee for the purpose of further developing plans for an Archives-Library-Museum building to be located in Augusta.

1. So that tentative architectural drawings may be prepared and available to the public prior to a referendum vote as a Bond Issue for the building.

2. So that a more detailed site study may be developed, and be it further

ORDERED, that the additional sum of \$1,000 be appropriated from the Legislative Appropriation to defray necessary expenses of the Committee, including travel and meals, employment of consultants and other necessary expenses incurred in the performance of its duties. (S. P. 727)

On motion by Mr. Harding of Aroostook,

ORDERED, that Senate Rule 6 be amended by adding thereto a new sentence to read as follows:

'The President may vote in all cases.' and that Senate Rule 37 be amended to read as follows: 'The rules of parliamentary practice comprised in Reed's Rules, or any other standard authority, shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules of the Senate, or of the Joint Rules of the two houses.' (S. P. 728)

Read and passed. Sent forthwith for concurrence.

### Orders of the Day

At the instance of Mr. Harding of Aroostook the President laid before the Senate

Bill, "An Act Relating to Tax on Harness and Running Horse Racing." (H. P. 1249) (L. D. 1744)

On motion by Mr. Harding of Aroostook the Senate Reconsidered engrossment, and Reconsidered the adoption of Senate Amendment "A". On further motion by the same Senator Senate Amendment "A" was indefinitely postponed and the Bill was Passed to be engrossed as Amended by House Amendment "A" in non-concurrence. Thereupon it was sent forthwith to the House for concurrence.

The PRESIDENT: The Chair would like to recognize in the rear of the Senate Chamber a group of students from Lincoln Academy. They are 21 pupils from the Government Class. They are chaperoned this morning by Mrs. Peter Duckett. We welcome you here this morning and we hope that you enjoy and benefit from your stay. The Senate is, of course, at this time in Special Session, and I hope that this is the closing day. This is what I said yesterday also. You will be witnessing in a few minutes the Senate taking off the money items from their special appropriations table. It may seem somewhat foreign to you, but this is the last thing, usually, that is done in the session. I would like to introduce to you the Senator from your County, which is, of course, the County of Lincoln: Senator Sproul. (Applause)

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations table H. P. 1196, L. D. 1664, "An Act Creating the Maine State Museum."

On further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations table H. P. 1221, L. D. 1689, "An

Act to Provide Funds for the Maine State Guard."

The same Senator voted the pending question.

This being an emergency measure, a division of the Senate was had.

Twenty-five having voted in the affirmative and none opposed, this bill was passed to be enacted.

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On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table H. P. 1252, L. D. 1747, Bill "An Act to Authorize the Department of Health and Welfare to Initiate a Food Stamp Program."

On further motion by the same Senator, the bill was passed to be enacted.

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On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table H. P. 1259, L. D. 1754, Bill "An Act Relating to Time Limitation on Exempting Liquor Bottled or Manufactured in Maine from Additional Taxes."

On further motion by the same Senator, this bill was passed to be enacted.

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On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table H. P. 1262, L. D. 1757, Bill "An Act Relating to Appropriation to Adjust State Employee's Pay," and the same Senator moved the pending question.

Mr. O'LEARY of Oxford: Mr. President, I am not up here to oppose this and I am going to vote for it, but I believe there is something which should be put in the record at this point.

Earlier in this special session each of us had distributed upon our desks a statement which was made to a group of legislators who attended a meeting of State employees in Room 105 of the State Office building. I would like to read into the record the remarks and make a few brief comments. This presentation was made by one gentleman who is an Engineering Technician I of the State Highway Commission, and these are his remarks:

"I would, of course, like to direct my remarks to the Members of the Legislature. I am speaking for a substantial number of employees in the Engineering Aide 1, 11 and Engineering Technician 1 classifications. I am not what you would call an official spokesman for this group, but all the employees polled expressed the desire to have me speak for them.

"Approximately four years ago, the Personnel Board authorized the employees in the aforementioned classifications to be paid on an hourly basis. This was the result of the Jacobs' Study and the fact many men were working excessive hours without compensation. Things worked comparatively smoothly after this, and, for the first time, it was possible for sections of highway, such as the Bituminous Section, to hire the men they needed. This was due to the fact that they could now tell a man he would be paid for the hours he worked.

"Now for the problem: On December 21, 1965, the employees in this classification received a memorandum telling of a raise, the 10 per cent you people voted. It also included the note that we would now receive pay as for a 5, 5½ or 6 day week. It appeared we were being taken off this hourly basis and after some checking it was found this is exactly what happened. It must also be noted here that we received no previous notice of this action and have still received no assurances of adjustments of any kind. It must be assumed the employee will still work the same hours he worked the previous year, without any compensation for overtime except Saturday pay. My assumption is based on the fact that the employee, according to the State's policy, will be present for all of the contractor's hours.

"What this amounts to is that some employees will lose from \$500 to \$1,300 a year as a result of the Personnel Board's action. I am quite convinced that you people didn't intend to have employees wind up with a pay cut and I wonder if you are happy having your 10 per cent raise

used as a "tool" of the Personnel Board.

"In closing I would like to say that the Personnel Board's action of approximately four years ago ended a deplorable situation and their recent reversal has thrown us back into an even worse situation. Five years ago, an employee thought all this overtime without pay was a necessary condition that he must put up with if he wanted to work, but now he knows what fair compensation can be like. This recent board action is leading to tremendous morale problems among the 200 plus career State Employees in these classifications and will lead to severe hindrances as to future recruitment.

"To emphasize, we are not attempting to agitate, but if we are to be required to work extra hours we would like compensation for the same.

"I would like to thank you for your interest and assure you that I will be happy to talk about this problem any time."

Now here are some actual figures. This particular gentleman is an Engineering Aide 11, Step "C". His actual wages for 1965 were \$4,546.66. He says:

"As a result of the Legislature's actions and intentions, an estimate raise (1966 over 1965) of \$641.98 was anticipated, but, as a result of the Personnel Board's action, I am faced with the realization of a \$72.41 wage decrease. This is a net loss of \$714.39. Raises like this I don't need."

The next fellow is an Engineering Aide 11, Step B. His net loss is \$763.76. He says: "I will earn \$259.20 less in 1966 than in 1965. This is a 10 per cent raise?"

The next fellow is an Engineer Technician 1, Step D. He says: I will earn \$354 less in 1966 than in 1965. Thanks for the 10 per cent raise!"

I do not believe it was our intention that anything should happen such as this. It was our intent, of course, to give our employees a ten per cent wage increase. I hope that the Personnel Board does not take any action that will

do away with the expected raises that we are voting for here today. Thank you.

Mr. CASEY of Washington: Mr. President, I do not rise to oppose this bill, and I fully support a pay raise for the employees. The only thing I have to say is that I do not feel at this time this Legislature has done enough for the employees, especially the fellow on the bottom. I still feel that he could have been brought up a little more, and I would hope that in the next legislative session that this can be done. Thank you.

The PRESIDENT: This being an emergency measure requires for its passage an affirmative vote of two-thirds of the entire elected membership of the Senate. All those in favor of the bill being passed to be enacted will please rise and remain standing until counted.

A division was had and the bill received 27 affirmative votes and was passed to be enacted.

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On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table H. P. 1270, L. D. 1765, Bill "An Act to Establish the Position of Federal-State Coordinator."

On further motion by the same Senator, this bill was passed to be enacted.

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On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table H. P. 1271, L. D. 1766, Bill "An Act Appropriating Funds for Additional Radar Sets for the State Police;" and the same Senator moved the pending question.

This being an emergency measure a division of the Senate was had.

Twenty-four having voted in the affirmative and none opposed, this bill was passed to be enacted.

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On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table S. P. 692, L. D. 1778, Bill "An Act Appropriating Funds for

Operation of the Treasury Department."

On further motion by the same Senator, this bill was passed to be enacted.

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On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table H. P. 1292, L. D. 1800, Bill "An Act Establishing a Home Repair Financing Act."

On further motion by the same Senator, this bill was passed to be enacted.

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On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table H. P. 1264, L. D. 1759, Bill "An Act Appropriating Funds for Additional State Police Officers."

Mr. HARDING of Aroostook: Mr. President, I move for the indefinite postponement of this bill and I would like to speak briefly to my motion.

First of all, you will find in the omnibus bill, which will be reported out later, a provision for money for ten State Troopers. This bill calls for twenty State Troopers. There were several reasons for the cut. One was that there had been a misunderstanding among some legislators about the appropriation for the radar sets. They had been under the impression that these would be ten new radar sets and it would be necessary to have additional troopers to man them. However, Col. Marx informed leadership that of these ten new sets that would be purchased seven would be used to replace worn-out sets they now have, and the other three would be additional, but he felt that there again that some of the sets were not in too good shape, so actually these ten new sets would, in effect, be replacing ten existing sets. Also there was some feeling that as far as the Highway Safety Program was concerned, if we run into problems we cannot merely rely on having an additional number of State Troopers. The problem may be more deep-seated than that. There were those who felt that the matter deserved

some study to see if there is not something more basically wrong than not having enough State Troopers on the highway, and that is the reason for suggesting the number of new State Troopers from 20 to 10.

Mr. BROWN of Hancock: Mr. President, I would like to point out to this honorable body that in the bill itself it said "As far as legislation permits, the State Police to concentrate more effort at selected locations and times on the highway." And I think it is most important, from the highway slaughter that we have had in the last few months, so I hope that this motion does not prevail.

The President: The motion before the Senate is the motion of the Senator from Aroostook, Senator Harding, that this bill be indefinitely postponed.

Does the Senator from Hancock request a division?

Mr. BROWN of Hancock: Yes, Mr. President.

The PRESIDENT: All those in favor of the indefinite postponement of this bill will please rise and remain standing until counted; those opposed.

24 having voted in the affirmative and 4 in the negative, the motion to indefinitely postpone prevailed.

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On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table H. P. 1280, L. D. 1786, Bill "An Act Appropriating Moneys for Relocation and Conversion of Dispensary at Maine Maritime Academy."

Mr. HARDING of Aroostook: Mr. President, I move that this bill be indefinitely postponed and I would like to speak briefly to my motion.

The Maine Maritime Academy came in at the regular session for the regular appropriation and also for a supplementary appropriation, and they obtained approximately what they had requested and at this special session you will recall that they had three bills in: one which asked for approximately \$40,000 as a pay raise, and one which has already been passed for, I believe, \$24,000 for

some repairs to one of the halls. On the priority list which was given to us it was our opinion from that this was the last in their priorities. Now this organization, of course, does have an alumni group. They are in the process now, I understand, of forming the same and to develop some fund-raising techniques. There are those who feel that every time they need any money at all they can come here and get everything they want that perhaps there will not be as much interest on their part to develop some fund-raising programs of their own. This is not a large amount, and yet we have been very generous to the Maine Maritime Academy. This is not a very critical thing and it is something that can wait until the general session, and it is on that basis I make the motion for indefinite postponement.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that L. D. 1786 be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table S. P. 667, L. D. 1700, Bill "An Act Establishing a State Commission on the Arts and the Humanities."

On motion of Mr. Snow of Cumberland, the Senate voted to reconsider its action whereby it passed the bill to be engrossed. On further motion by the same Senator, the Senate voted to reconsider its action whereby it adopted Senate Amendment "A". Then the same Senator presented Senate Amendment "B" to Senate Amendment "A" and moved its adoption. Senate Amendment "B" to Senate Amendment "A" was read and adopted. Senate Amendment "A" as amended by Senate Amendment "B" was adopted and the bill passed to be engrossed in non-concurrence and sent down for concurrence.

### Joint Order

On motion of Mr. Harding of Aroostook

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is hereby directed to report a Bill making additional appropriations for the expenditures of State Government for the fiscal years ending June 30, 1966 and June 30, 1967. (S. P. 730)

Which was read and passed and sent forthwith for concurrence.

On motion of Mr. Harding of Aroostook,

Recessed until the sound of the gong.

### After Recess

Called to Order by the President.

### Additional Senate Paper

### Joint Order

On motion by Mr. Casey of Washington

ORDERED, the House concurring, that the President of the Senate, the Speaker of the House and three members on the part of the Senate and four members on the part of the House of the Joint Standing Committee on Towns and Counties appointed by the Chairman of said committee be authorized to call hearings, with the power of subpoena for the purposes of factual investigation if necessary. The result of preliminary findings of any investigations shall be reported to the 103rd Legislature unless the information or facts make it necessary to report at an earlier date. The expenses of this committee and its counsel, not to exceed the sum of \$10,000 shall be taken from the Legislative Appropriation. (S. P. 729)

Mr. CASEY of Washington: Mr. President and members of the Senate: I would like to voice the feelings of many of the people in the State of Maine, and for this reason: I am introducing an order for the establishment of an interim Legislative Investigating Committee.

We, as legislators, have heard many reports on many depart-

ments in this State. These are sometimes factual and at other times through the rumor mills. We are expected to differentiate between the two without benefit of proper hearing, and—or through investigation. Legislative action in this difficult area is never easy. All legislation pertaining to certain departments in the State involves political perils, heated emotions and powerful pressure. But if the job is done right by this committee, no other accomplishment of the 102nd Legislature will be more important, or have a more beneficial effect upon public interest.

Mr. SNOW of Cumberland: Mr. President, I move that the Senate indefinitely postpone this order, and I should like to speak to my motion if I may.

Members of the Senate, it is my understanding that the powers which you are asked to grant to this new committee are powers already held by the interim Legislative Research Committee, and, to some extent, if we pass this order we will be setting up another committee with somewhat the same purpose. I would like you to know that the Legislative Research Committee does have the powers of subpoena, so it is a committee which is empowered to do the things which the Senator from Washington, Senator Casey, wishes to have done by means of this vehicle. I would like to say I believe that the language is somewhat unclear as to how this committee would be established. It does not state what the committee would investigate. The powers of the Legislative Research Committee are such that it can investigate matters when the legislature is not in session, by order of the legislature or upon its own discretion. I note that an appropriation of ten thousand dollars is sought for this. I believe this is a sum of money which we need not spend for this purpose. I urge the Senate to support my motion, and when the vote is taken I ask that it be taken by a division.

The PRESIDENT: The motion before the Senate is the motion

of the Senator from Cumberland, Senator Snow, that this order be indefinitely postponed. A division has been requested.

All those in favor of the indefinite postponement of this order will please rise and remain standing until counted.

A division was had.

18 having voted in the affirmative and 12 in the negative, the motion to indefinitely postpone prevailed.

#### **Additional Papers from the House Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Appropriating Funds for State of Maine's Participation in the 1967 World Exhibition in Canada." (H. P. 1207) (L. D. 1675) reported that they are Unable to agree.

Which report comes from the House rejected and a second Committee of Conference requested. House Conferees:

BISHOP of Presque Isle  
KATZ of Augusta  
COTE of Lewiston

Mr. HARDING of Aroostook: Mr. President, I move that we join this second committee of conference, and I would like to speak briefly to my motion if I may.

This matter has been discussed some this morning and I have had occasion to discuss this further very recently with a member of the House conferees. I have reason to believe that a second conference would be productive. I believe that the House now is going to be willing to go along with the \$400,000 appropriation suggested by the Senate with a very minor amendment giving the Department of Economic Development director the right to use whatever revenues would be gained by this exhibit. It seems to me that this is a reasonable compromise on the matter, and, in keeping with the spirit of working together which has prevailed in this session, I would hope that we might go along on that basis.

The PRESIDENT: The Senator from Aroostook, Senator Harding,



moves that we reject the conference committee report and that a new committee of conference be appointed.

The motion prevailed and the Chair appointed the following conferees to the new committee of conference: Senator Boisvert of Androscoggin, Senator Manuel of Aroostook, and Senator O'Leary of Oxford.

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#### Enactors

The Committee on Engrossed Bills reported as strictly and truly engrossed the following:

Bill, "An Act Creating the Investment of State Funds Law." (S. P. 690) (L. D. 1773)

Passed to be enacted.

Bill, "An Act Creating a Senatorial Apportionment Commission." (H. P. 1300) (L. D. 1806)

Passed to be enacted.

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#### Emergency

Bill, "An Act Appropriating Monies for the Continuing Activities of the Committee on Aging." (S. P. 610) (L. D. 1624)

Having received the affirmative vote of twenty-nine members this bill was passed to be enacted.

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#### Emergency

Bill, "An Act Relating to Distribution of Railroad Stock Tax to the City of Bangor." (S. P. 653) (L. D. 1621)

Having received the affirmative vote of twenty-nine members, this bill was passed to be enacted.

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#### Emergency

Bill, "An Act to Appropriate Monies for Reconstruction of the McLellan House at Gorham State College." (H. P. 1246) (L. D. 1741)

Having received the affirmative vote of twenty-nine members, this bill was passed to be enacted.

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#### Emergency

Bill, "An Act Relating to Insurance on State owned Property." (H. P. 1288) (L. D. 1793)

Having received the affirmative vote of twenty-six members, this bill was passed to be enacted.

#### Joint Order

On motion by Mr. Duquette of York

ORDERED, the House concurring, that the Director of Legislative Research is directed to have printed in pamphlet form and distributed to the public the acts and resolves passed at the present special session. (S. P. 731)

Read and passed and sent forthwith for concurrence.

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On motion by Mr. Cahill of Somerset, the Senate voted to take from the Special Appropriations Table S. P. 687, L. D. 1770, Bill "An Act Amending the Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1966 and June 30, 1967" and the same Senator moved the pending question.

This being an emergency measure, a division of the Senate was had.

Twenty-nine having voted in the affirmative and none opposed, this bill was passed to be enacted.

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On motion by Mr. Harding of Aroostook,

Recessed until the sound of the gong.

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#### After Recess

Called to Order by the President.

Mr. Duquette from the Committee on Appropriations and Financial Affairs pursuant to Senate Paper 730, reported on Bill, "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1966 and June 30, 1967." (S. P. 728) (L. D. 1807) that it ought to pass.

Which report was Read and accepted, the Bill given its two readings and Passed to be engrossed and sent forthwith to the House for concurrence.

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On motion by Mr. Harding of Aroostook,

Recessed until the sound of the gong.

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#### After Recess

Called to Order by the President.

**Additional Paper from the House  
Non-Concurrent Matter**

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 695) (L. D. 1781)

Comes from the House Senate Amendment "B" Indefinitely Postponed in Non-concurrence. Passed to be engrossed As Amended by Committee Amendment "A" (S-405) House Amendment "A" (H-505) Senate Amendment "A" (H-404) in Non-concurrence.

Mr. STERN of Penobscot: Mr. President, I move that we insist upon our action.

Mr. HARDING of Aroostook: Mr. President, I move that we recede and concur, and I would like to speak briefly if I may.

The PRESIDENT: The Senator may.

Mr. HARDING: Mr. President, I realize that everyone here, as I mentioned last time, is aware that the Chief Justice called me on this particular matter, and I know that he has his own individual feelings that are quite strong in regard to this particular piece of legislation, but the Court has its responsibilities, and, as a lawyer, I respect the responsibilities, but we in the legislature have our responsibilities, and this is within our responsibility to decide.

Now as far as our commitment to the Court, we kept our commitment to the Court. This amendment was introduced and it prevailed in the Senate, but it did not prevail in the House, and I do not believe it is going to prevail in the House no matter what we do here. Now I think we have to accept some of the facts of life. We are at a special session and I hope that we can get done tonight. We have given these things a fair trial as they have come along. Now if it were my own personal desire, I would hope that we could go along with what the Chief has suggested, but I am going to accept the fact of life that we can't get that passed, so I hope that the Senate will go along and recede and concur so that we can adjourn and be out of here tonight.

Mr. HOFFSE of Knox: Mr. President and members of the Senate: I approach this particular piece of legislation with fear and trembling, but the matter which I am going to discuss is in regard to another amendment which has just been brought to my attention this afternoon. I refer to Senate Amendment "A". Now this amendment would repeal the public debt amortization of the City of Waterville established by the Legislature in 1927. Now this fund includes contributions from private citizens of the City of Waterville, and a percentage of the interest earned yearly by the city investments. Now this amendment was introduced by a non-resident of the City of Waterville. Now there is one Senator from the City of Waterville and there are three House members in this legislature. Now it does strike me as being most peculiar, inasmuch as this bill deals strictly with the City of Waterville and its citizens. Now I ask in all seriousness, is this matter going to create a precedent?

You good Senators from the City of Portland, the City of Lewiston and the City of Bangor, how would you like a Senator from Knox or Lincoln or Piscataquis or some other county to present legislation as an amendment to the omnibus bill to do something to the business matters of your city?

I think you would be most hesitant and reluctant to accept such a piece of business. Now I am informed that the people in Waterville knew nothing about this amendment until they read it in their local morning newspaper. None of them had an opportunity to appear at a hearing, and the city government of Waterville had no information on this matter, in addition to the fact that this matter, a local matter, was introduced, as I mentioned before by a non-local legislator. In fact Waterville citizens were not told about this development.

I would question the germaneness of this particular piece of matter. Now the omnibus bill covers a tremendous amount of

territory, and I would suppose that almost any piece of legislation which might be proposed would be considered germane to the omnibus bill, but this amendment makes reference to Section 85 and Section 86, which I have not been able to locate as being in this omnibus bill.

Now the public debt amortization fund of the City of Waterville has been on the books for thirty-nine years. Why is it so necessary that this piece of legislation be of such an extreme emergency at this time. It has been since 1939, which is nearly thirty years, and here now it becomes a matter of emergency.

It says in this amendment that this matter is to go to a referendum of the people. I do not believe that it is necessary to elaborate upon the effectiveness of referendums. I think we all know that the rank and file of people are inclined to go along with the referendum, or they will take whatever course the powers that be, shall we say, exert upon the electorate. I have some misgivings about referendums. If this referendum was to be impartially explained to the people of Waterville, that would be one thing, but the people have not had the opportunity. I do not believe that this is an emergency matter, and I hasten to say that I am as anxious as the leadership to adjourn this session, but I would like for you members of the Senate to take into consideration this Senate Amendment "A".

The PRESIDENT: The motion before the Senate is the motion to recede and concur.

Mr. STERN of Penobscot: Mr. President, I just want to briefly state my reasons for making a motion to insist on this particular bill. I do not think, after spending the last hour or so in the House, that many of the members understand what we are trying to do here, in fact I think that the laymen do not understand what we are trying to do. The majority of lawyers, in my opinion, feel that we have made a grievous error, and we are trying to correct it. If it goes back to the House, we

think we can explain it sufficiently enough so that they will see the error of their ways and go along with us. I hope the members will go along with us and give us this opportunity. I think the House, contrary to what my good brother Floyd Harding says — because after they were through many of them came to me and asked me what it was all about. I didn't have much chance to explain it, but I think if we sent it back and had an opportunity to explain this bill, that they would go along with it. I would hope that the members would give us a chance to do this.

Mr. GLASS of Waldo: Mr. President, I am compelled to say, although I do not like to use the expression, that I would hope that all of the Senate would go along with the motion of the Senator from Penobscot. This is a very, very important issue which we are discussing at the moment. Without saying anything more, I would hope that you would vote for the motion of the Senator from Penobscot, Senator Stern. Thank you, Mr. President.

Mr. JUTRAS of York: Mr. President, in all fairness to the members of the Senate, I believe that we should not consider our personal desires and our personal selfishness in wanting to get out of here at an early hour to pass legislation without being thoroughly indoctrinated to the meaning of a bill. For that reason, regardless of the hour, I think the whole matter should be clarified to all of us before we do take a vote. For that reason, I request that the Senator from Penobscot further clarify the issue and that the Senator from Knox, Senator Hoffses further clarify his point and then we will vote.

Mr. STERN of Penobscot: Mr. President, I am too confused at this session, by the lateness of the hour, to even attempt to elucidate. It would take hours, and then I do not think it would be clarified. I feel and I hope and I think that the members of the Senate have heard enough about this bill so they can make up their minds without any further clarification.

I do not think it is possible in the short time to clarify this bill. It is quite complicated. Simply, it means this: you gave the judges the power to define what the criminal rules are, and they had that power until I made my amendment to let the lawyers conduct the voir dire, which means they have the right to interrogate prospective jurors, and the Supreme Court feels that this has taken away the very powers which the previous legislature gave them and this would seriously hamper them in their rule-making powers, and they feel that because of the error that we made that this legislature should do something about correcting it. I cannot clarify it any more than that. I am losing my strength, so whatever you do is all right with me.

Mr. HOFFSES of Knox: Mr. President and members of the Senate: I do not know as my particular motive here needs any further clarification other than what I have already said in this particular matter, that this Senate Amendment "A" is quite disturbing to the people of Waterville, and, for that reason I would like to see this amendment disposed of and indefinitely postponed. Therefore, I would move that we reconsider our action whereby we passed this bill to be engrossed.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate reconsider its action whereby this bill was passed to be engrossed.

Mr. JACQUES of Androscoggin: Mr. President, I know that everyone is as confused as I am, especially when Senator Stern gets up and talks about the judges and then Senator Hoffses gets up and talks about Waterville. I think we have the lawyers where we want them now, and let's keep them where they are and get rid of the bill.

Mr. CARTER of Kennebec: Mr. President, I am somewhat taken aback by some of the statements by the good Senator from Knox, Senator Hoffses. He refers to the person responsible for introducing this amendment as being a non-

resident of Waterville, and he has asked this body if they would like to have any other senator interfere in their county affairs. It so happens that the City of Waterville is in the County of Kennebec, and it also happens that I represent the County of Kennebec, and there is more than one city in the county. Now I have been approached by citizens of Waterville who introduced this amendment because it would do a specific thing for the city. First of all, it would allow the people of Waterville to settle their own problems at a referendum; and as far as the city council not being aware of what is going on, I would like to inform you that one of my constituents who did approach me to introduce this amendment is the Mayor of Waterville. I trust you will go along with this amendment and leave it on the books and let the citizens of Waterville dispose of their own problems.

Mr. HOFFSES of Knox: Mr. President and members of the Senate: I am quite well aware that the City of Waterville is in the County of Kennebec and that the good Senator from Kennebec is representing the whole county, but, if my memory does not fail me completely, I believe that I did not say anything in regard to the County, I was expressing particularly a city, the cities within a county, and I said there was one Senator who was a voting resident of the City of Waterville and three House members voting residents of the City of Waterville. Now I have felt for some time that we are in the process of making laws, we are allowing too many of these amendments, too many New Drafts, too many substitutions of bills for the report, etc., and I know that the people from my area, and I think I can speak with some assurance that there are people from other areas who feel that they are not having their day in court, so to speak, when we, after public hearings on various bills, go to work and bring them into these halls and we amend them, we bring them out in New Drafts or reports. I believe that we are not using the

people of this State right, and I would still request that this matter be given very careful consideration. When the vote is taken I would ask for a division.

Mr. GLASS of Waldo: Mr. President, in the company of the good Senator from Penobscot and the Majority Leader, I would like to approach the rostrum if I may.

The PRESIDENT: The Senators may. The Chair would be honored.

(Conference at the rostrum)

Mr. Harding of Aroostook: Mr. President, if a division has not already been requested, I would request one.

I would also like to say that I do not share the dim view which the Senator from Knox, Senator Hoffses, has about a referendum going to the people. I still have confidence in our Democratic process. All we are talking about here is whether the people of Waterville will have the right to vote on a particular matter in referendum. I came from Kennebec County originally, and I have a high regard for the people's intelligence in this County, and particularly in Waterville, and I think they should be able to vote on that matter very intelligently. I would hope that you would oppose this motion to reconsider.

Mrs. SPROUL of Lincoln: Mr. President, I would like to ask the Senator from Aroostook: Is this a matter that should be in a bill which is Bill, "An Act to correct errors and inconsistencies in the public laws? It is my understanding that this is something which would correct laws which were passed in the last legislature.

The PRESIDENT: The Senator from Lincoln, Senator Sproul, directs a question through the Chair to the Senator from Aroostook, Senator Harding, who may answer if he so chooses.

Mr. VIOLETTE of Aroostook: Mr. President, my answer would be, judging from my own experience regarding what bills go into bills correcting errors and inconsistencies, and from what I have been told by people who have had much more experience than I have in past years, this is not the

first time that an amendment has been put on a bill of this nature. This is a Senate amendment which anyone is free to propose to any bill and which the Senate is free to accept or reject. That is the answer I would give you. I think the Senate indicated that it was willing to accept this amendment along with several others which are neither more nor less germane to the bill than this one is. I would say that the House has acted on this and has also passed these amendments, and I feel personally at this point that they belong on the bill and I would oppose the motion to indefinitely postpone this amendment.

The PRESIDENT: The motion before the Senate is the motion to reconsider our action whereby we passed L. D. 1781 to be engrossed. A division has been requested. All those in favor of the motion to reconsider will please rise and remain standing until counted; those opposed.

A division was had.

2 having voted in the affirmative and 27 in the negative, the motion to reconsider did not prevail. Thereupon the Senate voted to recede and concur.

### Conference Report

Report of the second Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Appropriating Funds for State of Maine's Participation in the 1967 World Exhibition in Canada (H. P. 1207) (L. D. 1675) reporting that the Senate recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A"; recede from adoption of Committee Amendment "A"; adopt Conference Committee Amendment "A" to Committee Amendment "A"; adopt Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto; and pass the bill to be engrossed as amended by Senate Amendment "A" and Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto; that the House recede

from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A"; recede from adoption of Committee Amendment "A"; adopt Conference Committee Amendment "A" to Committee Amendment "A"; adopt Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto; and pass the Bill to be engrossed in concurrence. (C. "A" H-502) (S. "A" S-430) (Conf. Committee "A" H-514)

(Signed)

BISHOP of Presque Isle  
KATZ of Augusta  
COTE of Lewiston

— Committee on part of House.

BOISVERT

of Androscoggin

O'LEARY of Oxford

MANUEL of Aroostook

— Committee on part of Senate.

Comes from the House, the Report read and accepted.

In the Senate:

The report of the conference committee was accepted.

The Senate voted to recede from its former action whereby it passed this bill to be engrossed, and voted to reconsider its action whereby it adopted Committee Amendment "A". Conference Committee Amendment "A" to Committee Amendment "A" was adopted, and Committee Amendment "A" as amended by Conference Committee Amendment "A" was adopted, and the bill was passed to be engrossed as amended in concurrence.

On motion by Mr. Harding of Aroostook, Recessed until the sound of the gong.

#### After Recess

Called to Order by the President.

#### Additional Papers from the House Joint Orders

WHEREAS, John B. Cottrell, Jr., a Teacher of History and Government at Deering High School, has ably represented the City of Portland as a member of the House of Representatives

during the 101st and 102nd Legislative Sessions; and

WHEREAS, the Constitution of the State of Maine prescribes no limitation restricting the right of an otherwise qualified person to serve as a member of the Legislature because of his occupation; and

WHEREAS, the rule invoked by the School Committee of the City of Portland by which Representative Cottrell has been deemed to have technically resigned his position as Teacher at Deering High School constitutes an unreasonable and arbitrary restriction on the right of Representative Cottrell to serve as a member of this Legislature; and

WHEREAS, such rulings if unchallenged could abridge the constitutional exercise of the legislative prerogatives of this State and disenfranchise the citizens of the representative district from which Representative Cottrell was elected; now therefore, be it

ORDERED, the Senate concurring, that it is the sense of the Legislature of the State of Maine that the rule invoked by the School Committee against Representative Cottrell constitutes an unreasonable and arbitrary restriction on his right as a citizen of this State to serve in the House of Representatives; and be it further

ORDERED, that a copy of this Order expressing the displeasure of the Legislature at this action taken by the School Committee of the City of Portland signed by the Speaker of the House and the President of the Senate, be immediately transmitted by the Clerk of the House to the Chairman of the School Committee of the City of Portland. (H. P. 1303)

Comes from the House Read and Passed.

Mr. SMITH of Cumberland: Mr. President, I move that we indefinitely postpone this order.

Mr. SNOW of Cumberland: Mr. President, I ask that when the vote is taken it be taken by a division.

The PRESIDENT: A division on the motion has been requested. The motion before the Senate is

the motion of the Senator from Cumberland, Senator Smith, that this bill be indefinitely postponed.

Mr. SMITH: Mr. President, I hope they will vote against my motion.

The PRESIDENT: Does the Senator wish to withdraw his motion?

Mr. SMITH: I would like to see what their vote is.

The PRESIDENT: All those in favor of the motion to indefinitely postpone this order will rise and remain standing until counted; those opposed.

A division was had.

No Senators voted in the affirmative and 24 against, the motion to indefinitely postpone does not prevail and the order received passage in concurrence.

Mr. O'Leary of Oxford was granted unanimous consent to address the Senate.

Mr. O'LEARY: I would like to pose to the good Senator from Cumberland one question. How does it feel to be a loser?

The PRESIDENT: The Senator from Cumberland, Senator Smith, requests unanimous consent to address the Senate. Does the Chair hear objection? The Chair hears no objection and the Senator may proceed.

Mr. SMITH: Mr. President, I would like to inform the Senator from Oxford County that if I ever was a winner I would have a shock.

#### **Joint Order** (H. P. 1304)

Relative to Amendments and Alterations to Joint Rules. (Refer to the printed pamphlet for contents) Legislative Research Committee Interim Report on Legislative Procedures to the 102nd Legislature, January 31, 1966)

Comes from the House Read and Passed.

In the Senate: Received passage in concurrence.

#### **Enactors**

**The Committee on Engrossed Bills reported as truly and strictly engrossed the following Bills:**

Bill, "An Act Establishing a State Commission on the Arts and

Humanities." (S. P. 667) (L. D. 1700)

Bill, "An Act Relating to Tax on Harness and Running Horse Racing." (H. P. 1249) (L. D. 1744)

Which bills were passed to be enacted.

#### **Non-concurrent Matter**

Bill, "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1966 and June 30, 1967." (H. P. 728) (L. D. 1807)

In Senate February 2, Passed to be Engrossed. Comes from the House Passed to be Engrossed as Amended by House Amendment "A" (Filing No. H-515) in non-concurrence.

In the Senate: Voted to recede and concur.

Bill, "An Act Appropriating Funds for Additional State Police Officers." (H. P. 1264) (L. D. 1759)

In House, January 24, Passed to be Enacted.

In Senate, February 2, Indefinitely Postponed in non-concurrence.

Comes from the House, that body having Insisted and asked for a Committee of Conference.

House Conferees:

KENNEDY of Milbridge

ROSS of Brownville

CONLEY of Portland

In the Senate: Voted to adhere.

Bill, "An Act Appropriating Moneys for Relocation and Conversion of Dispensary at Maine Maritime Academy." (H. P. 1280) (L. D. 1786)

In House, Passed to be Enacted as amended by Committee Amendment "A" (H-466)

In Senate, Indefinitely Postponed in non-concurrence.

Comes from the House, that body having Insisted and asked for a Committee of Conference.

House Conferees:

TRUMAN of Biddeford

HEALY of Portland

BREWER of Bath

Mr. HARDING of Aroostook: Mr. President, I move that we reconsider our action whereby we indefinitely postponed this matter and I would like to speak briefly, if I may.

The PRESIDENT: The Senator may.

Mr. HARDING: As you noted from the papers, our State Treasurer discovered that the State is a little better off financially than it was previously by virtue of the very progressive manner in which he has conducted his office, and also by virtue of paring down L. D. 1700 by the grace and consent of the Senator from Cumberland, Senator Snow. We do have the funds now, I think, within our grasp to pass this particular measure. It only calls for \$8200. This is for a dispensary they would like to construct, and they are renovating a building down there. I do want to say to the members of the Senate, however, that the fact my roommate was recently appointed a trustee of the Maine Maritime Academy has in no way changed my mind about this particular measure. It is just coincidental. I would hope that the Senate would go along with my motion to reconsider indefinite postponement of this measure.

The Senate voted to reconsider its previous action whereby the bill was indefinitely postponed.

Mr. HARDING of Aroostook Mr. President, I now move for enactment.

The PRESIDENT This being an emergency measure, under the constitution it requires for its enactment the affirmative vote of two-thirds of the entire elected membership of the Senate. All those in favor of the passage of the bill to be enacted will please rise and remain standing until counted.

A division was had.

25 having voted in the affirmative and none in the negative, the bill was passed to be enacted.

#### **Order Out of Order**

Mr. Harding of Aroostook presented the following order out of order and moved its passage:

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet at ten o'clock in the morning on Wednesday, February 9, 1966. (S. P. 732)

Read and passed. Sent down forthwith for concurrence.

On motion by Mr. Harding of Aroostook,

Recessed until the sound of the gong.

#### **After Recess**

Called to order by the President.

#### **Order Out of Order**

Mr. Harding of Aroostook, out of order and under the suspension of the rules, presented the following order and moved its passage

ORDERED, the House concurring, that the State Tax Assessor is hereby directed to increase the undedicated revenue of the general fund for the current fiscal year by the amount of \$7,400,000.

Read and passed and sent down forthwith for concurrence.

#### **Additional Papers from the House Enactors**

The Committee on Engrossed Bills reported the following Bills as truly and strictly engrossed:

#### **Emergency**

Bill, "An Act Appropriating Funds for State of Maine's Participation in the 1967 World Exhibition in Canada." (H. P. 1207) (L. D. 1675) Having received the affirmative vote of 26 members, this bill was passed to be enacted.

#### **Emergency**

Bill, "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1966 and June 30, 1967." (S. P. 728) (L. D. 1807) Having received the affirmative vote of 27 members, this bill was passed to be enacted.

#### **Emergency**

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 695) (L. D. 1781) Having received the affirmative



vote of 26 members, this bill was passed to be enacted.

(At Ease)

Called to order by the President.

Mr. HARDING of Aroostook: Mr. President, I would like to inquire whether the Senate is in possession of S. P. 733, which is a Joint Order increasing the estimates of the undedicated revenue of the general fund?

The PRESIDENT: The Chair would answer the Senator that it is, having been requested by the Senator.

On motion by Senator Harding, the Senate voted to reconsider its action whereby it passed the order. On further motion by the

same Senator, the order was indefinitely postponed.

Mr. Harding, out of order and under suspension of the rules, then presented the following order and moved its passage:

ORDERED, the House concurring, that the State Tax Assessor is hereby directed to increase the estimates of the undedicated revenue of the general fund for the current fiscal year by the amount of \$7,400,000. S. P. 734.

Read and passed. Sent down forthwith for concurrence.

The adjournment order having been received from the House, adjourned until Wednesday next, February 9th at 10:00 A.M.