

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

Wednesday, March 22, 1967

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

Prayer by the Rev. Mr. Charles Benson of Lincoln.

The journal of yesterday was read and approved.

**Papers from the Senate
Tabled Until Later in
Today's Session**

From the Senate: The following Orders:

ORDERED, the House concurring, that Bill, An Act Relating to the Rate of Sardine Tax and Use of Moneys Received (S. P. 445) (L. D. 1125), be recalled from the Legislative Files to the Senate (S. P. 577)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Ross of Bath, tabled pending passage in concurrence and assigned for later in today's session.)

ORDERED, the House concurring, that Bill, An Act relating to Refunding of Unexpended Portion of the Sardine Tax Funds (S. P. 464) (L. D. 1156) be recalled from the Legislative Files to the Senate (S. P. 578)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Benson of Southwest Harbor, tabled pending passage in concurrence and assigned for later in today's session.)

From the Senate:

Bill "An Act to Reorganize the Department of Economic Development and to Revise the Maine Industrial Building Authority and Maine Recreation Authority Laws" (S. P. 563) (L. D. 1538)

Came from the Senate referred to the Committee on Industrial and Recreational Development.

In the House, referred to the Committee on Industrial and Recreational Development in concurrence.

**Senate Reports of Committees
Ought to Pass**

Report of the Committee on Health and Institutional Services reporting "Ought to pass" on Bill "An Act relating to Admission of Patients to State Hospitals." (S. P. 156) (L. D. 327)

Report of same Committee reporting same on Bill "An Act relating to Tagging of Bedding and Upholstered Furniture" (S. P. 290) (L. D. 642)

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 tomorrow assigned.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Business Legislation on Bill "An Act Authorizing Out-of-State Banks and Trust Companies to Act as Fiduciaries" (S. P. 105) (L. D. 176) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of the Committee on Inland Fisheries and Game on Resolve relating to Ice Fishing on Fourth Musquacook Lake, T11, R11, Aroostook County (S. P. 229) (L. D. 554) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, reports were read and accepted in concurrence, the Bill read twice and the Resolve read once. Committee Amendment "A" to each was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill and second reading of the Resolve.

Non-Concurrent Matter

Bill "An Act Appropriating Moneys for Spruce Budworm Control" (H. P. 22) (L. D. 43) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 15.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I move that we recede and concur with the Senate, and that we adopt Senate Amendment "A." I understand there is no objection to this amendment on the part of any interested people concerned in this matter.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House recede from its former action and concur with the Senate. Is this the pleasure of the House?

The Chair recognizes the gentleman from Woolwich, Mr. Harvey.

Mr. HARVEY: Mr. Speaker and Members of the House: I understand that these monies, state-appropriated monies, was a third, the landowners putting up a third and the State putting up a third and the Federal Government putting up a third. Whereas in 1966 the U. S. Forest Department has banned DDT programs, until we can find out whether this money is forthcoming from the government and whereas there is a bill banning DDT in the State of Maine, tabled until tomorrow, I would hope that someone would table this bill until the next legislative day. Thank you.

The SPEAKER: The motion before the House is to recede and concur. Is the House ready for the question?

The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: I move that we table this bill until the next legislative day.

The SPEAKER: The gentleman from Hampden, Mr. Littlefield, moves that this matter be tabled until the next legislative day pending the motion of the gentleman

from Perham, Mr. Bragdon, to recede and concur.

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: I would ask for a division on the motion to table.

The SPEAKER: A division has been asked on the tabling motion. All those in favor of tabling this matter until the next legislative day will vote in the affirmative, those opposed in the negative. The Chair will open the vote.

A vote of the House was taken. 63 having voted in the affirmative and 69 having voted in the negative, the motion to table did not prevail.

The SPEAKER: The pending question is to recede and concur. The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY: Mr. Speaker, I would like to ask a question through you, to somebody who could answer.

The SPEAKER: The gentleman may pose his question.

Mr. HENNESSEY: The sum of \$53,000 was asked for, plus one third or one half the mill tax which would give the total as I see it of \$101,669.80 for this program, lacking what would come in from the Federal Government. I was just wondering if these figures would be correct.

The SPEAKER: The gentleman from West Bath, Mr. Hennessey, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: I will try to answer the gentleman's question. The amended bill that came from the Appropriations Committee specifically states the amount of \$53,330. Certainly this is the limit of the amount that this Legislature can appropriate from the General Fund unless this amount is amended by this Legislature. Further, the Forestry District tax was amended and you've already voted on that, which provides for the one-third amount that he mentions to be provided by the landowners. This amendment now before you, if I understand it cor-

rectly, would hold up this whole deal if the matter is disproved at the Washington level. I think this could be a good guarantee to anyone who has any doubts as to the wisdom of the passage of this bill. Definitely under this amendment which has the approval from the front office down, I believe, should resolve any doubts as to how the money should be provided.

The SPEAKER: Is the House ready for the question? The pending question is to recede from our former action and concur with the Senate in the adoption of Senate Amendment "A."

The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker and Ladies and Gentlemen of the House: I am in agreement with the Senate Amendment "A". What I am interested in is Senate Amendment "B" and Senate Amendment "C." A parliamentary inquiry, Mr. Speaker.

The SPEAKER: The gentleman may pose his inquiry.

Mr. CROMMETT: What and when are these Senate Amendments "B" and "C" going to be introduced?

The SPEAKER: The Chair would advise the gentleman that the only amendments attached to the bill at this time is Committee Amendment "A" and Senate Amendment "A."

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

Mr. JALBERT: Mr. Speaker and Members of the House: Am I correct in stating that if we adopted Senate Amendment "A" and then engross the bill, the bill would come back to us for enactment and then would have to go into the Senate and if they wanted to place an Amendment "B" and "C" which I don't think they will, they would have to reconsider engrossment and it would start all over again, and I don't think that would be the procedure anyway that they would use; but that would be the procedure that it would have to go through, is that correct?

The SPEAKER: The answer is in the affirmative.

The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, there are so many amendments on the bill that I don't know what I'm voting on here.

The SPEAKER: The Chair would advise the gentleman that the only amendments currently on the bill is Committee Amendment "A" and Senate Amendment "A." The other amendments have been defeated.

Mr. LITTLEFIELD: Mr. Speaker, then I have to ask a question about Committee Amendment "A."

The SPEAKER: The gentleman may pose his question.

Mr. LITTLEFIELD: The bill stated \$80,000, and then Committee Amendment "A" reduces it to \$53,330. Am I correct?

The SPEAKER: In the affirmative.

Mr. LITTLEFIELD: I would like to inquire why that was reduced.

The SPEAKER: The gentleman poses a question through the Chair to any member who may answer and the Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, in answer to the gentleman, the reason it was reduced is because that's all the funds that was needed, the project price tag was reduced to that amount.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Perham, Mr. Bragdon, that the House recede from its former action and concur with the Senate in the adoption of Senate Amendment "A." All those in favor will vote in the affirmative and those opposed in the negative. The Chair opens the vote.

A vote of the House was taken.

126 having voted in the affirmative and 8 having voted in the negative, the motion to recede and concur prevailed.

Thereupon, on motion of Mr. Bragdon of Perham, by unanimous consent sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act relating to Time for Voting on Local Option Questions Under Liquor Laws" (H. P. 57) (L. D. 82) which was passed to be engrossed as amended by House Amendment "A" in the House on February 8.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mrs. Lincoln of Bethel, the House voted to recede and concur with the Senate.

House Reports of Committees Ought Not to Pass

Mr. Keyte from the Committee on Transportation reported "Ought not to pass" on Bill "An Act Permitting Municipalities to Regulate the Operation of Bicycles" (H. P. 612) (L. D. 905)

Mr. Lebel from same Committee reported same on Bill "An Act relating to Operation of Motorcycles While Learning to Drive" (H. P. 434) (L. D. 598)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Susi from the Committee on Taxation on Bill "An Act to Exempt Certain Paraplegic Veterans from a Portion of Real Estate Taxation" (H. P. 250) (L. D. 358) reported same in a new draft (H. P. 1081) (L. D. 1543) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Levesque from the Committee on Education on Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 36" (H. P. 663) (L. D. 918) 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. 663, L. D. 918, Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 36."

Amend said Bill by inserting in the first line of the 5th paragraph (same in L. D. 918) after the figure and comma "1966," the words, figures and punctuation 'and on February 8, 1967,'

Further amend said Bill in the 2nd line of the 6th paragraph (same in L. D. 918) by inserting after the word "meeting" the words, figures and punctuation 'held on June 6, 1966'; and by inserting after the word "legality" in the 6th line (5th line of L. D. 918) the words 'of certain'; and by inserting before the semicolon at the end of the 6th paragraph (same in L. D. 918) the following 'and the signing of contracts and other action taken in connection with said construction'

Further amend said Bill by striking out in the 5th line of the 8th paragraph (4th line of L. D. 918) the figure "\$622,691" and inserting in place thereof the figure '\$713,138.89'; and by striking out in the 7th line (6th line of L. D. 918) the figure "\$432,716" and inserting in place thereof the figure '\$495,571.06'; and by inserting after the word, figures and punctuation "June 6, 1966" in the 11th line (9th line of L. D. 918) the words, figures and punctuation 'and on February 8, 1967'; and by striking out in the 6th line from the end of the 8th paragraph (6th line of L. D. 918) the figure "\$622,691" and inserting in place thereof the figure '\$713,138.89'; and by striking out in the 4th line from the end (same in L. D. 918) the figure "\$432,716" and inserting in place thereof the figure '\$495,571.06'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Passed to Be Engrossed

Bill "An Act relating to Mal-functioning Sewage Disposal Units" (S. P. 181) (L. D. 371)

Bill "An Act Amending the Charter of the Augusta Sanitary District" (S. P. 195) (L. D. 429)

Bill "An Act relating to Immunization of Dogs to Control Rabies" (S. P. 271) (L. D. 652)

Bill "An Act Conferring Additional Powers Upon Proprietors of Union Wharf" (S. P. 303) (L. D. 742)

Bill "An Act relating to Mining License and Rental Fees on State Lands" (S. P. 365) (L. D. 961)

Bill "An Act relating to the Guardianship of Mentally Retarded Persons" (H. P. 408) (L. D. 574)

Bill "An Act relating to Investment of Funds of Credit Unions" (H. P. 414) (L. D. 580)

Bill "An Act relating to Filing Abstract of Record of Divorce with Superior Court" (H. P. 684) (L. D. 955)

Bill "An Act relating to Retirement Benefits for Police Officers Under State Retirement Systems" (H. P. 719) (L. D. 1014)

Bill "An Act to Incorporate the Bethel Water District" (H. P. 1075) (L. D. 1510)

Bill "An Act relating to Retirement Benefits to Widows of State Police Members Retired Under Noncontributory Statute" (H. P. 1077) (L. D. 1540)

Resolve in Favor of Fairview Hospital and Doctors Swett, Kemezys and Jordan (S. P. 426) (L. D. 1080)

Resolve Permitting R. Dean Seguin of South Paris to Take the Examination for Admission to Practice Law (H. P. 514) (L. D. 727)

Resolve to Change the Name of Long Pond, Sandy River Plantation, Franklin County, to Beaver Mountain Lake (H. P. 324) (L. D. 458)

Resolve Authorizing Attorney General to Convey Interest of the State in Certain Islands in Little Sebago Lake to Merton A. Look (H. P. 367) (L. D. 514)

Resolve Providing for a Retirement Allowance for Lois Blackwell Goodwin (H. P. 721) (L. D. 1016)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed

to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act relating to Divorce Actions by Military Nonresidents Stationed in Maine" (H. P. 104) (L. D. 131)

Bill "An Act relating to Permits for Motorcycle Operation" (H. P. 566) (L. D. 798)

Bill "An Act to Correct Errors and Inconsistencies in Uniform Commercial Code and to Amend Certain Statutes to Conform Thereto" (H. P. 582) (L. D. 814)

Bill "An Act to Create the Solon Water District" (H. P. 595) (L. D. 832)

Bill "An Act Creating the Paris Utility District" (H. P. 640) (L. D. 906)

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.

Bill "An Act Prohibiting Fictitious Grouping in the Business of Insurance" (H. P. 474) (L. D. 687)

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

**Emergency Measure
Tabled and Assigned**

An Act relating to Construction, Maintenance of Boat Facilities, Public Access and Marking the Waters (H. P. 60) (L. D. 85)

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

(On motion of Mr. Benson of Southwest Harbor, tabled pending enactment and tomorrow assigned.)

Passed to Be Enacted

An Act relating to Compensating Counsel for Indigents Accused of Crime (S. P. 315) (L. D. 861)

An Act relating to Liens and Certificate to be Filed with Register of Deeds (S. P. 338) (L. D. 871)

An Act Establishing a Master Mortgage Recording Act (S. P. 363) (L. D. 959)

An Act Increasing Membership from Five to Seven in City Council and Board of Education of City of South Portland (H. P. 112) (L. D. 139)

An Act to Clarify the Charter of the City of South Portland (H. P. 113) (L. D. 140)

An Act to Limit Fishing Lobster Traps on Trawls in Certain Waters (H. P. 241) (L. D. 349)

An Act Controlling the Marketing, Grading and Labeling of Maple Products (H. P. 340) (L. D. 488)

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.

The following paper from the Senate was taken up out of order by unanimous consent:

The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is directed to report out a bill which would authorize the Maine Agricultural Experiment Station of the University of Maine to study the residual effects of DDT and other pesticides on soil, plant and animal life (S. P. 579)

Came from the Senate read and passed.

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

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms (H. P. 1063) (L. D. 1399)

Tabled — March 17, by Mr. Danton of Old Orchard Beach.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I now move that this measure be passed to be engrossed.

The SPEAKER: The gentleman from Kingman Township, Mr. Star-

bird, now moves that this be passed to be engrossed. Is this the pleasure of the House?

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in opposition to this bill, opposition to it in its entirety.

When we go back into history and into the course of human events, we find that when Parliaments making the laws of men were first established, organized society was divided into three parts. They were the three estates, they were the Nobility, the Clergy and last of all, the masses which were the Commons. Parliaments on the continent of Europe recognized those three estates and established their parliaments in that manner. And these so-called higher estates, those of the Nobility and the Clergy, had a negative over the Commons.

When we pass into England from which country most of our law is derived, we find that they divided their Parliament into two sections. There were the Commons and there were the Clergy and Nobility combined in another body known as the House of Lords. When our government in America was first established we were definite in saying there shall be no titles of Nobility, the separation of Church and State were definite.

Thomas Jefferson was the great architect of the Constitution of the United States and in establishing the legislative process here he felt very strongly that perhaps the Aristocracy should to some degree have the negative over the Commons. And he, with the help of others, set forth that the term of the Senate of the United States should be that of a longer term than that of the Congress, and that they should have certain rights and privileges that were not held by the House of Representatives.

Now in the State of Maine in the year 1820 when we established self-government and our Constitution, our founding fathers felt very strongly, and I believe justly so, that we should establish in our Legislature, our parliamentary

body, two houses, being equal in stature; that they would serve for the same length of time, that they would receive the same compensation, that one should have a negative over the other. We have progressed for many years working under this system. I think it is very, very unfair to attempt to break the equality that is shared by both houses of the Legislature of the State of Maine.

I think you all find that you have a little circular on your desk which I think, frankly, is the best argument that was ever put out against this bill, and the question was — was the Senate an upper or just another body? Frankly, it is the other body, having a negative over this body, and by the same token, this body has a negative over the other body. It is equality. I do not think the people of the State of Maine want to establish superior and inferior bodies in this State. They are equal; they should persist for generations in this manner.

I have a lot of respect for these good ladies who belong to this organization. I think they are very sincere, but I sometimes think that their sincerity is funneled into very devious channels. I think many times they are misled, or they mislead themselves, and I frankly, to use a very vulgar term, think on this one they are certainly way off base.

There is no reason why we should break the equality that is shared by both bodies in this Legislature. I certainly don't think this is an inferior body, neither do I think it is a superior body, and I can only use my opinion as one who was once in the other body. I don't think that that body feels that they are superior to this one.

I would urge upon this House this morning that they would go along with me in the motion that I am about to make because I certainly think it is in the best interests of the parliamentary process and the best interests too, of the people of the State of Maine. I now move that this bill, with its accompanying papers, be indefinitely postponed, and when the vote is taken I ask for a division.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, now moves the indefinite postponement of House Paper 1063, L. D. 1399.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: Amen—I agree with the gentleman a hundred percent!

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I have listened with quite some interest to the gentleman from Kittery, Mr. Dennett, over the last two moments. I think in one respect, probably in the case of the League of Women Voters, he may be right. There is no desire on my part to make the House of Representatives or the Senate in any way superior or inferior, one to the other. There is no intent in this bill to do so. The only intent is to make them different, and right now they do not differ enough. If one house is to have a negative over the other, they should have a variance of opinions. They should look at things in a different light, apply different measures of opinion to various bills.

Now, at the present time I think those of you who have served more than one term as I have, realize that in your second term you look at things in a different light than you do when you serve your first time. Very often you are liable to run into things quite hastily, possibly without not enough thought, and as a result come up with a decision that is wrong. This isn't entirely true, but very often it happens, and this is in no way downgrading or degrading the "first-time" legislators; I am only too close to that point myself. However, if a person has the experience of one session and looks at things with a different light, he then can more truly apply that negative which is intended in our state and national constitutions.

I think in one case, Mr. Dennett is, the gentleman from Kit-

tery, is quite wrong. It is my understanding that Thomas Jefferson wanted a one-house Legislature and quite often he debated this point, and I am also very certain that all of you have heard this old argument between this old—well you might call it a fable—the story that Thomas Jefferson and George Washington at one point during the Constitutional Convention were eating breakfast together and this argument of one house or two houses or its composition, either house, was going on and they, well I won't say they argued, they discussed the matter and finally they went back to eating. In the meantime, Thomas Jefferson poured his coffee into his saucer and Washington said: "What did you do that for?" He said: "To cool it." He said, "so likewise, we pour legislation into the senatorial saucer—to cool it." Well, this is supposed to be the theory here, but right now the two houses are almost reflections of each other. They're almost a different size, but the same coin. They should be different.

Rather than going into any long detailed discussion of this matter, I'd like to read from the Federalist Papers, number 63, a short passage. This was written by Alexander Hamilton, possibly James Madison it says here, but irregardless, this is taken—

"And yet it is evident that an assembly elected for so short a term as to be unable to provide more than one or two links in a chain of measures, on which the general welfare may essentially depend, ought not to be answerable for the final result, any more than a steward or tenant, engaged for one year, could be justly made to answer for places or improvements which could not be accomplished in less than half a dozen years. Nor is it possible for the people to estimate the share of influence which their annual assemblies may respectively have on events resulting from the mixed transactions of several years. It is sufficiently difficult to preserve a personal responsibility in the members of a numerous body for such acts of the body as have

an immediate, detached and palpable operation on its constituents.

"The proper remedy for this defect"—he was arguing for two houses at that moment, he goes on to mention the longer term later. "The proper remedy for this defect must be an additional body in the legislative department, which, having sufficient permanency to provide for such objects as require a continued attention and a train of measures, may be justly and effectually answerable for the attainment of these objects."

To some extent the Maine Senate has a slight bit more, a little bit more, responsibility at the present time than the House. One thing the Committee chairmanships, as we all know, rest with the Senate. Of course this could be changed easily. Some Senators have more than one chairmanship. I could go on probably and relate many more arguments, I could draw from history as has been done, but in reality the divisions of Parliaments in Europe or England, has little or nothing to do with us here today. They have had an influence, we have borrowed many of their methods of doing things, we've adapted them to our own American way of doing things, and for the sake of permanency, for the sake of efficiency, for the sake of continuity, for the sake of experience, I believe this measure should be passed. I believe it should be passed as has been done in Michigan, in Ohio in recent year—they formerly had two-year terms for their Senators, as Alaska and Hawaii felt was desirable when they entered the Union. Even Nebraska with its one-house Legislature has decided to adopt the four-year term.

This gives a permanency, this gives an efficiency, this gives a continuity that is lacking today. It is theoretically possible that all 185 members of the Senate and House of Representatives could come in here as newcomers. This doesn't often happen, but it could. And so therefore, I hope that when this measure is voted on you will go along with me and attempt to defeat the motion of the gentle-

man from Kittery, and pass this measure to be engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Orono, Mrs. Cornell.

Mrs. CORNELL: Mr. Speaker and Members of the House: I would comment just briefly on two remarks of the gentleman from Kittery. He stated that he didn't think the people wanted this four-year term for Senators, and I would remind him they would be able to vote on this if he would only go along with us and pass it.

I would also say that I am not a member of the women's group he referred to in rather a derogatory manner, but I do admire their interest in and willingness to work for good government, and agree with them in this instance. I support Mr. Starbird's views and I urge you to defeat Mr. Dennett's motion for indefinite postponement.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I rise briefly to support my friend from Kittery, Mr. Dennett, against L. D. 1399. The gentleman from Kingman Township, Mr. Starbird, has stated that the two houses are somewhat the same. I agree. With the two-year terms the two houses are responsive to the voters of this State. According to this flyer it would attract more dedicated citizens to run for this office. I think that our Senate is quite dedicated now, and perhaps four years would be too long for some very able people to obligate themselves for office. I urge you to support the gentleman from Kittery, Mr. Dennett's motion to indefinitely postpone L. D. 1399.

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

Mr. HEWES: Mr. Speaker, I, like Mrs. Cornell, the gentlewoman from Orono, am not a member of the League of Women Voters, but it has been my pleasure to know many of them and I just want to defend their honor here that they

are dedicated, enlightened, intelligent women, and not adverse to change. Often because of a change we are reluctant to accept what is considered progressive legislation. Just on that point, I would like to state that I am pleased to know many of them and I think the State is fortunate to have such a dedicated group of young ladies studying into some of these problems.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I do not recall that I said anything derogatory against the League of Women Voters. I said I thought that they were a fine group of ladies. I did say I thought that at times they had been misled and their sincere efforts were channeled in the wrong direction, and I don't think that that is a derogatory statement.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I too rise to support the ladies. I have had an opportunity and a privilege to work with the League of Women Voters and I have found that their research is very thorough. I find, too, that some may not realize that they are a National organization, that they have contact with great research facilities, and they should be praised for their voluntary, patriotic dedication. I think they have done another splendid job on researching this particular problem, but I am going to vote at this time for indefinite postponement. Our historian, Representative Starbird, brought up the name of Alexander Hamilton, but in those same papers we read about their discussions on the Constitution on the features that Alexander Hamilton wanted the President elected for life and that he wanted the Senators elected for life comparable to the House of Lords. But beyond that, I think there are splendid ideas in this research, but until this matter of

annual sessions is resolved, until salaries are supplemented, I think it might work great hardships upon prospective four-year Senators, and I don't think we are quite ready for it yet, so I shall vote for indefinite postponement.

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

Mr. PIKE: Mr. Speaker, two thoughts come to mind in listening to this debate. The first one is undeniably there is some advantage in experience which is gained by serving in either one of these two bodies more than one two-year term. This argument would apply I think equally to the House and to the Senate. There is perhaps some thought of giving the House four-year terms. I hope it doesn't get very far.

The other one goes back to the last three biennial elections at the Senate level. As I remember it two terms ago there were 29 Republicans and 4 Democrats. Two years ago there were 29 Democrats and 5 Republicans. This year I think it is about 10 Democrats and 24 Republicans. Now if we had had this bill in, this law, in one of those terms the House would have been of one party and the Senate would have been another, which I don't believe would have led to good legislation. I am inclined to agree with my friend from Kittery, Mr. Dennett, that this bill and all its accompanying papers should be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentlewoman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker, I rise in support of the motion of the gentleman from Kittery, Mr. Dennett to indefinitely postpone. We seem on the whole to get good, fair two-term Senators under our present system and I see no reason to change to four-year terms. Each elected Senator has the opportunity to run for another term if he so desires. Also, if we get a poor Senator we wouldn't be stuck with him or her as the case might be for four years.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the Majority Report of the State Government Committee, I feel that I must defend my position. First of all, however, I would like to point out to the gentleman from Kittery, Mr. Dennett, that even though he seems to feel that both Houses are equal, I would like to point out to the members of the House that when the Speaker sends an item to the other body for concurrence, he always sends it up, and when the other body sends it to us, it is always sent down.

On March 26, 1962 the Supreme Court of the United States handed down its famous decision which of course is known as the Baker versus Carr. This forced the states to have both houses, the House and Senate, based on population rather than on any other basis. I think that the founding fathers of the State of Maine when our Constitution was written felt that the upper body should be based on another basis other than simply population. As we well know area was also involved. The State of Maine was reapportioned or will be at the end of this year as a result of a Constitutional change approved by the last body, the last session of the Legislature, and if both bodies are going to be based on the same criteria it is necessary to assume that both bodies are equal except in size. If you are going to have two bodies, it is my thinking that one should be different. This is why I voted with the majority of the State Government Committee on this particular item. The bill, of course as you know, would provide staggering terms of four years, thus giving the other body a different status. Therefore, I would hope that you would vote against the motion of the gentleman from Kittery, Mr. Dennett and against the motion to indefinitely postpone.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I had not intended to rise today to speak on this matter. However, a few comments have been made that prompt me to make a few observations and if my memory serves me correct in the Maine Constitution, Article IV, Part Third from Section 1 to 7 each section begins, and this is under the heading or the caption of Legislative Power: "Each house." There is no difference, there is no special authority given to either one house or the other, and if any special authority is given at all, it is given to the House, because it specifically states that all money bills will be originated in the House.

I think also that the comparison between State Government and National Government is a very, very poor comparison. To begin with, the United States Senate was only a device which was used to lure the smaller states into the Union, and this is the reason why the United States Supreme Court has come out with the principle that all our apportionment in the State Legislatures should be based on the one man-one vote principle. If this were to be applied to the Federal Government, then they would have said so. I think that the gentleman from Kittery, Mr. Dennett, has looked at this bill with a lot of good common sense, and I will support him in his motion.

Mr. Starbird of Kingman Township was granted permission to speak a third time.

Mr. STARBIRD: Mr. Speaker and Members of the House: I would just like to make several comments on the debate that has been taking place since I last spoke.

In this book, the author of what I read could be either Jefferson or Madison, and as we know, James Madison, fourth President of the United States eventually was the man who took the notes and on who we rely through those notes for our knowledge of what took place at the Constitutional Convention in 1787. In regard to the matter of one house being of one party and the other

house having a majority of the the other party, this has happened in Maine history despite the fact that we have the same term. As I recall, just to grab a date right out of the air, the last time I can recall that this happened was in 1914 where the Democrats had control of the House and the Republicans of the Senate.

Whether a measure travels up or down from one body to another is largely traditional, these are merely phrases that have been borrowed from the time in Europe perhaps when one body definitely was the upper body in power as well as in name. Irregardless of whether the United States Senate was a compromise measure between large and small states or not, the fact is that the two-house system in the United States has worked very well. In these same Federalist Papers in another place, it mentions that the State of Maryland at that time, 1787, had a little Federal system as it is called now. They had a five-year term for their Senators. There is no mention that the Federal system was modeled on this or not, but the inference is there.

And lastly, I mentioned that I agreed with Mr. Dennett with regard to the ladies who have done so much work on this matter. I agree that they are a very dedicated group, and I too meant nothing derogatory. I disagree with them quite often; I did in one matter yesterday, they were almost in this very spot discussing a matter with me. So there I think that I will rest my case. I think that because a four-year term would give better efficiency, continuity, experience, that it should be adopted. These are the three basic reasons.

Also, it is not a radical change. After all, they are only holding over sixteen or seventeen people; half of them are going to be re-elected every two years, we are going to have 160-odd people coming in here every two years instead of 185, that's the only difference, and I think those 160-odd have enough power to override the other 17 if they need to. So again I ask you to defeat the gentleman from Kittery, Mr. Den-

nett's motion and pass this bill to be engrossed.

Mr. Martin of Eagle Lake requested a roll call.

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

Mr. RIDEOUT: Mr. Speaker, may I remind the House that the only reason that this came out in a Majority "Ought to pass" is that three Senators voted for it.

The SPEAKER: The gentleman may not use the other branch to persuade this House. Is the House ready for the question?

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

Mr. BERMAN: Mr. Speaker and Members of the House: I shall try to be very brief and very concise. To me it seems inconceivable that this House today should seriously entertain the thoughts of destroying, and I say destroying, the existing balance of power of our State Government by going along by a so-called staggered four-year term of State Senators. I would remind the House, if reminder is necessary, that all of us are the servants of the people, and that the best servant of the people is he who returns to them biennially and either gets their endorsement or their negative, and for those reasons I shall earnestly urge all of you to support the motion of the gentleman from Kittery, Mr. Dennett, for indefinite postponement of this bill.

The SPEAKER: The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that this matter be indefinitely postponed. The yeas and nays have been requested. For the Chair to order the yeas and nays it must have the expressed desire of one fifth of the members present and voting. All those who desire the yeas and nays will vote yes, those opposed will vote no.

A vote of the House was taken.

127 voted in the affirmative and 9 in the negative.

The SPEAKER: Obviously, more than one-fifth having expressed a desire for a roll call, a roll call is ordered, and the pending question is the motion of the gentleman from Kittery, Mr. Dennett, that Resolve Proposing an Amend-

ment to the Constitution Changing the Tenure of Office of Senators to Four-year Terms, House Paper 1063, L. D. 1399, be indefinitely postponed. All those who are in favor of indefinite postponement will vote yes, those opposed will vote no. The Chair will open the vote.

ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Bedard, Benson, Berman, Binnette, Birt, Boudreau, Bragdon, Brown, Buck, Bunker, Burnham, Carey, Carrier, Champagne, Clark, Cookson, Cote, Cottrell, Crockett, Crosby, Curran, Cushing, D'Alfonso, Danton, Darey, Dennett, Dickinson, Drigotas, Drummond, Dudley, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Foster, Fuller, Gaudreau, Gauthier, Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harnois, Harriman, Harvey, Hawes, Haynes, Henley, Hennessey, Hichens, Hinds, Hodgkins, Hoover, Huber, Immonen, Jameson, Jannelle, Jewell, Keyete, Lebel, Lewin, Lewis, Lincoln, Littlefield, Lowery, Lyette, Maddox, McMann, McNally, Meisner, Miliano, Minkowsky, Mosher, Noyes, Pendergast, Philbrook, Pike, Porter, Prince, Quimby, Quinn, Rackliff, Richardson, H. L.; Rideout, Robertson, Robinson, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, P. J.; Sullivan, Tanguay, Thompson, Trask, Truman, Waltz, Watts, Wight, Williams, Wood.

NAY — Belanger, Beliveau, Bernard, Bourgoin, Bradstreet, Brennan, Carroll, Carswell, Conley, Cornell, Crommett, Eustis, Fecteau, Fortier, Fraser, Giroux, Healy, Hewes, Hunter, Jalbert, Kilroy, Kyes, Levesque, Martin, Nadeau, J. F. R.; Nadeau, N. L.; Rocheleau, Scribner, Shute, Snowe, P.; Starbird, Susi, Wheeler, White.

ABSENT — Couture, Humphrey, Payson, Richardson, G. A.; Roy, Soulas, Townsend.

Yes. 108; No. 34; Absent, 7.

108 having voted in the affirmative, 34 having voted in the negative, with 7 being absent, the

motion to indefinitely postpone did prevail. Sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act Prohibiting Use of the Name of Industrial Bank" (H. P. 467) (L. D. 680) (Committee Amendment "A" (H-74)

Tabled — March 17, by Mr. Snowe of Auburn.

Pending — Passage to be engrossed.

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

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

HOUSE REPORT — Ought to Pass — Committee on Indian Affairs on Bill "An Act relating to Compensation and Allowances for Members of the Indian Tribes at the Legislature" (H. P. 89) (L. D. 186)

Tabled — March 14, by Mr. Dennett of Kittery.

Pending — Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker and Ladies and Gentlemen of the House: Due to the fact that there are legal authorities who are in the process of studying previous legislation regarding the rights of Indians to vote, I wish that someone would table this for one week please.

Thereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, March 29.

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

HOUSE REPORT—Ought not to pass—Committee on Inland Fisheries and Game on Bill "An Act relating to a Closed Season on Wild Hares and Rabbits in York County" (H. P. 219) (L. D. 309)

Tabled—March 15, by Mr. Hariman of Hollis.

Pending—Acceptance.

On motion of Mr. Carroll of Limerick, the House voted to substitute the Bill for the "Ought not to pass" Report.

The Bill was then given its two several readings.

Thereupon, Mr. Carroll offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 219, L. D. 309, Bill, "An Act Relating to a Closed Season on Wild Hares and Rabbits in York County."

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

"There shall be a closed season on wild hares or rabbits from the first day of March to the 30th day of the following September, except in the Counties of Aroostook, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Somerset, Waldo and Washington, where there shall be a closed season from the first day of April to the 30th day of the following September, and except in the County of York where there shall be a closed season from the 20th day of March to the 30th day of the following September."

House Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

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

Bill "An Act relating to Signatures on Petitions for Nomination for State and County Officers" (H. P. 313) (L. D. 447)

Tabled — March 16, by Mr. Richardson of Cumberland.

Pending — Adoption of House Amendment "A" (H-77)

Thereupon, House Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

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

Bill "An Act relating to Audits for Judiciary and Legislature" (S. P. 71) (L. D. 153) (In Senate, passed to be engrossed)

Tabled — March 16, by Mr. Dennett of Kittery.

Pending — Adoption of House Amendment "A" (H-73)

On motion of Mr. Dennett of Kittery, recommitted to the Committee on State Government and sent up for concurrence.

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

Bill "An Act relating to Religious Faith of Foster and Adoptive Homes" (S. P. 246) (L. D. 606) (In Senate, passed to be engrossed as amended by Committee Amendment "A") (S-15)

Tabled — March 17, by Mr. Robertson of Brewer.

Pending — Passage to be engrossed.

On motion of Mr. Quinn of Bangor, under suspension of the rules, the House voted to reconsider its action of March 16 whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S. P. 246, L. D. 606, Bill, "An Act Relating to Religious Faith of Foster and Adoptive Homes."

Amend said Amendment by inserting after the underlined words and comma "such child," in the 7th line the underlined words and punctuation 'on a form furnished by the department,'

House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was then adopted, and the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

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

Tabled—March 21, by Mr. Richardson of Cumberland.

Pending—Further consideration.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Yesterday I tabled L. D. 107 in order to permit time for a joint meeting of the Committees on Education and Appropriations and Financial Affairs and the leadership of both political parties. Today, as this important bill moves toward enactment, I think it is essential that we understand what this bill involves, why it must become law, and what the future is going to require of each and every member of this House.

In January of 1966 the Legislature was called into special session and the bill screening committee approved for consideration of slightly more than two hundred bills. Two of these bills, which were approved for consideration at a special session, were L. D. 1622 entitled "An Act to Clarify State Aid for School Construction Purposes," and L. D. 1777, "An Act to Authorize Bond Issues in the Amount of Ten Million Dollars for State Matching Funds for Elementary and Secondary School Building Construction."

L. D. 1777, authorizing a ten million dollar bond issue, was referred to the Committee on Appropriations and Financial Affairs, which unanimously reported that it be referred to the next legislature—that's us!

L. D. 1622 had a different fate, an interesting fate, and I think you should know about it. As printed it was designed to clarify, according to its title to clarify the definition of "school" to include "athletic facilities" so that athletic fields and related physical education facilities could be built with State assistance.

Now let's take a look at what happened to L. D. 1622. It was introduced on January 17, 1966 and referred to the Committee on Education. Seven days later, it was reported out of the Committee on Education in a new draft as L. D. 1794 with—and this is important, the same title. Where L. D. 1622 covered roughly a page and a half, its child, the committee new draft, covered four and a half pages. The unanimous "ought to pass" report from this committee during a special session was accepted in both branches and the bill moved on toward enactment.

When L. D. 1794 was considered in the House for enactment, a member of the then Majority Party, who is no longer with us, made a very brief statement for the record. In the other body, when the same bill was considered for enactment the same day, the Senate Chairman of Education made a few brief remarks which I shall quote from the record, noting that they are almost exactly the same as the remarks made by the House member when the bill was enacted in the House, and that the last four lines as appearing in the legislative record are exactly the same as those which were presented in both houses.

Referring to page 311 of the legislative record of the special session of the 102nd Legislature, when L. D. 1794 was being considered for enactment, the Senate Chairman said and I quote:

"Mr. President and Members of the Senate: I should like to speak briefly on this measure. I believe it should be emphasized as a matter of record at this time this bill is an attempt to clarify the state law on school construction, particularly as to definition of 'school building,' and it is not intended as a change in the existing law in that respect which was passed in 1957."

Ladies and gentlemen of the House, let me repeat just a portion of those remarks, and I quote: "it is not intended as a change in the existing law in that respect which was passed in 1957." This identical wording is found in both explanations. The fact that the

significant wording is the same in both is not my only reason for calling this record to your attention. The significant thing about the statements that L. D. 1794 was "not intended as a change in the existing law" is that the statements are absolutely false and viciously misleading, and as one of those members of the 102nd Legislature who was misled I believe the record should be set straight as to what 1794 really did.

The truth is that rather than being a simple little matter of broadening the definition of "school building" to include athletic facilities, the bill radically changed our method of financing school construction, so that this session, ladies and gentlemen, rather than being faced with raising about six and a half million dollars, we are obligated to raise seventeen and a half million dollars for school construction alone.

Prior to L. D. 1794 becoming law, the State met its share of school construction costs on the basis of deferred payments. When L. D. 1794 became law, the State obligated itself to make lump-sum payment of its entire share on completion of each individual project. More important, and most important, the enactment of L. D. 1794 in the special session effectively destroyed the limitation of twelve and a half percent of assessed valuation on S.A.D. borrowing so that, in effect, where State contribution amounts to, say, fifty percent, the power of an S.A.D. to borrow money is doubled—and we have absolutely no control over that procedure.

It is a case of the S.A.D. tail wagging the State dog.

We today honor our legal and moral obligation to those S.A.D.s who borrowed and have begun construction projects in reliance on the law which we passed in the special session. I hope that we will be able to effect corrective changes on this law and I will have more to say to you on that score when that L. D. is before us. Thank you.

The SPEAKER: Is it the pleasure of the House to recede and concur with the Senate?

Mr. Levesque of Madawaska then moved that the matter be tabled pending further consideration and assigned the next legislative day and Mrs. Hanson of Lebanon asked for a division.

The SPEAKER: A division has been requested on the tabling motion. All those in favor of tabling this matter until the next legislative day will vote in the affirmative; those opposed in the negative, and the Chair will open the vote.

A vote of the House was taken. 88 having voted in the affirmative and 38 having voted in the negative, the Bill was tabled pending further consideration and tomorrow assigned.

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

HOUSE MAJORITY REPORT (7)—Ought to Pass—Committee on Judiciary on Bill "An Act relating to Equal Fault of Claimant Under Comparative Negligence Law" (H. P. 605) (L. D. 849) MINORITY REPORT (3) Ought not to pass.

Tabled—March 21, by Mr. Hewes of Cape Elizabeth.

Pending—Acceptance of either report.

On motion of Mr. Dennett of Kittery, retabled pending acceptance of either report and tomorrow assigned.

The Chair laid before the House item 1 under Senate orders, which was tabled earlier in today's session, Senate Paper 577.

The SPEAKER: Pursuant to Joint Rule 20 this Order must receive a two-thirds vote of approval to receive passage. As many as are in favor of passage will vote in the affirmative and those opposed in the negative, and the Chair will open the vote.

The Chair recognizes the gentleman from Gardiner, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House. I have checked with the honorable Senator from Washington County and I hope that we can concur with the Senate. Now is that your vote? I misunderstood your question as you put it.

The SPEAKER: Pursuant to the Joint Rule a two-thirds vote of this body must be had before this Joint Order can receive passage. All those in favor of passage in concurrence will vote in the affirmative and those opposed in the negative, and the Chair will open the vote.

A vote of the House was taken.

The SPEAKER: 107 having voted in the affirmative and 12 having voted in the negative, 107 being more than two thirds of 119, this Order receives passage in concurrence.

The Chair laid before the House item 2 under Senate orders, which was tabled earlier in today's session, Senate Paper 578.

The SPEAKER: Pursuant to Joint Rule 20 this Order must receive a two-thirds vote of approval to receive passage. As many as are in favor of passage in concurrence those opposed in the negative, and those opposed in the negative, and the Chair will open the vote.

A vote of the House was taken.

The SPEAKER: 102 having voted in the affirmative and 17 having voted in the negative, 102 being more than two thirds, this Order receives passage in concurrence.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until ten o'clock tomorrow morning.