

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third  
Legislature*

OF THE

STATE OF MAINE

1967

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, March 9, 1967

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

Prayer by the Rev. Mr. Marcus Rogers of Augusta.

The journal of yesterday was read and approved.

The SPEAKER: The Sergeant-at-Arms will please escort the gentleman from Bath, Mr. Ross, to the rostrum to be Speaker pro tem.

Thereupon, Mr. Ross assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

**Papers from the Senate**

From the Senate: the following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 14, at ten o'clock in the morning. (S. P. 574)

Came from the Senate read and passed.

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

From the Senate: The following Communication: (S. P. 572)

STATE OF MAINE  
Office of the Governor  
Augusta, Maine

March 7, 1967

To the Honorable Senate and House of Representatives of the 103rd Legislature:

Transmitted herewith is the report of the Governor's Planning Committee on Criminal Administration.

This group has done an extraordinary job in assembling a challenging and provocative report which deserves the close attention of all Maine people.

The Committee was appointed following the President's suggestion in March, 1966 that groups such as this be formed in all the states to maintain contact with the President's Commission on Law Enforcement and Administration of Justice and to appraise the needs

of our State criminal system. You will find the membership set out on page 33 of their report.

Legislation has been submitted to this Legislature to make this committee permanent under the name of the Maine Planning Commission on Criminal Law Administration. This report demonstrates the value of such an organization in Maine.

Sincerely,

(Signed)

KENNETH M. CURTIS  
Governor

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

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

From the Senate: The following Communication: (S. P. 573)

MAINE-NEW HAMPSHIRE  
INTERSTATE BRIDGE  
AUTHORITY  
Augusta, Maine

March 7, 1967

To the Honorable Senate and House of Representatives of the One Hundred and Third Legislature:

Transmitted herewith is the Fourteenth Biennial Report of the Maine-New Hampshire Interstate Bridge Authority which is being presented in accordance with Chapter 18, Article VI, Private and Special Laws of 1937.

Respectfully submitted,

(Signed)

DAVID H. STEVENS  
Chairman, Maine-New Hampshire Interstate Bridge Authority

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

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

From the Senate:

Bill "An Act relating to Price Paid to Producers for Milk" (S. P. 517) (L. D. 1337)

Came from the Senate referred to the Committee on Agriculture.

In the House, referred to the Committee on Agriculture in concurrence.

From the Senate:

Resolve to Reimburse Town of Vanceboro for Aid Extended William Gardner (S. P. 494) (L. D. 1344)

Resolve to Reimburse Raymond Lammers of Augusta for Payment of Restaurant Liquor License (S. P. 518) (L. D. 1338)

Came from the Senate referred to the Committee on Claims.

In the House, referred to the Committee on Claims in concurrence.

From the Senate:

Bill "An Act to Provide a Feasibility Study for Express Highway Through Washington County" (S. P. 519) (L. D. 1339)

Came from the Senate referred to the Committee on Highways.

In the House, referred to the Committee on Highways in concurrence.

From the Senate:

Bill "An Act relating to Constitution of Police Department of City of Lewiston" (S. P. 487) (L. D. 1343)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act Creating a Capitol Planning Commission" (S. P. 520) (L. D. 1340)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

From the Senate:

Bill "An Act relating to Payments of Accounts and Claims Against a County or Municipality" (S. P. 521) (L. D. 1341)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

From the Senate:

Bill "An Act relating to Movement of Contractor's Equipment Over State Highways" (S. P. 522) (L. D. 1342)

Came from the Senate referred to the Committee on Transportation.

In the House, referred to the Committee on Transportation in concurrence.

### Senate Reports of Committees Ought to Pass

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Savings Bank Dividends" (S. P. 104) (L. D. 175)

Report of the Committee on Judiciary reporting same on Bill "An Act Repealing the Law Making Prescribing of Contraceptives a Crime" (S. P. 266) (L. D. 647)

Report of the Committee on State Government reporting same on Bill "An Act relating to Audits for Judiciary and Legislature" (S. P. 71) (L. D. 153)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and assigned the next legislative day.

### Ought to Pass with Committee Amendment

Report of the Committee on Education on Bill "An Act to Revise the Teacher Certification Laws" (S. P. 62) (L. D. 106) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of the Committee on Judiciary on Bill "An Act relating to Breaking and Entering House and Camp Trailers" (S. P. 317) (L. D. 840) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, Reports were read and accepted in concurrence and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted in concurrence, and the Bills assigned for third reading the next legislative day.

#### Non-Concurrent Matter

Bill "An Act Appropriating Funds for Overtime Compensation at One and One-half Times the Regular New Rate at Which State Employee is Employed" (H. P. 651) (L. D. 904) which was referred to the Committee on State Government in the House on February 15.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: On motion of Mr. Humphrey of Augusta, the House voted to recede and concur with the Senate.

From the Senate: The following Communication: (S. P. 523)

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
Augusta, Maine

March 2, 1967

To the Honorable Senate and House of Representatives of the 103rd Legislature:

There is returned herewith, without my approval, Senate Paper 51, Legislative Document 41, entitled, "An Act Authorizing Appointment of the Commissioner of Agriculture by the Legislature."

After due deliberation I find this Act, which would establish the appointment of the Commissioner of Agriculture by action of the Maine State Legislature, contrary to the best interests of the people of the State of Maine. With deepest respect for the Senate and House of Representatives, I wish to convey my reasons for exercising the executive right of veto.

(1.) It is a sound principle of good administration for the Chief Executive to have powers of appointment and removal consistent with his responsibility. Regardless of what individual or party occupies the Office of Governor, it is desirable that

department heads work harmoniously and cooperatively with each other and the Governor in constructing and administering programs for the good of all our people. The principle is recognized as elementary to good management, private business and public administration.

(2.) Appointment of the Commissioner of Agriculture by the Legislature violates the well-established constitutional principle of separation of executive, legislative and judicial powers. This principle is embedded in every state constitution and is brilliantly explained in the **Federalist Papers** which were written to clarify the meaning of the United States Constitution of 1787.

(3.) The appointment of Executive officers by the legislative branch is contrary to present practice in the United States. The Commissioner of Agriculture is not now elected or appointed by the legislature in a single state of these United States. In my judgment, no substantial case has been nor can be made to justify making the practice in Maine contrary to all others.

(4.) The Governor of the State is duly elected by the people to be responsible for administering the state government. As such, he should have effective tools of management available for his use. The authority to determine who shall serve as his immediate subordinates is one of the most important means of practicing effective good management. There were sound arguments against a strong office of Governor during colonial times when the Governor was arbitrarily appointed by the king to rule over subjects who had not given their consent. And there may have been sound arguments for keeping the Office of Governor a weak and perfunctory one when the Governor was either indirectly elected or elected by a small percentage of the people because of restricted suffrage. An entirely different attitude should prevail now. In these days of universal suffrage, an enlightened electorate, sophisticated mass communications and widespread literacy, there is much less reason

to fear abuse by an elected Chief Executive. The Governor is the only state official who has brought his person and his views before the people of the State and earned their approval. Because of this, he has earned the people's support, and he deserves to have the support of his administrative heads and be allowed all other proper and traditional executive powers.

(5.) Complex, modern problems demand coordination and comprehensive planning. This makes it highly desirable that the Governor and his departmental heads have a relationship of mutual confidence with common goals. Retaining our present provisions for appointment of the Commissioner of Agriculture by the Governor is necessary and appropriate to establish and maintain that much needed relationship of confidence and trust.

(6.) In 1965 the present method of having the Commissioner of Agriculture appointed by the Governor was established in the State of Maine. This statute received the bipartisan support of both the Legislature and the Governor.

Ladies and Gentlemen of the 103rd Legislature, much legislation has been introduced this session, calling for some reorganizations in our state government, enabling us to better meet the needs of our society in these changing times. As Governor, I have called for forward-looking action, as do the platforms of both parties.

The people of the State of Maine have elected us so that we would pursue progressive policies that reflect a creative spirit and a desire to solve our complex problems. In my opinion, Legislative Document 41, is the first action taken by this Legislature that would be contrary to the progressive spirit that you and I have promised the people of the State of Maine would guide us in our deliberations.

I request that you reconsider your previous action and sustain my veto.

Respectfully,  
(Signed)  
KENNETH M. CURTIS  
Governor

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

An Act Authorizing Appointment of the Commissioner of Agriculture by the Legislature (S. P. 51) (L. D. 41) which came from the Senate, the Governor having returned the Bill to the Senate without his approval, pursuant to the provisions of the Constitution. The Senate voted on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?" 23 voted in favor and 11 against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the Senate so voted.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to make a very few brief remarks this morning regarding this message from the Governor and the pending motion before us.

I find that in this day and age where the Majority Party has indicated to the population of our own State, and to the members of the loyal opposition, that they want to see progress in our state; that they want to see the State of Maine go forth and try to meet the needs of our state as other states have tried to do in the past.

I find it somewhat odd this morning that this document is before us was a message from the Governor, because two years ago this was passed as a progressive legislation with the indication in the message that this was progress. In other words, instead of the Commissioner of Agriculture being answerable to members of the Majority Party in the Legislature of which could be 151 persons, he could not in all honesty be responsible to each and every legislator in the House and in the Senate.

Under the law passed two years ago it was the feeling then, even of the Chief Executive, that this was good legislation; that the Com-

missioner of Agriculture be responsible and responsive to the Governor or Chief Executive.

It has been indicated to me that even some members of the Majority Party have felt that in the passage of this document that this would be regressive legislation. It also has been indicated that it was their information that if this item or this particular item was not going to be vetoed by the Governor that they could not see fit in fair and honest feeling that they could vote for such a document.

Some areas of the media have indicated in their columns that this has been made a party issue. Well ladies and gentlemen, let me assure you of this—that being of the loyal opposition we are in no position to make party matters strictly because of this measure. The first vote that was indicated on this measure in the other branch of the Legislature was 29 to 4. I fail to see where this has been indicated by the loyal opposition as being a party measure.

So this morning we have before us something that in my personal feeling is archaic and could absolutely serve no use or no good use to the biggest majority of our people in our state. So we find ourselves this morning with a different system of voting, and instead of signifying your intentions by voting no when the motion is called for, shall this bill become law notwithstanding the objections of the Governor, we have been provided with a new set of machinery and vehicle that you will indicate your conscience by either putting on a red signal or a green signal. It is my firm belief this morning that you should go along and put the red light on this morning. Thank you.

The SPEAKER pro tem: The question now before the House is, shall this Bill become law notwithstanding the objections of the Governor? Those who are in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those who are opposed will vote no. Is the House ready for the question?

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

Mr. DENNETT: Mr. Speaker and Members of the House: It is very seldom that I arise in this House when I can say that I don't think that anything I might have to say this morning will change a single vote. I think this morning this is going to be a fact. I believe that this issue has been well debated and has been well thought out, and each and every member here this morning knows exactly how he or she is going to vote. However, before this comes to a vote, I would like to pass these few remarks on to you ladies and gentlemen of the House.

I have the deepest respect for the Chief Executive of this State, but I find myself in violent disagreement with certain portions of his veto message, particularly that portion where he refers to the division of the powers of the Executive, the Judiciary, and the Legislative. For many years, in fact sixty-five years, the Commissioner of Agriculture was elected by the Legislature. He was responsible to the Legislature. He was not responsible to each and every individual member; he was not responsible to the Majority Party; he was not responsible to the Minority Party — he was responsible to the Legislature as a body.

It was with deep regret when I learned two years ago that the Legislature had abdicated these powers which they had always held. Of course we differ; we must differ. If every person had the same ideas I'm afraid that this might be a sorry world to live in. But what is progress and what is regress is a matter of personal opinion. I think many times we merely play on words when we say — this is progressive legislation, or this is regressive legislation. It is a matter of personal opinion. It is the principle on which we stand here this morning that I feel deeply about. It isn't the fact of the Commissioner of Agriculture as such. We have presently a Commissioner of Agriculture who was elected by the Legislature and he was the choice of

what is now the Minority Party which was then the Majority Party, and I don't question the choice of that Legislature. I think they made a good choice. I think that the collective wisdom of 151 men is far superior to that of any one man.

Now again, and as I said before — and I really hate to repeat myself — but I'm not going to change any votes this morning, but before I close I would like to quote a fable. It is a fable that contains a moral, and it is a fable that contains many words of wisdom, and I will not when I finish with it expound upon it any further, but your own hearts and consciences can take it into consideration and you can draw your own conclusions. And this fable goes in this manner:

Once upon a time in the land of ancient Egypt, there lived a scorpion and a frog. Now the scorpion and the frog had great respect for each other, and they recognized the powers of each and were fully appreciative of each other. And then at length it came to pass that evil days fell upon the countryside and even the year hung as a very pall over the land of Egypt, and the frog and the scorpion decided to migrate to a better land which they heard lay across on the other bank of the River Nile.

So they journeyed to the bank of the Nile and at length they came to the wide river, and the frog could swim and it was very easy for him to go across, but the scorpion being a non-swimmer could not swim the River Nile. So the scorpion said to the frog, "Why don't you carry me across on your back inasmuch as I cannot swim?" The frog says — "Oh, alas, I am afraid that if I carry you on my back you might sting me, and then I will die." The scorpion said: "Look, now let's be sensible about this thing — if I should sting you and you should die, then I would drown."

Well, the frog thought this was very logical, so they agreed and the scorpion jumped upon the back of the frog and together they started across the River Nile. When they were about halfway across,

suddenly the scorpion flicked his tail and put his stinger deep into the back of the frog. And as the frog was expiring he looked at the scorpion and said, "Why, oh why did you do this?" The scorpion then going down for the third time, gasped: "Why, this is politics." And together, they sank in the murky waters of the Nile. (Applause)

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Sullivan.

Mr. SULLIVAN: Mr. Speaker and Members of the House: I am a little disturbed when my dearly beloved friend that has just spoken comes up with some of the statements he makes. Politics — that's what he's doing now! I am further disturbed because I gathered so much knowledge from him, my seatmate.

I want to call his attention and the other members of the Majority Party of this Legislature to the words of a great President of the United States — Abraham Lincoln. Abraham Lincoln said many many wise things. One of them I want them to think about is this: "You can fool some of the people all the time, and all the people some of the time, but you can't fool all the people all of the time." Naturally, in my opinion, anybody that is fair-minded irrespective of party, will back the smart Governor of this State in his veto. I thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Solon, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: For the edification of the young people in the balcony, I would like to take exception with our Speaker pro tem's comments regarding the actions of this House. You did indicate to these young people that we know what we mean, we understand what's going on, and frankly I must confess that I cannot understand the intent of the meaning of the Minority Leader's remarks when he indicated that this was progressive legislation when enacted in the last Legislature, or can I understand in the Governor's message his reference to the fact, as he



indicates, that this proposed legislation to return to the House or to the Legislature the election of the Commissioner of Agriculture, how this would not be in the best interests of the people. I firmly am convinced that the House and Senate membership is closer to the people, that a Commissioner of Agriculture elected by the Legislature would be closer to the people, it would be in the interests of the people.

I would point out to some of my esteemed colleagues from particularly Aroostook County who are going to be called upon to vote here today on this measure, that part of the serious problem with agriculture in their area, I refer specifically to the potato industry — but you can also liken it to, or equate it with the apple industry or many many other parts of the agricultural industry, is the fact that a lot of their trouble stems from the encroachment of the federal executive branch upon the legislative branch, many many of the rulings have been by executive edict. I refer in particular to the use of foreign labor — this has created a serious problem for agriculture.

I would close now with the simple statement that I would feel that it would be in the interest of agriculture and the people of Maine to prevent our executive branch from becoming all-powerful. Thank you.

The SPEAKER pro tem: Is the House ready for the question? The Chair recognizes the gentleman from Portland, Mr. Brennan.

Mr. BRENNAN: Mr. Speaker and Members of the House: I would simply like to say that once the Legislature has elected the Commissioner, he is responsible to no one. I think this is the crux of the issue. Is this good government? To answer this question I would like to read a brief quote from the Kennebec Journal of May 6, 1965. I quote: "The people of Maine look to their Governor for leadership in all aspects of state government administration. Obviously a Governor does not have effective control when he cannot

select the administrator. I realize I differ with certain distinguished members of my party in the Legislature by signing this measure. However, I must do what I am convinced will advance good government."

These remarks were made by former Governor John Reed after he signed this bill to enable the Governor to appoint the Commissioner. I think these remarks make good sense. I urge you also to vote no.

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

Mr. EWER: Mr. Speaker, may I through the Chair address three questions to the Minority Party leadership first?

The SPEAKER pro tem: State your question.

Mr. EWER: The first question would be, how was the present Commissioner of Agriculture eased into his job?

The SPEAKER pro tem: Do you want these questions answered separately?

Mr. EWER: Either way.

The second question would be, does the Minority leadership agree with me that the present Commissioner of Agriculture is one of the best men we've had on that job in recent years?

The third question would be, if the answer to these first two questions is yes, why do we need to make a change—why isn't the old system just as good as it ever was?

The SPEAKER pro tem: The gentleman from Bangor, Mr. Ewer, has posed three questions, and he posed those questions to the leadership of the Minority Party.

The Chair recognizes the gentleman from Lewiston, Mr. Jalburt. For what purpose does the gentleman arise?

Mr. JALBERT: Mr. Speaker, I would ask the privilege from the leader of answering the first question, I'll give him the other two, but I'll take the first if he doesn't mind; and I'll yield now so he can answer the second and third, and I'll take care of the first one

—it won't take me but ten seconds.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman from Bangor, Mr. Ewer, knows very well what my answer is going to be without asking. It is my personal feeling that the present Commissioner of Agriculture is one of the better and more qualified persons to serve in that particular position. I also fully recognize that other members of the Commission have been most powerful and influential as far as the farmers are concerned. It is my firm belief that this should continue to be, but it has not always been the case that we have had a Commissioner of Agriculture that was entirely responsible to the farmer or to the job which he represented, because in the fashion that he was selected to office. And, I would ask the gentleman to repeat what the third question was?

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

Mr. EWER: The third question was — if we have been so successful with the present Commissioner of Agriculture and with the past ones, why there was any necessity for making a change in his selection two years ago?

The SPEAKER pro tem: The gentleman may answer if he so desires.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As I said in my earlier remarks, things change, people change, government changes — and so we hope that this State of Maine is changing. We can see a change, and we can see that the Commissioner of Agriculture we have now has got to be different than he was years ago, and it's my firm belief that the Commissioner of Agriculture can be entirely more responsible and responsive to the job by being answerable to one man, one superintendent, one foreman, not dividing his capabilities to the responsibility of 185 numbers. This

is one of the reasons why I feel that you have one leader or you have 50 leaders or you have 150 leaders. How can you in all honesty be dedicated to all the leaders, but one?

The United States of America today, we find that out of the fifty states, Maine would be the only state that would let the Legislature select a Commissioner of Agriculture. And this is further, I believe, a good separation of the executive duties, the legislative duties and the judicial duties as spelled out in our Constitution.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In answering the first question, as posed by the gentleman from Bangor, Mr. Ewer, the last session of the Legislature did it the right way, by law. Commenting on the remarks of the gentleman from Solon, Mr. Hanson, I might say with a little degree of levity, that some people vie long enough for the title of the youngest man in the world until they're dated.

Now commenting on the remarks of the gentleman in more levity, my very dear friend (Laughter) Mr. Dennett, I might tell him that no scorpion ever drowned with any frog. (Laughter)

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Fortier.

Mr. FORTIER: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to rise and don't very often do so. It is not because I am scared of the infernal machine that I have in front of me. But at this time I would like to make one point, and one point only.

I was a member of the 102nd Legislature. It was my first term. I read in all the newspapers and other media that the 102nd Legislature was probably one of the finest that the state — or one of the more progressive that the State has ever had. I was very very proud of this distinction and very happy to be in the Legislature, and I would urge you folks who are here for the first time

to consider that maybe some acts that you feel very strongly about in this 103rd Legislature, acts that you are voting for and passing, and which will later be acclaimed as good legislation, will some day be repealed by people who are bitter because they have lost a little bit of prerogative.

Maybe you some day will be in the same position as I am today, having been proud of the 102nd Legislature, you being proud of the 103rd Legislature and planning a legislature in the future, demeaning some of the legislation that you passed while you were here. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Healy.

Mr. HEALY: Mr. Speaker and Members of the House: I thought I would settle for that frog story, but anyway — in reading the Governor's Veto Message I come to chapter two, I believe it is, and it would look like we've been out of step for nearly two hundred years. I shall quote:

"Appointment of the Commissioner of Agriculture by the Legislature violates the well-established constitutional principle of separation of executive, legislative and judicial powers. This principle is embedded in every state constitution and is brilliantly explained in the Federalist Papers which were written to clarify the meaning of the United States Constitution of 1787."

Let's get in line! Thank you.

The SPEAKER pro tem: Is the House ready for the question? The question now before the House is, shall this Bill "An Act Authorizing Appointment of the Commissioner of Agriculture," Senate Paper 51, L. D. 41, become law notwithstanding the objections of the governor? And as I explained, it takes a two-thirds vote of the House. If you want the Bill to become law notwithstanding the objections of the Governor, you will vote yes; if you do not want it to become law and want to sustain the veto, you will vote no. The Chair will open the vote.

## ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Benson, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Cornell, Crockett, Crosby, Cushing, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Foster, Fuller, Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Haynes, Henley, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jannelle, Jewell, Kennedy, Kyes, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, Meisner, Miliano, Mosher, Payson, Pendergast, Philbrook, Pike, Porter, Prince, Quimby, Quinn, Rackliff, Richardson, H. L.; Rideout, Robertson, Robinson, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow P. J.; Snowe, P.; Susi, Thompson, Trask, Waltz, Watts, White, Wight, Williams, Wood, Speaker pro tem.

NAY—Bedard, Belanger, Bellevau, Bernard, Binnette, Boudreau, Bourgoin, Bradstreet, Brennan, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Couture, Crommett, Curran, D'Alfonso, Danton, Driogotas, Dudley, Eustis, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Giroux, Harnois, Harvey, Healy, Hennessey, Hewes, Hunter, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Lowery, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Rocheleau, Roy, Sawyer, Scribner, Soulas, Starbird, Sullivan, Tanguay, Truman, Wheeler.

ABSENT—Berman, Darey, McNally, Noyes, Richardson, G. A.; Townsend.

Yes, 86; No, 59; Absent, 6.

86 having voted in the affirmative and 59 having voted in the negative, and 6 being absent, the Governor's veto was sustained.

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

Mr. JALBERT: I rise for a parliamentary inquiry.

The SPEAKER pro tem: The gentleman may state his inquiry.

Mr. JALBERT: Does a veto message require a vote of two thirds of those elected to override, or two thirds of those present?

The SPEAKER pro tem: It requires the vote of two thirds of those present and voting, but it didn't even get that two thirds.

Mr. JALBERT: Mr. Speaker, regardless, I take issue with the decision of the Chair.

The SPEAKER pro tem: Does the gentleman question the decision of the Chair and want me to put that to a vote?

Mr. JALBERT: Not necessarily, Mr. Speaker.

The SPEAKER pro tem: Thanks, sir.

### Joint Resolution

The following Joint Resolution presented by Mr. Benson of Southwest Harbor and approved by a majority of the Committee on Reference of Bills for introduction in accordance with Joint Rule 12:

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Third Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, Public Law 89-688 passed by the 89th Congress, October 15, 1966, authorized the National Science Foundation to carry out the provisions of "The National Sea Grant College and Program Act of 1966;" and

WHEREAS, the Foundation is authorized to consult with experts engaged in pursuits in the various fields related to the development of marine resources; and

WHEREAS, the Foundation shall exercise its authority by initiating and supporting programs at Sea Grant Colleges and other suitable institutes, laboratories, and public or private agencies for the education of participants in the various fields relating to the development of marine resources; and

WHEREAS, this Act will provide authorization for the Department of Sea and Shore Fisheries to receive support for the purpose of developing marine research programs, the marine resources, and

provide for resource publications and practical demonstrations and which, in turn, will enhance Maine's commercial fishing industry; and

WHEREAS, the programs to carry out the purposes of this Act shall be accomplished through contracts with, or grants to suitable public or private institutions of higher education, institutes, laboratories, and public or private agencies which are engaged in, or concerned with, activities in the various fields related to the development of marine resources, for the establishment and operation by them of such programs; and

WHEREAS, no funds have been appropriated to the National Science Foundation for the purpose of carrying out the provisions of this Act; now, therefore, be it

RESOLVED: That we, your Memorialists, most sincerely urge the Congress of the United States, to facilitate the exploration of our ocean resources and make available the funds necessary to carry out the provisions of Public Law 89-688 as passed by the 89th Congress, October 15, 1966; and be it further

RESOLVED: That a copy of this memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Senate and House of Representatives in Congress and to the members of the said Senate and House of Representatives from this State. (H. P. 1059)

The Resolution was read and adopted and sent up for concurrence.

### Petitions, Bills and Resolves Requiring Reference

The following Bill and Resolve, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one tenth of the members present objecting, were received and referred to the following Committees:

#### Business Legislation

Bill "An Act Prohibiting Solicitation by Crematoriums of Pre-arranged Cremations" (H. P. 1057)

(Presented by Mr. Snowe of Auburn)

(Ordered Printed)

Sent up for concurrence.

#### Highways

Resolve Designating Certain Bridges of the Interstate System Across the Penobscot River as "Vaughan M. Daggett Memorial Bridges" (H. P. 1058) (Presented by Mr. Crockett of Freeport)

(Ordered Printed)

Sent up for concurrence.

#### Orders

On motion of Mrs. Fuller of York, it was

ORDERED, that Mark, Paul and Robin Hanson of York be appointed to serve as Honorary Pages for today.

#### House Reports of Committees

##### Leave to Withdraw

Mr. Allen from the Committee on Education on Bill "An Act to Authorize the Town of Winterport to Form a School Administrative District" (H. P. 444) (L. D. 619) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

##### Ought Not to Pass

Mr. Harvey from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the Towns of Thomaston, Warren and Windham for Fire and Municipal Protection Services for the State (H. P. 476) (L. D. 689)

Mr. Carroll from the Committee on Education reported same on Bill "An Act to Provide State School Construction Assistance to the Town of Winterport" (H. P. 443) (L. D. 618)

Mr. Richardson from same Committee reported same on Bill "An Act to Create a School Administrative District in the Town of Scarborough" (H. P. 346) (L. D. 494)

Mr. Meisner from the Committee on Liquor Control reported same on Bill "An Act relating to Issuance of Liquor Licenses on a Probationary Basis" (H. P. 416) (L. D. 582)

Mr. Tanguay from same Committee reported same on Bill "An

Act Limiting Outdoor Advertising of Liquor" (H. P. 453) (L. D. 628)

Reports were read and accepted and sent up for concurrence.

#### Covered by Other Legislation

Mr. Hichens from the Committee on Liquor Control reported "Ought not to pass" on Bill "An Act relating to Local Option for Sale of Malt Liquor to be Consumed on the Premises" (H. P. 279) (L. D. 399), as covered by other legislation.

Report was read and accepted and sent up for concurrence.

#### Ought to Pass Printed Bills

Mr. Minkowsky from the Committee on Claims reported "Ought to pass" on Resolve in favor of Mrs. Nellie Packard of Guilford (H. P. 625) (L. D. 881)

Mr. Richardson from the Committee on Education reported same on Bill "An Act relating to Financial Matters of the Mount Desert Island Regional School District" (H. P. 442) (L. D. 617)

Mr. Cote from the Committee on Liquor Control reported same on Bill "An Act relating to Part-time Liquor Licenses for Class A Restaurants" (H. P. 415) (L. D. 581)

Mr. Drigotas from the Committee on Taxation reported same on Bill "An Act relating to Refund of Sales Tax on Goods Removed from State" (H. P. 201) (L. D. 290)

Mr. Susi from same Committee reported same on Bill "An Act relating to Sales Tax Exemption of Ships' Stores" (H. P. 202) (L. D. 291)

Reports were read and accepted, the Bills read twice, Resolve read once, and assigned the next legislative day.

#### Ought to Pass with Committee Amendment

Mr. Dunn from the Committee on Appropriations and Financial Affairs on Resolve Providing Moneys for Cerebral Palsy Clinics for Home Care Programs (H. P. 23) (L. D. 44) reported "Ought to pass" as amended by Committee

Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

Committee Amendment "A" was read by the Clerk as follows: COMMITTEE AMENDMENT "A" to H. P. 23, L. D. 44, Resolve, Providing Moneys for Cerebral Palsy Clinics for Home Care Programs.

Amend said Resolve in the first line (2nd line in L. D. 44) by inserting before the word "General" the words "Unappropriated Surplus of the"

Committee Amendment "A" was adopted and the Resolve assigned for second reading the next legislative day.

Mr. Humphrey from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Advertising and Promotion of Tourism into the New England Region" (H. P. 342) (L. D. 490) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 342, L. D. 490, Bill, "An Act Relating to Advertising and Promotion of Tourism into the New England Region."

Amend said Bill by adding at the end of section 2 (same in L. D. 490) the following sentence: "The funds appropriated by this Act shall not be expended until the other 5 New England States have appropriated like sums to carry out the purposes of this Act."

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Mr. Hichens from the Committee on Liquor Control on Bill "An Act relating to Sale of Malt Liquor in Retail Stores" (H. P. 532) (L. D. 762) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 532, L. D. 762, Bill, "An Act Relating to Sale of Malt Liquor in Retail Stores."

Amend said Bill in the 7th line (6th line in L. D. 762) by striking out the underlined figure "16" and inserting in place thereof the underlined figure '18'

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

#### Passed to Be Engrossed

Bill "An Act relating to Reimbursement for Additional Professional Work by Teachers" (S. P. 210) (L. D. 473)

Bill "An Act to Clarify the Statutes Relating to Single Assessors" (S. P. 491) (L. D. 1153)

Bill "An Act Appropriating Moneys to Provide Uniforms for Employees of Maine State Ferry Service" (H. P. 86) (L. D. 116)

Bill "An Act Appropriating Funds to Aid in Dredging Chauncey Creek Extension of Pepperrell Cove, Kittery Harbor" (H. P. 259) (L. D. 380)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

#### Amended Bills

Bill "An Act Revising the Home Repair Financing Act" (H. P. 469) (L. D. 682)

Bill "An Act relating to Guaranty Requirements of Domestic Mutual Insurance Companies and Capital Stock Requirements of Domestic Stock Insurance Companies" (H. P. 573) (L. D. 806)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

#### Passed to Be Enacted Emergency Measure

An Act to Revise the Retirement System Law (S. P. 89) (L. D. 170)

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 total was taken. 135 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Create a Criminal Division within the Office of the Attorney General (S. P. 237) (L. D. 562)

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 total was taken. 133 voted in favor of same and 3 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 relating to Emergency Rule by Police Officer to Control Traffic (S. P. 82) (L. D. 163)

An Act to Permit Executive Council Service as Credit for Members of State Retirement System (S. P. 234) (L. D. 559)

An Act relating to Definition of Child under World War Assistance Program of Department of Veterans Services (H. P. 80) (L. D. 105)

An Act Appropriating Funds for Testimonials for Marking Unmarked Graves of Revolutionary War Soldiers (H. P. 127) (L. D. 191)

An Act relating to Spearing Suckers in Rivers, Streams and Brooks (H. P. 145) (L. D. 209)

An Act relating to State Police Retirement Benefits under the Maine State Retirement System (H. P. 157) (L. D. 220)

An Act Establishing American History Month in Maine (H. P. 160) (L. D. 223)

An Act to Repeal and Amend Certain Private and Special Laws Relative to Sea and Shore Fisheries (H. P. 243) (L. D. 351)

An Act relating to Legislative Apportionment for Cranberry

Isles, Hancock County (H. P. 285) (L. D. 405)

An Act Permitting the Removal of Disabled Motor Vehicles for Repair (H. P. 432) (L. D. 596)

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

At this point, Speaker Kennedy returned to the rostrum.

**SPEAKER KENNEDY:** The Chair thanks the gentleman for his service and commends him for an excellent performance here this afternoon. It was a heavy calendar and I think he deserves a lot of commendation.

Thereupon, the Sergeant-at-Arms escorted the gentleman from Bath, Mr. Ross, to his seat on the Floor, amid applause of the House, and Speaker Kennedy resumed the Chair.

#### Orders of the Day

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

Bill "An Act Permitting the Establishment of Commercial Shooting Areas" (S. P. 107) (L. D. 178)

Tabled—March 2, by Mr. Ross of Bath.

Pending—Motion of Mr. Cookson of Glenburn to indefinitely postpone House Amendment "A" (Filing No. H-46)

Thereupon, House Amendment "A" was indefinitely postponed and the Bill assigned for third reading the next legislative day.

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

**HOUSE MAJORITY REPORT** (9) — Ought Not to Pass — **MINORITY REPORT** (1) — Ought to Pass — Committee on Claims on Resolve in Favor of Lucille Morang of Jonesport (H. P. 478) (L. D. 691)

Tabled—March 7, by Mr. Watts of Machias.

Pending—Acceptance of either Report.

On motion of Mrs. Lincoln of Bethel, the Majority "Ought Not

to Pass" Report was accepted and sent up for concurrence.

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

An Act to Clarify State Aid for School Construction Purposes and Borrowing in Anticipation Thereof (S. P. 63) (L. D. 107)

Tabled—March 7, by Mr. Jalbert of Lewiston.

Pending—Passage to be enacted.

On motion of the same gentleman, retabled pending passage to be enacted and specially assigned for Tuesday, March 14.

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

JOINT ORDER re mileage, postage and telephone credit cards for Indian Representatives. (H. P. 1060)

Tabled—March 7, by Mr. Miliano of Eastport.

Pending—Passage.

The Order received passage and was sent up for concurrence.

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

Bill "An Act relating to Penalty for Exceeding Appropriation for Economic and Recreational Development in Oxford County" (S. P. 514) (L. D. 1227)

Tabled—March 8, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Beliveau of Rumford to refer to Committee on Judiciary.

Mr. Beliveau of Rumford withdrew his motion.

Thereupon, on motion of Mr. Richardson of Cumberland, referred to the Committee on Towns and Counties in concurrence.

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

Bill "An Act Repealing Milk Control Prices at the Retail Level" (H. P. 958)

Tabled — March 8, by Mr. Carroll of Limerick.

Pending — Motion of Mrs. Wheeler of Portland to reconsider reference.

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

Mrs. WHEELER: Mr. Speaker and Members of the House: I am asking reference be reconsidered in order that I may make a motion that this bill be referred to the Joint Standing Committees on Agriculture and Business Legislation. This was the procedure that was followed two years ago in the 102nd Legislature, the reason being rather obvious. Price controls came into being during the depression years of the 1930's when our economy was at its lowest. This legislation not only affects the agricultural industry but also every family in our state, for we are all consumers.

I would just like to quote a comparison of milk prices between two states, Maine and Massachusetts. This is a quote from a magazine on American Agriculture dated March 1967, and I quote: "These January prices were reported by the USDA from the larger cities in these states: Maine versus Massachusetts. In January dealers in both states paid \$6.84 a hundred weight for 3.5 per cent milk used for bottling. Milk sold in stores for 55 cents a half gallon in Maine with state-set prices, but in Massachusetts where competition is allowed it sold for 6 cents less."

I could cite comparisons between other adjoining states, one having controls and the other not, and in each case the state where competition is allowed the prices are lower. Therefore, I feel this is a matter which should also be considered by the Committee on Business Legislation, and I hope you will support me in reconsidering the reference of this bill and I ask for a vote.

The SPEAKER: The gentlewoman from Portland, Mrs. Wheeler, now moves that the House reconsider its action whereby this Bill was referred to the Committee on Agriculture. The gentlewoman has requested a vote.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: In



opposition to the motion by the gentlewoman from Portland, Mrs. Wheeler, I wish to call to your attention the fact that this is an agricultural bill and apparently there is some feeling or at least it is implied that the members of the Agriculture Committee are not competent to handle this matter. They certainly most assuredly are as a review of the membership of this Committee will indicate to you.

The matter of having two committees hear this bill is in my opinion and the opinion of the Republican leadership unnecessary, and it would establish an undesirable precedent. The fact that the 102nd Maine Legislature elected to have two committees hear this bill is no good reason to follow that procedure today.

This bill is going to receive an extended hearing I am quite sure, and it seems to me that it is inappropriate at this time to discuss the merits of this legislation. I hope that you will support me in opposing reconsideration. Thank you.

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

Mr. LEVESQUE: Mr. Speaker, I certainly don't want to speak as the Minority Floor Leader in this position, but it is my indication that many times in many legislatures because of the importance of certain legislation that joint committees have acted on equally important legislation, so it is my feeling that this Legislature should not be any different, that certain important legislation has now been referred to joint committees for joint hearings or a hearing that will be held with one committee and then jointly with another committee report a bill. So I don't feel that this is establishing a precedent or following a precedent of one individual legislature. This is a matter of importance that these bills be referred — certain bills should be referred to two committees rather than one. Thank you.

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

reconsideration whereby this Bill "An Act Repealing Milk Control Prices at the Retail Level" was referred to the Committee on Agriculture will vote yes; those opposed to reconsideration will vote no, and the Chair will open the vote.

A vote of the House was had.

53 having voted in the affirmative and 74 having voted in the negative, the motion did not prevail.

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

Bill "An Act relating to Conveyance of Secondary Pupils" (H. P. 183) (L. D. 297)

Tabled—March 8, by Mr. Richardson of Stonington.

Pending—Motion of Mr. Lewis of Bristol to indefinitely postpone House Amendment "A" (H-45)

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: I know it is getting late and I think we have had enough hot air this afternoon and I'm afraid if we have any more we will lift the roof of the House, so I will make this very short.

After due study and talking with many from the towns that would be affected by this bill, I have come to the conclusion that this House or this Legislature is not ready for this bill at this time, so I recommend to all of you that you vote for this motion on the amendment and the bill and I also thank all who have supported me on this, but if the towns do not take care of their secondary school children the way they should be, this bill will be back in two years, whether I put it in or somebody else.

The SPEAKER: The question pending before the House is the indefinite postponement of House Amendment "A". Is it the pleasure of the House that House Amendment "A" be indefinitely postponed?

The motion prevailed.

Thereupon, on motion of Mr. Ross of Bath, a viva voce vote being taken, the Bill was indefinitely postponed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until Tuesday, March 14, at ten o'clock in the morning.