

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Thursday, May 11, 1967

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

Prayer by the Rev. Mr. Lawrence Merckens of Hallowell.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on State Government be directed to readvertise for public hearing S. P. 561, L. D. 1433, Bill "An Act to Extend the Life of the State Transportation Commission," for the purpose of supporting airline service from points within the State of Maine to destinations outside the State of Maine and generally westerly thereof (S. P. 641)

Came from the Senate read and passed.

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

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Highway Advertising Control" (S. P. 542) (L. D. 1443)

Came from the Senate read and accepted.

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

Covered by Other Legislation

Report of the Committee on Natural Resources reporting same on Bill "An Act relating to a Study of Air Pollution" (S. P. 344) (L. D. 928), as covered by other legislation.

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Transportation on Bill "An Act Providing for Periodic Reexaminations for Motor Vehicle Operators'

Licenses" (S. P. 131) (L. D. 259) reporting same in a new draft (S. P. 616) (L. D. 1610) under title of "An Act Providing for Reexamination of Accident-prone Drivers" and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

Ought To Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Creating the Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act" (S. P. 546) (L. D. 1394)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

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

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act relating to Certificates of Organizations of Corporations Filed Prior to January 1, 1960" (S. P. 318) (L. D. 841) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of same Committee on Bill "An Act relating to Amount of Wages Subject to Trustee Process" (S. P. 377) (L. D. 991) 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 tomorrow assigned for third reading of the Bills.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions (S. P. 90) (L. D. 171)

Report was signed by the following members:

Messrs. WYMAN of Washington
LUND of Kennebec
— of the Senate.

Messrs. DENNETT of Kittery
WATTS of Machias
Mrs. CORNELL of Orono
Messrs. RIDEOUT of Manchester
PHILBROOK of
South Portland
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Mr. STERN of Penobscot
— of the Senate.

Messrs. STARBIRD of
Kingman Township
MARTIN of Eagle Lake
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Mr. DENNETT: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report in concurrence.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves the acceptance of the Majority "Ought not to pass" Report in concurrence.

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

Mr. LEVESQUE: Mr. Speaker, I would like to move that this be tabled until Tuesday, May 16.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves this matter be tabled until Tuesday, May 16, pending the acceptance of either report.

The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, I request a division on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All those in favor of this matter being tabled until Tuesday, May 16, pending the acceptance of either report will vote yes; those opposed to tabling will vote no. The Chair opens the vote.

A vote of the House was taken, 43 having voted in the affirmative and 75 having voted in the negative, the tabling motion did not prevail.

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

Mr. LEVESQUE: Mr. Speaker, a point of special privilege.

The SPEAKER: Will the gentleman restate his question?

Mr. LEVESQUE: Request to speak to the House on a point of special privilege.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests permission to speak to the House under special privilege. He does not need permission, he may proceed.

Mr. LEVESQUE: Mr. Speaker and Members of the House: I find it quite unfortunate this morning that a key measure such as we have before us, and because we are in the minority and evidently only because we are in the minority, that the privilege is not extended to the Democrats in this House of being able to table one bill for at least two days.

I think it's quite evident of the parties here in the House of trying to usurp the powers vested in this House of at least extending a privilege to the Minority of being able to table a document for two days. We're not asking that it be unassigned or that it be tabled indefinitely or that it be removed from this House indefinitely. We're only asking that this be given the proper consideration of the majority of this House, or at least the majority of the Republicans of granting to us Democrats at least the courtesy of being able to table for a few days, so that

proper consideration and proper discussion of this document and any other document that comes before this House will be granted each and every individual possibility of discussion. So, therefore, this morning, Mr. Speaker, I would like to move that we reconsider our action whereby this bill failed to be tabled for two days.

The SPEAKER: The gentleman may pose his tabling motion for three days.

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

Mr. LEVESQUE: Mr. Speaker, I move we reconsider the previous motion.

The SPEAKER: The Chair will not entertain a motion to reconsider a tabling motion, he may make it for one more day — the gentleman from Madawaska, Mr. Levesque, has the floor.

Mr. LEVESQUE: Mr. Speaker, I move that this lie upon the table until Wednesday, May 17.

The SPEAKER: The gentleman from Madawaska now moves that item 8 be tabled until Wednesday, May 17, pending the acceptance of either report.

The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, I request a division on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All those in favor of this matter being tabled until—

Mr. Jalbert of Lewiston requested a roll call vote.

The SPEAKER: A roll call has been requested on the tabling motion. For the Chair to order a roll call it must have the expressed desire of one fifth of those present and voting. All those desiring a roll call will vote yes, and those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken and more than one fifth of the members present having expressed a desire for a roll call a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Madawaska, Mr. Levesque, that this matter be

tabled until Wednesday, May 17, pending the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass" Report. All those in favor of this matter being tabled until Wednesday, May 17, will vote yes; and those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Baker, R. E.; Bedard, Belanger, Beliveau, Berman, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Buck, Bunker, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Cote, Cottrell, Crockett, Crommett, Curran, Cushing, D'Alfonso, Darey, Drigotas, Dudley, Eustis, Farrington, Fecteau, Fortier, Foster, Fraser, Gaudreau, Gauthier, Giroux, Hall, Harnois, Harvey, Healy, Hennessey, Huber, Hunter, Immonen, Jalbert, Jameson, Keyte, Kilroy, Label, Levesque, Lewis, Lowery, Martin, McMann, Meisner, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Quimby, Quinn, Rackliff, Robertson, Rocheleau, Sawyer, Scribner, Shute, Soulas, Starbird, Sullivan, Tanguay, Thompson, Townsend, Truman, Wheeler, White, Williams, Wood,

NAY — Allen, Baker, E. B.; Benson, Birt, Bragdon, Brown, Clark, Cookson, Cornell, Crosby, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Gill, Hanson, P. K.; Harriman, Hawes, Henley, Hichens, Hinds, Hodgkins, Hoover, Humphrey, Jewell, Lewin, Lincoln, Littlefield, Lycette, Maddox, McNally, Miliano, Mosher, Pendergast, Philbrook, Pike, Porter, Prince, Richardson, G. A.; Richardson, H. L.; Rideout, Robinson, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, P. J.; Snowe, P.; Trask, Waltz, Watts,

ABSENT — Bradstreet, Conley, Couture, Danton, Fuller, Hanson, B. B.; Hanson, H. L.; Haynes, Hewes, Jannelle, Kyes, Noyes, Payson, Roy, Sahagian, Susi, Wight,

Yes, 78; No, 55; Absent, 17.

78 having voted in the affirmative and 55 having voted in the negative, the tabling motion did prevail.

Non-Concurrent Matter

Bill "An Act Exempting Water Sold for Human Consumption from Sales Tax" (H. P. 331) (L. D. 465) on which the House accepted the Majority "Ought not to pass" Report of the Committee on Taxation on May 4.

Came from the Senate with the Minority "Ought to pass" Report accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, I move that we insist on our former action.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, moves that the House insist on its former action.

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

Mr. TOWNSEND: Mr. Speaker and Members of the House: I move that we recede from our former action and concur with the Senate.

The SPEAKER: The gentleman from Baileyville, Mr. Townsend moves that the House recede from its former action and concur with the Senate.

The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, I would like a division.

The SPEAKER: A vote will be taken.

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

Mr. TOWNSEND: Mr. Speaker, I move for a roll call.

The SPEAKER: A roll call has been requested on receding and concurring.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: As a member of the Taxation Committee who signed the "Ought not to pass" Majority Report, I just want to get this information in.

Out of the seventy-odd bills that we had to hear this year thirty-odd were requests for some form of exemptions. The majority thinking was that this should not be permitted in this case, and I do wish to remind you further that this bill has a price tag of \$175,000.

The SPEAKER: All those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Baileyville, Mr. Townsend, that the House recede from its former action and concur with the Senate in accepting the Minority "Ought to pass" Report. All those in favor of receding and concurring will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Beliveau, Berman, Bernard, Buck, Bunker, Carey, Carroll, Champagne, Cookson, Cote, Crockett, Cushing, Fortier, Foster, Gaudreau, Gill, Hanson, P. K.; Henley, Hichens, Huber, Hunter, Immonen, Jamieson, Jewell, Kyes, Lewis, Lincoln, Littlefield, Lycette, McNally, Miliano, Minkowsky, Mosher, Prince, Ross, Soulas, Starbird, Thompson, Townsend, Trask, Truman, Watts, White, Wood.

NAY — Allen, Baker, E. B.; Baker, R. E.; Bedard, Belanger, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brown, Burnham, Carrier, Carswell, Clark, Conley, Cornell, Cottrell, Crommett, Curran, D'Alfonso, Darey, Demmett, Dickinson, Drigotas, Drummond, Dudley, Dunn, Durgin, Edwards, Eustis, Evans, Ewer, Farrington, Fecteau, Fraser, Fuller, Gauthier, Giroux, Hall, Harnois, Harriman, Harvey, Hawes, Healy, Hennessey, Hinds, Hodgkins, Hoover, Humphrey, Keyte, Kilroy, Lebel, Levesque, Lewin, Lowery, Maddox, Martin, McMann, Meisner, Nadeau, J. F. R.; Nadeau, N. L.; Pendergast, Philbrook, Pike, Porter, Quimby, Quinn, Rackliff,

Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Sawyer, Scott, C. F.; Scott, G. W.; Scribner, Shaw, Shute, Snow, P. J.; Snowe, P.; Sullivan, Tanguay, Waltz, Wheeler, Williams.

ABSENT — Benson, Bradstreet, Brennan, Couture, Crosby, Danton, Hanson, B. B.; Hanson, H. L.; Haynes, Hewes, Jalbert, Jannelle, Noyes, Payson, Rocheleau, Roy, Sahagian, Susi, Wight.

Yes, 44; No, 87; Absent, 19.

The **SPEAKER**: 44 having voted in the affirmative and 87 in the negative, the motion to recede and concur does not prevail.

The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. **NADEAU**: Mr. Speaker, I move that we insist.

The **SPEAKER**: The gentleman from Sanford, Mr. Nadeau, now moves that we insist. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Bill "An Act relating to Charges by Camp Owners under Fish and Game Laws to Hunters or Fishermen" (H. P. 360) (L. D. 507) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 21.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

Non-Concurrent Matter Tabled and Assigned

Resolve Regulating Fishing in Beaver Tail Pond, T. 14, R. 10 and T. 14, R. 9, and Fish River Falls, Aroostook County, and Long Pond, Kennebec County (H. P. 505) (L. D. 718)

which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "C" thereto in the House on April 28.

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

In the House: On motion of Mr. Cookson of Glenburn, tabled pending further consideration and specially assigned for Monday, May, 15.

Non-Concurrent Matter

Bill "An Act relating to Registration of Farm Motor Trucks Having Two or Three Axles" (H. P. 669) (L. D. 924) which was passed to be engrossed in the House on May 5.

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

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

Non-Concurrent Matter

Bill "An Act Requiring Childhood Education Programs for Five-year Olds" (H. P. 978) (L. D. 1420) which was indefinitely postponed in the House on May 4.

Came from the Senate passed to be engrossed in non-concurrence.

In the House:

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

Mr. **RICHARDSON**: Mr. Speaker, I move that we insist on our former action.

The **SPEAKER**: The gentleman from Stonington, Mr. Richardson, now moves that the House insist on its former action on L. D. 1420 Bill, "An Act Requiring Childhood Education Programs for Five-year Olds." Is this the pleasure of the House?

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

Mr. **LEVESQUE**: Mr. Speaker and Members of the House: I move that we recede and concur with the Senate.

The **SPEAKER**: The gentleman from Madawaska, Mr. Levesque, now moves that the House recede from its former action and concur with the Senate.

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

Mr. **JALBERT**: Mr. Speaker, is this the matter that we indefinitely postponed? I think there

is some confusion as to what this measure is, I'd like to ask somebody to explain if this is the bill that we killed about the entrance before or not.

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

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

Mr. RICHARDSON: This bill, Mr. Speaker, and my good friend from Lewiston, Mr. Jalbert, is the bill which we defeated the other day and indefinitely postponed in this House, which would require all school systems to conduct a class for a kindergarten. I would hope that the House would defeat the motion to recede and would then insist, and I would request a division when the vote is taken.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I think probably, as was pointed out at the last debate that we had in this House regarding this matter, that 80 percent or somewhere in the vicinity of 80 to 82 percent of our students are presently attending a kindergarten class or pre-primary called in some areas.

I think if we are going to continue to try to better our school system from the elementary level to higher education, that it is quite apparent that some lead should be given to these towns that have been saying over the years that we are not quite ready yet; and in the eight years that I have been here the song has been the same, the tune has been the same, that we are not ready yet, although no vehicle has made it possible for them to get ready or to be any readier than they were eight years ago, or as was indicated in this House that they will be any readier ten years from now.

It is quite imperative that if our youngsters are going to receive an education that they should all receive the same education from the pre-primary or kin-

dergarten to higher education; and this is the implementation that I think I pointed out in the original debate in this House that there are other programs that are part of our laws in the Education Department now, namely the Physical Ed which is part of the program, but yet how many schools have this type of program? This would give them the same alternative to get their house in order and start a program of giving the five-year olds a chance the same as the other 80 percent of our students are presently receiving under the elementary system of our schools in the State of Maine.

Mr. Richardson of Stonington was granted permission to speak a third time.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I am not going to debate the question of whether we're ready for this or not, as far as having put it off. The main point I brought out the other day, the main point that I will stand on right now, is the fact that the testimony at the hearing pointed out that at the present time there are not enough trained teachers to fulfill the obligations of this program at the present. And it was also pointed out that with ill-trained teachers more harm than good could be done, and I feel that on this basis we are justified in rejecting a mandated kindergarten for five-year olds.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I would ask for a roll call.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I think probably in some areas the gentleman from Stonington, Mr. Richardson has justified his statement that we don't have enough qualified teachers to start furnishing all the pre-primaries of the kindergarten classes in our state. Those statements have been made not only this year, they have been made continuously, not only for

kindergarten but they have been made for all classes, all the way up to the college and university level, that there is never a sufficient number of teachers to cover all our school system.

So therefore, if we allow them to begin this program, to start something going, it is my theory certainly that they will make an effort to provide the teachers, provide the classrooms, and start the five-year olds throughout the state as it should be.

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: We thoroughly debated this item last Thursday, and the vote in this House was 97 to 27 to indefinitely postpone. I would hope that we knew what we were doing at that time and would stick to that decision. If we don't want to stay here until Labor Day, we'll have to stop this continual debating of these bills, and I would oppose the motion to recede and concur.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This piece of legislation was very decisively defeated just a few days ago in this House for a very good reason. I think I have some very good reasons. In general I'm opposed to legislation that dictates to towns. In other words, I don't think it's right for us to come here and tell people back home that they must do something.

Now, one speaker before this House this morning said — we want to make it available. It's available now, they can have kindergarten if they so desire, and there's only about twenty percent of them don't have, and some of this twenty percent do desire a kindergarten. As pointed out, they cannot find the proper instructors. Well let me tell you that some of the ones that do have kindergartens right now don't have proper instructors, and for these very good reasons that have been set forth by others, I too hope that we go along and continue our same stand that we made the other

day, and by about the same numbers.

I think it's wrong — I always have, that we dictate to these people — and many of these people want a kindergarten and they're trying to get it, and I said the other day, all these little towns want the very best for their children the same as we do, and I hope that this is defeated.

The SPEAKER: Is the House ready for the question? A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Madawaska, Mr. Levesque, that the House recede from its former action in indefinitely postponing L. D. 1420 and concur with the Senate in accepting the Report. All those in favor of receding and concurring will vote yes; those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, R. E.; Bedard, Bernard, Boudreau, Bourgoin, Brennan, Carey, Carroll, Carswell, Conley, Cote, Crommett, Curran, Ewer, Fortier, Fraser, Gaudreau, Gauthier, Giroux, Hall, Hennessey, Hunter, Kilroy, Kyes, Lebel, Levesque, Lowery, Martin, Nadeau, J. F. R.; Rideout, Rocheleau, Sawyer, Shute, Tanguay.

NAY — Baker, E. B.; Belanger, Beliveau, Benson, Berman, Binnette, Birt, Bragdon, Brown, Buck, Bunker, Burnham, Carrier, Champagne, Clark, Cornell, Cottrell, Crockett, Cushing, Darey, Dennett, Dickinson, Drigotas, Drummond, Dudley, Dunn, Durgin, Edwards, Eustis, Evans, Farrington, Fecteau, Foster, Fuller, Gill, Hanson, P. K.; Harnois, Harriman, Harvey, Hawes, Healy, Henley, Hewes, Hichens, Hinds, Hodgkins, Hoover, Huber,

Humphrey, Immonen, Jalbert, Jameson, Jewell, Keyte, Lewin, Lewis, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Miliano, Minkowsky, Mosher, Nadeau, N. L.; Philbrook, Pike, Porter, Prince, Quimby, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Robertson, Robinson, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Scribner, Shaw, Snow, P. J.; Snowe, P.; Soulas, Starbird, Sullivan, Susi, Thompson, Townsend, Trask, Truman, Waltz, Watts, Wheeler, White, Wight, Williams, Wood.

ABSENT — Bradstreet, Cookson, Couture, Crosby, D'Alfonso, Danton, Hanson, B. B.; Hanson, H. L.; Haynes, Jannelle, Noyes, Payson, Pendergast, Roy.

Yes, 35; No, 101; Absent, 14.

The SPEAKER: 35 having voted in the affirmative and 101 having voted in the negative, the motion to recede and concur does not prevail.

Is it now the pleasure of the House to insist?

The motion prevailed.

Orders

On motion of Mr. Hanson of Gardiner, it was

ORDERED, that Jack Cary of Gardiner be appointed to serve as Honorary Page for today.

Mr. Benson of Southwest Harbor was granted unanimous consent to address the House.

Mr. BENSON: Mr. Speaker and Members of the House: A short time ago there was a bit of a mix-up on a tabling motion, and there was a tabling motion before the House, and therefore it was impossible for me to explain.

There has been an agreement between the leadership of both Parties that we will table for no longer than two days. I think possibly it slipped the mind of the gentleman from Madawaska, Mr. Levesque, that we are going into Monday sessions starting next week, and he actually was requesting to table for three days. As I said before, it was impossible for me to explain this because a tabling motion is not debatable.

If we were to get into a debate on fair play on tabling motions I might press my memory back to the 102nd when on instances I myself was refused the privilege of tabling a bill, and certainly many times we were refused the privilege of tabling money matters. However, I certainly wouldn't want to get into a debate of this kind. I just thought it might be proper at this time to explain the reason for the request for a division by me on the tabling motion that was requested. Thank you.

Mr. Levesque of Madawaska was granted unanimous consent to address the House.

Mr. LEVESQUE: Mr. Speaker and Members of the House: It is certainly my intention to abide by the two-day tabling agreement that was made, and it was possibly an oversight on my part of not recognizing this coming Monday as a legislative day.

House Reports of Committees Leave to Withdraw

Mrs. Lincoln from the Committee on Claims on Resolve Reimbursing Mark Harrington of Phippsburg for Well Damage by Road Construction (H. P. 1069) (L. D. 1534) reported Leave to Withdraw.

Mr. Foster from the Committee on Judiciary reported same on Bill "An Act Creating the Uniform Act on Status of Convicted Persons" (H. P. 942) (L. D. 1374)

Mr. Sahagian from the Committee on Natural Resources reported same on Bill "An Act Eliminating Town of Medway from Maine Forestry District" (H. P. 1072) (L. D. 1537)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Central Maine Airport at Norridgewock" (H. P. 619) (L. D. 875) reported Leave to Withdraw, as covered by other legislation.

Report was read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I've had several queries made from these other members of the Committee, concerning these items, several items concerning the airports which are "leave to withdraw as covered by other legislation."

The big bill, 1232, is being held in committee with all of these airport bills, plus items, plus some that were not in the L. D. as heard, and put into that one big package, and will come out of the Appropriations Committee, so that the amounts have not been touched, the bills are not necessarily ignored; they are very much alive in the committee and will be reported out as one bill.

Thereupon, the Report was accepted and sent up for concurrence.

Mr. Birt from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Rehabilitate Facilities at Dow Air Force Base in Bangor" (H. P. 778) (L. D. 1140) reported Leave to Withdraw, as covered by other legislation.

Report was read.

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

Mr. QUINN: Mr. Speaker, may this item be tabled until Monday, the 15th?

The SPEAKER: The gentleman from Bangor, Mr. Quinn, moves that item 5, L. D. 1140, be tabled until Monday, May 15, pending the acceptance of the Report.

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

Mr. JALBERT: Mr. Speaker, I move that this item be tabled until Tuesday, May 16. The reason for —

The SPEAKER: The gentleman may not debate the tabling motion —

Mr. JALBERT: I'm only going to debate the time, Mr. Speaker, I'm fully aware that I'm on thin ice —

The SPEAKER: The gentleman understands it.

Mr. JALBERT: I mean the reason for it is that we have all these

airport bills under one roof and this would give us more time to —

The SPEAKER: The gentleman is not debating the time

Mr. JALBERT: I would make the motion that we table until Tuesday and hope you vote against me.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that item 5, L. D. 1140, be tabled until Tuesday, May 16 pending acceptance of the report. Is this the pleasure of the House?

Mr. Benson of Southwest Harbor requested a division.

The SPEAKER: A vote has been requested. All those in favor of tabling this matter until Tuesday, May 16 will vote yes and those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken, 13 having voted in the affirmative and 106 having voted in the negative, the tabling motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, in moving that we accept the Report, Leave to Withdraw, I would like to assure the gentleman from Bangor, Mr. Quinn, that the measure concerning Dow Air Force Base in Bangor is not being changed at all. We are using this method, and I am speaking for the Committee with the approbation of the House Chairman and the measure concerning the Dow Air Force Base and any other measure here will be wrapped up and put under one roof, and I could almost be assured that all the bills will be reported out of committee "ought to pass" unambiguously.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The gentleman from Lewiston, Mr. Jalbert, took the words right out of my mouth. I concur with his remarks in regard to all of these bills.

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

Mr. QUINN: Mr. Speaker, I thank both the gentleman from

Lewiston, Mr. Jalbert, and the gentleman from Perham, Mr. Bragdon, I merely was trying to protect my bill until Monday.

Thereupon, the Report was accepted and sent up for concurrence.

Mr. Dunn from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees" (H. P. 462) (L. D. 675) reported Leave to Withdraw, as covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act Appropriating Moneys for Improvements of Machias Valley Airport" (H. P. 703) (L. D. 998)

Same gentleman from same Committee reported same on Bill "An Act Appropriating Funds for Rockland Airport" (H. P. 870) (L. D. 1282)

Mr. Hinds from same Committee reported same on Bill "An Act to Authorize General Fund Bond Issue in Amount of Six Hundred and Fifty Thousand Dollars and to Appropriate Moneys for Construction, Extension and Improvement for Augusta State Airport" (H. P. 823) (L. D. 1231)

Mr. Jalbert from same Committee reported same on Bill "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees" (H. P. 959) (L. D. 1402)

Mr. Scribner from same Committee reported same on Bill "An Act Appropriating Funds for Overtime Compensation at One and One-half Times the Regular New Rate at Which State Employees is Employed" (H. P. 651) (L. D. 904)

Same gentleman from same Committee reported same on Bill "An Act to Authorize General Fund Bond Issue in Amount of One Hundred and Twenty Thousand Dollars for Construction at Rockland Airport" (H. P. 871) (L. D. 1283)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Birt from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Providing for

Salary Increases for Certain Classified State Employees" (H. P. 932) (L. D. 1348)

Report was read and accepted and sent up for concurrence.

Indefinitely Postponed

Mr. Dunn from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Authorize Bond Issue in the Amount of Eight Hundred and Fifty Thousand Dollars for Construction of Dormitories at Stevens Training Center" (H. P. 869) (L. D. 1281)

Report was read.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I was amazed to see this report upon this wonderful legislative document this morning. I was further amazed that my roommate, my colleague from South Portland, saw fit not to support this worthwhile legislation. He incidentally recently sold me a house, so this shows you just what his position is. He evidently feels quite strongly about this. I simply wish that I had waited to buy my home till after this report came out.

However, the State of Maine is responsible for the Stevens Training Center. That means that the Legislature is responsible for the operation of the Stevens Training Center and for its facilities. It is not located too far from Augusta and I hope you all have seen the condition of these dormitories. This is something that we as Legislators, I do not feel, can be proud of, the conditions that these girls are required to live in. In fact, a form of discrimination is being practiced by us as long as we permit these girls to live under these conditions, while our male juvenile offenders are entitled evidently, through our discretion, to much finer quarters and dormitories.

I would hope, truthfully, that we all agree with Commissioner Walter Ulmer that there is a need here. And this is as far as the Commissioner goes. He admits there is a need, he will not evidently respond to the need. This is a great need that is here at Stevens Training

Center. There have been reports made by architects on their dormitories, they say from the standpoint of design in no respect are they proper or satisfactory, the fire exits are not proper, there are not sufficient stairways and the main stairway is of wood, rickety, and it would be a bad place for a fire to start because it is an exposed area. A rod has been installed to help support one flight in each one of these buildings. The individual rooms are not large enough; in fact, if you have seen, in some of these rooms I don't believe you can imagine requiring a person to stay in them.

I know that the boys down at the Boy's Training Center would consider they were being placed in solitary confinement if they were asked to stay in one of these rooms in these dormitories. The wood floors caused by the sagging of the structure and the natural shrinkage of the lumber. After all, it should shrink. You'd shrink if you were as old as some of these buildings. The walls are plastered for the most part, although cracked plaster has been covered with hard board. The cracks are due for the most part to the sagging of the floors. Very few of the doors can be closed because they are not in a plumb condition, I believe that's the terminology, the buildings are not in shape to meet the cold requirements. The ceilings are littered with exposed conduit and piping and I could go on and on but I don't want to bore you people with this because if you see this you know this report is factual. All I would point out is, if any one of these buildings was a private building it not only would be condemned, it would be torn down.

And in the Portland paper of April 14th, it says this Legislature will be derelict if it neglects Stevens' needs. It goes on to point out about—the Commissioner had a busy day that day, he was opposing something else in regard to psychiatric care. It also states this situation alone raises some question but the Commissioner was on far less sound ground when he also opposed another proposal for five cottages to relieve the overcrowding at Stevens Training Cen-

ter. The Stevens' story is not a happy one. The Center is fifty percent overcrowded.

And bear in mind that at the time that this was written, it was overcrowded, and I contend that when the members of the 104th Legislature return, this will not just be an overcrowded condition; that the amount of public sentiment that's going to be generated over the lack of action of the 103rd Legislature will be felt at your local level. And we're not discussing just bricks and mortar here. We're not discussing programs or administration. We all realize we are great supporters of programs and philosophy and this type of thing, but before these can be of any advantage at all, these children must have a place to live, and live in respect. And I simply cannot believe that this House would refuse to permit a bond issue of this type to go out to the people for a referendum. For this reason, Mr. Speaker, and I do not care to take any more time of this esteemed body, I would move that we substitute the bill for the report. Thank you.

The SPEAKER: The gentleman from South Portland, Mr. Gill, now moves that the House substitute the Bill for the Report on L. D. 1281.

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

Mr. DUNN: Mr. Speaker and Members of the House: I think everyone here, and I am sure the Committee, has the same concern for Stevens as anyone else, but it was the feeling of the Committee that this bill calls for the construction of five buildings, which would be pretty much in the classification of a crash program. We did not think that this was advisable and the Commissioner certainly did not approve of this.

However, the Committee is going to bring out or approve the construction of one building which will house either thirty or thirty-two girls in the place of the sixteen-girl construction down there now, which in effect is the same as building two buildings. This is a much more practical way; the expense of the construction will be—well, just about half. So that was the reason that we turned this one

out "ought not to pass." We do intend certainly to approve construction of one building.

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

Mr. HINDS: Mr. Speaker and Members of the House: I certainly have a great deal of feeling for the Stevens Training Center, and I think many people on the Committee could testify that I had a great deal of interest and discussed this thoroughly with the Department on my own besides at the public hearing, and discussed it with the Bureau of Public Improvements.

The Commissioner has told us that he wouldn't know what to do with five cottages if he got them right now because of the land situation there. Each one of these cottages as requested in this bill would require a separate heating plant and they would house sixteen girls in each cottage at a cost of \$210,000 a cottage.

The Committee felt that a building similar to the type they have at perhaps Colby College or some of our other colleges, the University of Maine, which costs in the area of five or six thousand dollars an individual, would be more suitable for this institution. I have an up-to-date estimate here that was just delivered to me a few minutes ago from the Bureau of Public Improvements, and the revised estimate which the Committee had requested asks for a dormitory to house 32 girls instead of the 16, so this would be the same as giving them two cottages under their setup that they had requested in the bill, and there would be a total cost for this project of \$260,000, which would mean that the Appropriations Committee, in committee, would add \$90,000 to the amount recommended by the Governor, so that the Stevens Training Center could have a nice, new cottage to house 32 of these girls.

I think that's about all I have to say on the matter, and I just hope that the—this is a large bond issue and will require a lot of money to retire the interest and principal of it. There is not sufficient money in the bond issue to build five cottages, and as I told you the VPI

said these cottages are \$210,000 a piece, and if you multiply five times that amount you will find that \$850,000 will not cover it.

I hope the motion to substitute the Bill for the Report doesn't pass.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I'd like to make just a few unprepared statements in relation to this. First of all let me say I think that something should be done there to improve the situation, I don't know as I'd particularly agree to certain plans but I do think we should do something. I consider myself a businessman and some probably that know of me would say—maybe a successful businessman, and I've always considered that in spending two dollars where I could get five back was a good investment. I view this as a similar situation. Furthermore, I'd want to be on record as being the last man in this House that would discriminate against the opposite sex, and I think that we could improve the environment there to the extent that these girls would want to stay there, not run away from there, and I hope that somehow we'll see fit to do something for this institution. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Milinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker and Members of the House: I do not care to take issue with the members of the Appropriations and Financial Affairs, but I want the record to show that I support the remarks of the gentleman from South Portland, Mr. Gill.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I speak as a member of the Health and Institutional Services Committee, which I have served on during my six terms in the Legislature. I also speak as a member of the past Legislative Research Committee and also as a member of the organization called "Supporters of Stevens." I am the

legislative representative for that group.

Now Stevens Training Center is in an emergency state, it's over fifty percent overcrowded. Now the girls at Stevens Training Center, many of them are very low IQ's, some of them are very high IQ's. Many of them are very emotionally disturbed. Many of them are there because they are neglected girls — neglected youngsters. The Court has committed them to Stevens so that they will have a place to live and be properly taken care of.

Now, we have a terrific, rehabilitative, professional person in the Superintendent of Stevens Training Center, and that is Dr. Pauline McCreedy, and in the Press Herald of March 16, she stated, according to the Press Herald report:

"The situation at Stevens is in an emergency state, and there seems to be little question but that the present emergency will be the normal situation of the future.

"Surely it is just plain good business to spend a few thousand dollars today to save a quarter of a million dollars 15 or 20 years from now.

"One thing I can guarantee you: The girls at Stevens will become mothers. In large measure, what we do with these girls today will determine whether or not their children will be taxpayers or tax consumers."

Now I have a report that was made by a member of the Legislative Research Committee, and the report concerns the cottages — the buildings over there.

"The cottages are old, ill-furnished, drab and inconvenient. The bedrooms measure 4 feet wide and 8 feet long. They contain a metal cot, dresser, chair and possibly a small bedside table. In most rooms a closet has been fashioned by hanging a curtain diagonally across one corner. No provisions are made to encourage proper study habits — a single light suspends from the ceiling."

"New cottages should be high on the priority list for consideration by this Legislature — 6 of them."

Now as I said before we have a very very professional person in the Superintendent of Stevens Training Center, and she knows what the needs are insofar as rehabilitation, and it is unreasonable for the Courts of the State of Maine to send girls to the Stevens Training Center and then not provide the Superintendent and the staff with the proper tools with which to rehabilitate or train these girls and put them back out in society. I think that it's a crime if the Legislature expects these girls to go out into society and become good citizens, when they went in there, some of them as disturbed citizens, and very little has been done for them to change this. It just seems unreasonable that anybody can leave the situation as it is.

Now I think that where the institution is fifty percent overcrowded, that there is an emergency situation — there are fire hazards over there — it is inhumane to leave it as it is, and I do hope that we substitute the Bill for the Report, and I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY : Mr. Speaker, could this item be tabled until this afternoon?

The SPEAKER: The gentleman from West Bath, Mr. Hennessey, now moves that L. D. 1281 be tabled until later in today's session pending the motion of the gentleman from South Portland, Mr. Gill, that the House substitute the Bill for the Report.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise for the purpose of asking for a division.

The SPEAKER: A vote has been requested. All those in favor of tabling this until later in today's session will vote yes; those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

40 having voted in the affirmative and 91 having voted in the

negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: During my three sessions here I have been very much interested in and have spent considerable time at Stevens. I have attended their Christmas concerts and their spring plays and their graduation exercises. I know the fine program that is being carried on there. Also, I am very much aware of their needs. They have been grateful for the things that have been done, and I hope very much that we can continue to help Stevens. I shall support this bill.

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

Mrs. CARSWELL: Mr. Speaker, is the motion for a roll call now in order to substitute the Bill for the Report?

The SPEAKER: The gentlewoman can request a roll call.

Mrs. CARSWELL: I request a roll call to substitute the Bill for the Report.

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

Mr. BIRT: Mr. Speaker, I think most of us who have been around here for more than one session, and probably some of the people who have come in this session, are quite well aware of the problems at Stevens. Probably from what I have been able to find out, it probably at one time was considered to be the most neglected of all our state institutions.

The last Legislature, and the one prior to that, started a program of trying to update Stevens, and in the last Legislature one dormitory and a very excellent gymnasium and recreation building was given to Stevens. As has been pointed out a little earlier, that it is the intent at the present time of the Appropriations Committee to come out in the general bond issue for an additional dormitory.

Now on the discussion of this bill in committee when the bill

came before the Committee, the Commissioner of Institutional Services, Mr. Ulmer, did not appear in favor of this bill, and some of the things that he pointed out were, at the time, that they did not even know the proper type of building program that they wanted to go into, or the proper type of building, because the buildings that they are considering at the present time are extremely expensive for each inmate in there. When it's costing the state \$13,000 for the housing of one inmate, this becomes quite an expensive proposition, and they are considering other types of building which might not be quite so expensive and still do a very adequate job.

I also think—and this has been true in many other areas in the state, that if we were to go into a crash program, and they're not ready for it and they cannot institute it, then the program actually does not move along as smoothly as it should. I believe in my own mind that the giving of another dormitory at this time would be a very proper move in the direction of updating Stevens, but to go into a crash program would be a mistake, and I would certainly hope the motion to substitute the bill for the report is not accepted.

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

Mr. GILL: Mr. Speaker, I rise only to make a few comments. They are talking about a cottage for thirty-two girls. Well this cottage, not at this population figure necessarily, was recommended by the Governor and so they are not talking about anything in addition to what was proposed originally, and let's say that our Bureau of Public Improvements in their own fast method could go down and by Monday would have this new building erected for thirty-two girls. This would tend only slightly to solve their problems. This Legislature does not meet again for two years and in regard to Mr. Birt's remarks, my very fine friend from East Millinocket, he and the department are still in the same quandary, they are not

sure what direction they are going in.

My question is, isn't it about time we tell this department which direction they are going in? They have made studies, evaluations, continuous evaluations, and I have no question but that with the studies and various types of maintenance to these old buildings during the past year that they would be able to build these cottages which we are asking for in this bond issue, and we have got to realize too that we have a responsibility in putting out this bond issue to the people, but I contend that there is support for this bond issue to be put out to the people; the final decision is not ours, but the decision whether to put it out or not is and I say that the people of the State of Maine want you to at least give them a choice to determine this matter.

Mrs. Carswell of Portland was granted permission to speak a third time.

Mrs. CARSWELL: Mr. Speaker, if it is true that Commissioner Ulmer does not know which direction in which he wishes to go, I am sure that Dr. McCready does; she has a five phase program already planned.

Now if we don't relieve the fifty percent overcrowding, she is going to be forced to put the girls out of the institution prematurely, and I will state what she has said: "One thing I can guarantee you, the girls at Stevens will become mothers. In large measure what we do with these girls today will determine whether their children will be taxpayers or tax consumers." And this is something to consider, and those people who don't know where they are going, let's show them today by voting for this bill.

Mr. Snowe of Auburn moved the previous question.

The SPEAKER: The gentleman from Auburn, Mr. Snowe, moves the previous question. For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present. All those in favor of the Chair entertaining the motion for the previous question

will vote yes, those opposed will vote no and the Chair will open the vote.

15 voted in the affirmative and 109 voted in the negative.

The SPEAKER: Obviously, an insufficient number having voted for the previous question, the previous question is not entertained.

The Chair recognizes the gentleman from Winthrop, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I rise here with a little fear and trepidation to bring out and just to reemphasize two or three points already made and perhaps leave the thought with you that I am discriminating against my own sex, but it just seems to me that we do have huge amounts already under consideration for bond issues, and this is only going to add to our confusion and burden, and I also believe as has been brought out by the other speakers that there are many things being done this year for Stevens, and it would seem certainly that such a building program as this should have had the wholehearted support of the top echelon and the Department of Mental Health and Corrections. I would urge you to vote against substituting the bill for the report.

The SPEAKER: The Chair would advise the House that only one member may be on the Floor at a time and this is subject to our rules.

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

Mr. SCRIBNER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to the large green book, we have recommended priorities which are arrived at through a considerable selection process by the Bureau of Public Improvements, acting in teams of engineers and architects. You will note on page 54, Stevens Training Center, the new dormitory number two which the Appropriations Committee is expected to act favorably on comes to 19.7 million in the statewide accumulative totals. This will be expanded so it will also include the equivalent of new

dormitory number three which comes at 52.4 million dollars in the statewide accumulative totals. New dormitories four, five, six and seven were considered by the Bureau of Public Improvements in terms of relative need of all State programs to come in the range of 54 to 59 million dollars. We are talking in general terms of capital program for state institutions of somewhere not exceeding 20 to 25 million dollars. The Appropriations Committee does intend to go somewhat beyond the recommendations of the engineers and the architects who serve all our public buildings. I think this bill would go far beyond this recommended program and it would place them in what I consider to be a position that would work to the detriment of all our other state institutions.

The Committee on Appropriations and Financial Affairs is charged with the responsibility of seeing that the needs of all our state institutions are fairly equally balanced and represented insofar as we can do so and that is what we have tried to do and we have had the support of the recommendations which we followed relatively closely whenever we can of the engineers and others who are concerned with recommending whatever is necessary to fill the needs of our state institutional population. I feel that this program that the Appropriations and Financial Affairs Committee will come out with will be a fair program and it will even at that point treat Stevens more fairly probably than a few of the other institutions. Thank you.

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

Mr. QUINN: Mr. Speaker, I haven't been eligible to spend much time at Stevens but I have heard considerable about the institution, and I have heard a lot about the need of that institution, and the needs should be taken care of. However, I stand here now to point this out. If you substitute the bill for the report, you are giving the people of the State of Maine an opportunity to vote on a bond issue. If they turn it down, Stevens gets nothing. On the other hand,

you heard the Appropriations Committee tell you what their plans were, and if that is accepted, Stevens will get something. So as I see the problem, it is what side or what gamble should be taken.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I concur with what has been said by the members of the Appropriations Committee, and I would also certainly concur with the factual right on the line remarks just made by the gentleman from Bangor, Mr. Quinn.

I happen to be the author of the report, as Chairman of the Research Committee, that was distributed to you and partially read by the good lady from Portland, Mrs. Carswell. I assure you that I know the situation and conditions at the Stevens Training Center. I might say also that I know the situation insofar as our Commissioner of Mental Health and Corrections is concerned, I don't think he stands for any criticism and I assure you of one thing, if I wanted to, I possibly could criticize the situation at Stevens from an administrative standpoint, and I don't want to be pushed into that situation.

Now proportionately we have taken care of Stevens and we are going to take care of Stevens a great deal better than any other institution. My report indicates that we have got to do something wherein it concerns six dormitories. By making one dormitory, as usual they are fifteen, by making one of thirty-two, that takes care of one-third of the entire package and I think that's a pretty good batting average. I now move the indefinite postponement of this bill and all its accompanying papers and when the vote is taken, I ask for a roll call.

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the report and bill be indefinitely postponed on L. D. 1281. A roll call has been requested.

Mr. Gill of South Portland was granted permission to speak a third time.

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I will try to be brief, I think it is about time we try to bring this to a vote. However, I would point out to you, a lot of you have seen these dormitories at Stevens Training Center, and if you feel that the Bureau of Public Improvements has done this place justice over the years, I would suggest that you vote against my bill. Somehow, the Bureau of Public Improvements, evidently because Stevens Training Center is so close to Augusta, it has not found it worthwhile to make the trips to inspect it, because in my opinion, in spite of the fact of the fine engineers and architects and loyal state employees in the Bureau of Public Improvements who recently have designed George's concession downstairs, and you can look at that and see their handiwork, I contend that no department should list this in the priority as they did. They have neglected it for years, this is why it calls for a big program now.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I hope that when you vote you will consider the institution's fifty percent overcrowding, and as I said before, this is an emergency situation. Now if that building up on the hill and the rest of the buildings on the grounds were down on Main Street here, I am sure that the Fire Department and every other department would be closing practically every building, so I think that we should think of the individuals that are there for rehabilitation; we should think of their safety, and we should put human beings before dollars and one building is not going to take care of a fifty percent overcrowded situation, so I hope that you vote against the motion to indefinitely postpone the bill and I guess a roll call has already been requested.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have heard over the many years that

you shudder and you know better than take issue with a woman. I have been taking issue with a woman for twenty-seven years and I've been losing steadily, but I mean I consider that inside that railing here all is fair in love and war, and my feelings for the lady from Portland, Mrs. Carswell, is well known, certainly as I have indicated it on several occasions publicly on the Floor of this House.

However, I would like in view of her last comments, I would like to ask the lady from Portland, Mrs. Carswell, a question. If she, as she states, for years has known and now depicts to us tearfully, the desperate situation as far as housing is concerned that has existed over the many years at Stevens, why, when we voted and she voted with us, to have a new gymnasium at Stevens, why didn't she substitute that proposal for new housing programs?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentlewoman from Portland, Mrs. Carswell, who may answer if she chooses and the Chair recognizes that gentlewoman.

Mrs. CARSWELL: Mr. Speaker and Members of the House: I would have to go back and look at the records and read what the motions were at the time and what a position I was in at the time in order to tell you why I voted the way I did, and that is only reasonable.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: During the first three weeks of this session I took it upon myself to visit the various institutions throughout the State on my off afternoons. Everyone of these institutions has a need except the Boys Training Center I was told. I spent three hours over at Stevens Training Center and went all through the buildings, and according to Mrs. McCreedy herself, I was really given the works between herself and Mr. Malloy. I know the needs over there and I am very sympathetic to them. But I also realize that

this crash program isn't what we need just now. I will have to vote against it, but I want to go on record as being in favor of a growing program for Stevens. They need it.

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

Mr. RIDEOUT: Mr. Speaker, Ladies and Gentlemen of the House: I am an ex-Mayor of the City of Hallowell and I represent that area now and I am fully aware of the needs of the Stevens Training Center.

However, rather than a crash program I would have to concur with the Appropriations Committee and go along with their orderly growth, and I would urge you to support the motion of the gentleman from Lewiston, Mr. Jalbert.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I find it hard to know which way to vote on this measure. One month ago when An Act continuing Governor's Advisory Council on the Status of Women was presented here, I tried to get the \$3,000 transferred to Stevens and I was downed by a vote of 103 to 16. The gentleman from Portland, Mrs. Carswell, answered me, these women study programs on the State and local level and then they make recommendations, so Stevens would be included, and this would be something that would help Stevens also. I would like to know how much help they are going to get.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Lewiston, Mr. Jalbert, that L. D. 1281, and the Report be indefinitely postponed. A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes and those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken, and more than one fifth of the

members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the Report and Bill "An Act to Authorize Bond Issue in the Amount of Eight Hundred and Fifty Thousand Dollars for Construction of Dormitories at Stevens Training Center," House Paper 869, L. D. 1281, be indefinitely postponed. All those in favor of the indefinite postponement of the Report and Bill will vote yes; those opposed will vote no, and the Chair will open the vote.

ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Bedard, Belanger, Beliveau, Benson, Birt, Bragdon, Brennan, Brown, Buck, Bunker, Burnham, Carey, Carroll, Champagne, Clark, Cookson, Cote, Cottrell, Crockett, Crosby, Curran, Cushing, D'Alfonso, Danton, Darey, Dennett, Dickinson, Drigotas, Drummond, Dunn, Edwards, Evans, Ewer, Farrington, Fortier, Foster, Fraser, Fuller, Gauthier, Hall, Hanson, H. L.; Harnois, Harriman, Hawes, Henley, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Hunter, Immonen, Jalbert, Jameson, Jewell, Keyte, Levesque, Lewin, Lewis, Lycette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Pendergast, Porter, Quimby, Quinn, Rackliff, Richardson, H. L.; Rideout, Robertson, Robinson, Rocheleau, Ross, Roy, Sahagian, Sawyer, Scott, C. F.; Scott, G. W.; Scribner, Shaw, Shute, Snow, P. J.; Snowe, P.; Sullivan, Susi, Thompson, Trask, Truman, Waltz, Watts, Wheeler, Williams.

NAY — Berman, Bernard, Binnette, Boudreau, Bourgoin, Carrier, Carswell, Conley, Cornell, Crommett, Dudley, Durgin, Eustis, Fecteau, Gaudreau, Gill, Giroux, Hanson, P. K.; Harvey, Healy, Hennessey, Hewes, Jannelle, Kilroy, Kyes, Lebel, Lincoln, Littlefield, Lowery, Martin, Minkowsky, Philbrook, Pike, Prince, Richardson, G. A.; Soulas, Starbird, Tanguay, White, Wight, Wood.

ABSENT — Bradstreet, Couture, Hanson, B. B.; Haynes, Noyes, Payson, Townsend.

Yes, 102; No, 41; Absent, 7.

The SPEAKER: 102 having voted in the affirmative and 41 having voted in the negative, the motion to indefinitely postpone the Report and Bill does prevail.

Sent up for concurrence.

Tabled and Assigned

Mr. Conley from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act Clarifying the Location of Town Line Between China and Winslow" (H. P. 1118) (L. D. 1595)

Report was read.

(On motion of Mr. Farrington of China, tabled pending acceptance and specially assigned for Monday, May 15.)

Mr. Cushing from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Referendum for Ordinances and Orders in City of Saco" (H. P. 922) (L. D. 1331)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Shaw from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act to Make Certain Changes in Government of Town of Sanford" (H. P. 903) (L. D. 1298)

Report was read.

(On motion of Mr. Nadeau of Sanford, tabled pending acceptance and specially assigned for Monday, May 15.)

Covered by Other Legislation

Mr. Richardson from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to School Committee and Elective Officers of City of Saco" (H. P. 786) (L. D. 1148), as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act Concerning the Practice of Public Accountancy" (H. P. 1016) (L. D. 1508) reported same in a new draft (H. P. 1153) (L. D. 1649) under same title and that it "Ought to pass"

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Funds of Deceased and Discharged Patients and Inmates" (H. P. 273) (L. D. 393) reported same in a new draft (H. P. 1154) (L. D. 1650) under title of "An Act relating to Funds of Deceased Patients and Inmates" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act Appropriating Funds for Airport at Bar Harbor" (H. P. 50) (L. D. 75)

Report was read and accepted and the Bill read twice.

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

Mr. BOURGOIN: Mr. Speaker, I would like to pose a question through the Chair to any of the Appropriations and Financial Affairs Committee. Why was this airport not included with the previous ones?

The SPEAKER: The gentleman from Fort Kent, Mr. Bourgoin, poses a question through the Chair to any member of the Appropriations Committee who may answer if they choose and the Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I think the answer to the gentleman's question is that the Appropriations Committee considered this particular airport an emergency. For that reason, we set it up alone.

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

Mr. JALBERT: Mr. Speaker, in further answer to the question, the gentleman from Perham, Mr. Bragdon, the House Chairman, is correct. I forgot about the Bar Harbor situation. They have a tremendous amount of summer traffic in that area and some of the out-of-state summer residents have expended a great deal of their own funds for this thing, and this is a very worthwhile project, and this is the one project we turned out as an emergency and I completely forgot about it when I talked about the other programs.

Thereupon, the Bill was assigned for third reading tomorrow.

Mr. Berman from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Suspensions Ordered by the Hearing Commissioner" (H. P. 269) (L. D. 390)

Report was read and accepted, the Bill read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Berman from the Committee on Judiciary on Bill "An Act Providing for Action in Aid to Dependent Children Cases Involving Fraud" (H. P. 672) (L. D. 944) 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. 672, L. D. 944, Bill, "An Act Providing for Action in Aid to Dependent Children Cases Involving Fraud."

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

'Sec. 1. R. S., T. 17, §1603-A, additional. Title 17 of the Revised Statutes is amended by adding a new section 1603-A, to read as follows:

§1603-A. Fraud against State

Whoever, in any matter within the jurisdiction of any department or agency of the State of Maine, knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both.

Sec. 2. R. S., T. 22, §3756, additional. Title 22 of the Revised Statutes is amended by adding a new section 3756, to read as follows: §3756. Fraud in obtaining aid, civil recovery

Any sums paid to or in behalf of any person under sections 3741 to 3753, as a result of any false statement, misrepresentation or concealment of assets or income, may be recovered in a civil action brought by the department against the person to whom such money was paid.'

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

Mrs. Baker from the Committee on Legal Affairs on Bill "An Act Amending the Portland Renewal Authority Law" (H. P. 907) (L. D. 1317) 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. 907, L. D. 1317, Bill, "An Act Amending the Portland Renewal Authority Law."

Amend said Bill by inserting after the enacting clause the following:

'Sec. 1. P. & S. L., 1951, c. 217, §5, sub-§ (i), repealed and replaced. Subsection (i) of section 5 of chapter 217 of the private and special laws of 1951 is repealed and the following enacted in place thereof:

(i) To prepare plans and provide reasonable assistance for the relo-

cation of families, businesses or individuals, or 2 or more, displaced from a redevelopment project area to permit the carrying out of the redevelopment project to the extent essential for acquiring possession of and clearing such area or parts thereof; or under contract with the City of Portland or the State of Maine to prepare such plans and to provide such assistance for the relocation of families, businesses or individuals displaced through clearance of land by the City of Portland or the State of Maine or both within the City of Portland in order to provide a site to serve a public purpose.'

Further amend said Bill by inserting at the beginning of the first line (same in L. D. 1317) the underlined abbreviation and figure 'Sec. 2.'

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

Mr. Cushing from the Committee on Legal Affairs on Bill "An Act relating to Appointment, Duties and Tenure of Chief of Fire Department of City of Westbrook" (H. P. 677) (L. D. 949) 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. 677, L. D. 949, Bill, "An Act Relating to Appointment, Duties and Tenure of Chief of Fire Department of City of Westbrook."

Amend said Bill in the Title by adding after the words "Tenure of" the word 'Permanent'

Further amend said Bill in the 3rd paragraph from the end, 4th line, (3rd line in L. D. 949) by adding after the words "Tenure of" the word 'Permanent'

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

Mr. Cushing from the Committee on Legal Affairs on Bill "An Act Amending Charter of the City of Hallowell" (H. P. 906) (L. D.

1356) 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. 906, L. D. 1356, Bill, "An Act Amending Charter of the City of Hallowell,"

Amend said Bill by striking out all of the first sentence of the 2nd paragraph of section 1 of Article VIII (same in L. D. 1356) and inserting in place thereof the following:

'If, within 30 days after the enactment of any such ordinance, resolution or vote, a petition signed by not less than 10% of the total vote for all candidates for Governor in the City of Hallowell is filed with the city clerk requesting its reference to a referendum, the council shall call a public hearing to be held within 30 days from the date of the filing of such a petition with the city clerk and shall, within 14 days after the said public hearing, call a special municipal election for the purpose of submitting to a referendum vote the question of adopting such ordinance, resolution or vote.'

Further amend said Bill by striking out in the first and 2nd lines of section 2 of Article VIII (2nd line of L. D. 1356) the underlined figure "25%" and inserting in place thereof the underlined figure '10%'

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

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act Creating a New Charter for the Town of Fairfield" (H. P. 848) (L. D. 1262) 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. 848, L. D. 1262, Bill, "An Act Creating a New Charter for the Town of Fairfield."

Amend said Bill in section 15, subsection 1, paragraph A, by striking out in the 4th and 5th lines (same in L. D. 1262) the words "and subject to the approval of the Commissioner of Health and Welfare"

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

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act relating to Board of Commissioners of Police for the Town of Sanford" (H. P. 1117) (L. D. 1590) 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. 1117, L. D. 1590, Bill, "An Act Relating to Board of Commissioners of Police for the Town of Sanford."

Amend said Bill by inserting before the enacting clause, the following:

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

Whereas, the present charter of the Town of Sanford limits the candidates for police patrolmen both as to age and number; and

Whereas, the following legislation is vitally necessary to provide more and better police protection in Sanford for the coming tourist season and thus assure law and order for both the inhabitants of Sanford and the summer visitors; and

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

Further amend said Bill by adding at the end thereof the following:

'Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation on Bill "An Act Revising the Credit Union Law" (H. P. 963) (L. D. 1406) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MacLEOD of Penobscot
HARDING of Aroostook
KATZ of Kennebec
— of the Senate.

Messrs. SCOTT of Wilton
HARRIMAN of Hollis
FECTEAU of Biddeford
GAUTHIER of Sanford
SULLIVAN of Portland
— of the House.

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

Report was signed by the following members:

Messrs. TRASK of Milo
SCOTT of Presque Isle
— of the House.

Reports were read.

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

Mr. SCOTT: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Wilton, Mr. Scott, now moves the acceptance of the Majority "Ought to pass" Report.

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending the motion of Mr. Scott of Wilton to accept the Majority Report and specially assigned for Monday, May 15.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Claims reporting "Ought not to pass" on Resolve Reimbursing the Town of Brunswick for Property Tax Exemption on Property of State of Maine (H. P. 26) (L. D. 47)

Report was signed by the following members:

Messrs. BREWER of Sagadahoc
ROSS of Piscataquis
NORRIS of Oxford
—of the Senate.

Mrs. LINCOLN of Bethel
Messrs. QUIMBY of Cambridge
HARVEY of Woolwich
IMMONEN of West Paris
TOWNSEND of Baileyville
MINKOWSKY of Lewiston
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following member:

Mr. FRASER of Mexico
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker, Ladies and Gentlemen of the House: I move we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentlewoman from Bethel, Mrs. Lincoln, moves the acceptance of the Majority "Ought not to pass" Report.

(On motion of Mrs. Sawyer of Brunswick, tabled pending the motion of Mrs. Lincoln of Bethel to accept the Majority Report and specially assigned for Monday, May 15.)

Passed to Be Engrossed

Bill "An Act Creating the Pest Control Compact" (S. P. 630) (L. D. 1631)

Bill "An Act to Establish an Office of Mental Retardation" (S. P. 631) (L. D. 1632)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Eligibility for Office of Bank Commissioner" (S. P. 632) (L. D. 1633)

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

(On motion of Mr. Dennett of Kittery, tabled pending passage to

be engrossed and specially assigned for Monday, May 15.)

Bill "An Act relating to Education of Indians" (S. P. 633) (L. D. 1634)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to the Water and Air Environmental Improvement Commission" (S. P. 635) (L. D. 1635)

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: The State Government Committee, of which I am a member, has a bill which deals with the Water Improvement Commission, and I was not aware that this bill had gone to the Natural Resources Committee. Since both bills deal with the same topic, I would think that since this particular item is in the third reading, and our bill is still in committee, that perhaps this bill should be tabled awaiting the report of the State Government Committee so that we could discuss both of them at the same time. I would be more than happy if someone would table the bill for some length of time until the bill is reported out of our committee.

Thereupon, on motion of Mr. Dennett of Kittery, tabled pending passage to be engrossed and specially assigned for Monday, May 15.

Bill "An Act relating to Form and Arrangement of Ballots in General Elections" (H. P. 216) (L. D. 306)

Bill "An Act Providing Vocational Education Loan Funds" (H. P. 882) (L. D. 1294)

Bill "An Act relating to Privately-Owned Business, Trade and Technical Schools" (H. P. 1152) (L. D. 1644)

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 relating to Licensing of Elevator Mechanics" (S. P. 109) (L. D. 180)

Bill "An Act relating to Eligibility for School Construction Aid" (S. P. 395) (L. D. 1028)

Bill "An Act relating to Leave of Absence for Teachers Serving in the Legislature" (S. P. 560) (L. D. 1432)

Bill "An Act relating to Adult Education" (H. P. 311) (L. D. 445)

Bill "An Act relating to Trapping Beaver" (H. P. 405) (L. D. 571)

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.

Third Reader

Tabled and Assigned

Bill "An Act relating to Fallout Shelters in Public School Buildings" (S. P. 607) (L. D. 1589)

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

(On motion of Mr. Bragdon of Perham, tabled pending passage to be engrossed and specially assigned for Monday, May 15.)

Finally Passed

Emergency Measure

Resolve Extending Time for Ramp and Docking Facilities at Long Island Plantation (H. P. 53) (L. D. 78)

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. 123 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Authorizing Use of Electronic Voting Systems in Elections and Granting Rule-making Authority (S. P. 425) (L. D. 1079)

An Act relating to Certain Disqualifications of Benefits Under Employment Security Law (H. P. 228) (L. D. 318)

An Act Increasing Amount of State Grants for Community Mental Health Facilities (H. P. 260) (L. D. 381)

An Act relating to the Reimbursement of Board for Secondary School Pupils (H. P. 303) (L. D. 437)

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.

Enactor

Tabled and Assigned

An Act relating to Wages Paid for Benefits and Eligibility Under Employment Security Law (H. P. 515) (L. D. 728)

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

(On motion of Mr. Durgin of Raymond, tabled pending passage to be enacted and specially assigned for Monday, May 15.)

An Act Excluding Real Estate Brokers and Salesmen from Employment Security Law (H. P. 592) (L. D. 822)

An Act relating to State Prison Prisoners' Attendance at Funerals or Deathbed Visits (H. P. 740) (L. D. 1063)

An Act relating to Computation of Tuition Rates for Elementary Schools (H. P. 973) (L. D. 1415)

An Act relating to Instruction in a Foreign Language in Secondary Schools (H. P. 977) (L. D. 1419)

An Act relating to Regulations Regarding Atlantic Sea Run Salmon (H. P. 1137) (L. D. 1619)

An Act relating to Allowance for Widows of Justices of the Supreme Judicial Court and the Superior Court (H. P. 1138) (L. D. 1620)

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.

An Act to Restrict Purse Seining Near Certain Stop Seines (H. P. 1139) (L. D. 1621)

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

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Lowery.

Mr. LOWERY: Mr. Speaker and Members of the House: I have opposed bills similar to this one in the past, and I will oppose this one today.

To me it is legislation that will benefit very few and will open the way for future legislation favoring special interests. I see no evidence that passage of this bill will benefit the fishing industry. In fact, it will penalize more fishermen than it would help. I therefore ask for indefinite postponement of this bill and all of its papers.

The SPEAKER: The gentleman from Brunswick, Mr. Lowery, now moves the indefinite postponement of L. D. 1621 and all of its accompanying papers.

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

Mr. RICHARDSON: Mr. Speaker, I rise in opposition to this motion. I dislike disagreeing with my very worthy colleague and very good friend from Brunswick, Mr. Lowery, but I do take issue that it will not benefit many. The biggest majority of the purse seiners on the coast of Maine are also stop seiners, and many of them expressed a desire to see this type of legislation on the books.

I would remind the House that there is at the present time on the books similar legislation as far as weirs are concerned. A stop seiner is not as mobile as a purse seiner, and therefore I do not feel that this is in opposition to any person. I think that it will help the fishing industry of the State of Maine, and therefore, I would ask that you oppose the motion to indefinitely postpone.

The SPEAKER: Is the House ready for the question?

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

Mr. PRINCE: Mr. Speaker and Members of the House: I likewise oppose the motion of Mr. Lowery

whom I have a great deal of respect for.

This bill came out of Committee as a Majority "Ought to pass." It's gone through the two chambers and I explained the other day that this would not hurt anyone, but it would have a tendency to help the stop seiner.

The stop seiner is the fisherman who has to operate in coves by using the two points of land of that cove. This simple restriction just keeps the purse seiner 1500 feet, while this man is in operation. It is not going to hurt anyone, but it might help the stop seiner a little bit, and I hope that we will accept the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Pendergast.

Mr. PENDERGAST: Mr. Speaker and Members of the House: I rise in opposition to the indefinite postponement of this measure. This bill was well debated the other day, and I urge the defeat of this indefinite postponing.

The SPEAKER: The Chair will order a vote on the motion of the gentleman from Brunswick, Mr. Lowery, that item 13, L. D. 1621, An Act to Restrict Purse Seining Near Certain Stop Seines, be indefinitely postponed. Those in favor of indefinite postponement will vote yes, and those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

40 having voted in the affirmative and 81 having voted in the negative, the motion did not prevail.

Thereupon the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Authorizing a Memorial to Klir Beck (H. P. 1140) (L. D. 1622)

An Act relating to Voting Procedures in School Administrative Districts (H. P. 1141) (L. D. 1623)

Finally Passed

Resolve Increasing Pension for Leeman Grant of Milbridge (H. P. 115) (L. D. 142)

Resolve Reimbursing Mars Hill Utility District for Bonds Issued

for Sewer Construction (H. P. 400) (L. D. 566)

Resolve Providing Funds to the Washington County Development Authority for Development of Recreational Areas (H. P. 466) (L. D. 679)

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

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

**Ought to Pass
Passed to Be Engrossed**

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to Comprehensive Planning under the Higher Education Facilities Act of 1963" (S. P. 617) (L. D. 1615)

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

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

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

Mr. EWER: Mr. Speaker, has this amendment been prepared and distributed?

The SPEAKER: The answer is in the affirmative, it is a white sheet, Filing S-126.

Senate Amendment "A" was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was given its third reading.

The SPEAKER: Is it now the pleasure of the House under suspension of the rules that this bill be passed to be engrossed?

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

Mr. BRAGDON: Mr. Speaker, I am somewhat amazed to see this bill go through in this manner without any explanation. I assume it is probably all right and we are all in agreement with it. However, I terribly dislike this method

of doing. It seems to me we are entitled to some explanation.

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

Mr. BIRT: Mr. Speaker, I don't know that I can give an extensive background on this, but in looking at the emergency preamble, it requires that the authority for this is needed prior to May 15, 1967 in order to file the proper applications with the Federal Government, and I think this is the reason for the attempt to expedite this.

The SPEAKER: The Chair recognizes the gentlewoman from Winthrop, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: This is exactly the reason for the emergency consideration of this bill at this time is because of the filing before the date as suggested in the statement of facts.

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

Mr. QUINN: Mr. Speaker, may I inquire of anyone that may be able to give me the answer, whether or not this bill has had a public hearing?

The SPEAKER: The gentleman from Bangor, Mr. Quinn, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, this document has received a public hearing.

The SPEAKER: The answer is in the affirmative.

Thereupon, under suspension of the rules, the Bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence and by unanimous consent was sent forthwith to the Senate.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY: Mr. Speaker, I would like to pose a question to anyone that would care to answer. Is there a similar bill to this on this 617?

The SPEAKER: The gentleman from West Bath, Mr. Hennessey,

poses a question through the Chair to the effect, is there a similar bill to this? Anyone may answer that so chooses. The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I don't know if I understand the question correctly, but if the gentleman from West Bath Mr. Hennessey is referring to the bill of consolidating all higher education, there is such another document before the committee.

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

Mr. RICHARDSON: Mr. Speaker, on the other hand, this document that we are talking about right here is not affected by these other documents. This isn't for the same purpose. This is to let the State of Maine qualify under a Federal program is what we are talking about at the present time. This is why the emergency of having it by May 15.

The SPEAKER: The Chair would advise the House the paper is no longer before the House.

Mr. Starbird of Kingman Township was granted unanimous consent to address the House.

Mr. STARBIRD: Mr. Speaker and Members of the House: At this point I would like to take a few minutes from our deliberations to extend my congratulations and I hope the congratulations of this House to the gentleman from Millinocket, Mr. Crommett, on the occasion of his sixty-sixth birthday. I think we should give a big hand to the man who, with the possible exception of the bears of Aroostook County, is the fisherman's friend. (Applause)

Orders of the Day

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

Resolve to Reimburse Elmer Hannigan of Portland for Property Damage by Highway Construction (H. P. 734) (L. D. 1057) (Committee Amendment "A") (H-258)

Tabled — May 5, by Mrs. Lincoln of Bethel.

Pending — Assignment for second reading.

Thereupon, the Resolve was assigned for second reading tomorrow.

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

HOUSE MAJORITY REPORT (6) — Ought Not to Pass — Committee on Business Legislation on Bill "An Act relating to Insurance Transactions Through Credit Card Facilities" (H. P. 876) (L. D. 1288)

— MINORITY REPORT (4) — Ought to Pass.

Tabled — May 5, by Mr. Scott of Wilton.

Pending — Acceptance of either Report.

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

Mr. SCOTT: Mr. Speaker, I move acceptance of the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Wilton, Mr. Scott, moves acceptance of the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to get up in disagreement with my very good friend Representative Scott, also House Chairman of our Committee, but this bill came out of the Committee 6 to 4 "Ought not to pass" and I would like to explain it at this time.

This legislation is designed to prohibit buyers of insurance from paying their premiums for the insurance through credit card facilities such as major oil companies, diners' clubs, etc.

Now, this no doubt is a good sales gimmick for the credit card holders because it brings the people who pay the insurance premiums to their place of business and probably they hope to increase sales through this method. The service station owner as such does not sell insurance, neither does the credit card facilities. They only serve as a collection agency for the insurance company.

Now the major insurance companies, and I mean the major ones, all reputable outfits, these are not fly-by-night people, who sell this insurance as paid for by these credit cards, pay all their taxes to the State of Maine as any other insurance companies do, so the State does not lose any revenue.

At the hearing, it was brought out that people buying insurance under this method were getting much more for their premium dollar than could be purchased under the usual agency system. Now this method may or may not be the best way to sell insurance, although I think admittedly is the cheapest; but I think the majority of the committee were of the opinion that if this type of selling turned out that it was not in the best interest of the buyer, it would die a natural death.

This legislation probably originated with the National Association of Independent Agents or the Mutual Agents and probably if enacted this legislation would be interpreted as being in restraint of trade. This movement to restrain credit card selling has already reached the ears of Congress who believe that this type of selling might be the answer to low cost insurance for low income people, and because of the attempt of these various associations and agents to curb this type of selling, Resolution number 429 has been introduced in the House of Representatives and I would like to read you this resolution or at least part of it.

"Whereas modern marketing services, including the use of computers, electronic data processing systems, and credit card billing and collecting of insurance premiums, appear to create increasing capabilities for making available insurance coverage at substantially more economical rates in specialized instances; and

Whereas it is charged that efforts are being made to deny the people of the United States the freedom to take advantage of savings which may be offered as a result of said marketing improvements, and that these efforts are for the express purpose of restraining the sale of certain insurance coverages marketed through the

use of credit card facilities in order to force the consumer to purchase coverage through commissioned agents; and

Whereas these efforts are alleged to include legislation which is pending or has been enacted in certain States designed to restrict or prohibit, directly or indirectly, the sale or purchase of this insurance coverage: Now, therefore, be it

Resolved, That there is hereby created a select member, etc." It tells how vacancies, etc., are to be filled.

It further goes on to say that "The committee is authorized and directed to conduct a full and complete investigation of attempts to interfere, directly or indirectly, with free competition in providing more economical insurance coverage, with the particular view of determining and making recommendations to the House of Representatives in respect to efforts to restrain the sale of certain insurance coverages which are marketed through the use of credit card facilities."

I won't bother to read the rest of it.

I don't think this bill is in the best interest of the Insurance public and I hope you will support the majority committee report of "Ought not to pass".

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

Mr. SCOTT: Mr. Speaker and Members of the House: It hurts me to get up and oppose my good friend from Hollis, Mr. Harriman, but we seem to disagree on these matters.

It is unfortunate that the title of this document reads the way it does, because there is nothing wrong with paying for insurance on a credit card. In fact I wish many of our accounts were paid this way.

The real intent of this bill is to protect the public from irresponsible solicitation of insurance through credit cards as well as through the mail. The coverage offered through these means is questionable and misleading and there is serious question of claims service, accident reporting, obtaining endorsements and etc. None of

the functions are likely to be done in the interest of the public when a remote insurance company has no contact with the buyer.

The present laws of this State require any person, firm or corporation who solicits or negotiates the sale of an insurance contract must meet the qualifications for licensing by the Insurance Department of this State. This law will strengthen that requirement and also make sure that the State receives the premium taxes that are due.

Similar measures have been enacted in the states of Florida and New Hampshire and have been proposed in Massachusetts and New Jersey as well as other States. In addition, the attorney general of the State of Maryland has ruled credit card solicitations to be in violation of that State's insurance law.

Ladies and gentlemen, this is good protection for the public and I would appreciate your support.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker and Members of the House: My good friend from Wilton, Representative Scott, brought up through the mail the selling of insurance.

Admittedly, there is no way to control that under our present state laws. Nobody can come up with any way to control it, although I think everybody would like to. The type of insurance being sold under credit cards is by reputable companies who are regulated by the State of Maine who pay all their taxes, they're all major companies. This to me is a way of selling insurance comparable with the old days when you had a service store against a super-market. If this thing falls of its own weight, I have no objections, but I don't think we have any right to pass restrictive legislation.

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

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: I also hate to oppose my good friend, Mr. Harriman from Hollis, but I also would like to support my father from Wilton,

Mr. Scott. This title of the bill also, I agree, was very bad. It's not opposing the payment of premiums through credit cards, but it is opposing the promiscuous selling of a very technical form of a necessity which is insurance. I'm not an insurance agent as such, but I feel that the people of Maine are being harmed by the solicitations through the mail. Insurance today is a very complicated and very technical proposition and it should be explained in person, that is all we ask for under this bill. L. D. 1288 means that the first sale should be in person, and that is what we are asking.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Wilton, Mr. Scott, that the House accept the Minority "Ought to pass" Report on L. D. 1288, "An Act relating to Insurance Transactions Through Credit Card Facilities." The Chair will order a vote. All those in favor of accepting the Minority "Ought to pass" Report will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

57 having voted in the affirmative and 55 having voted in the negative, the motion prevailed, and the Bill was read twice and tomorrow assigned.

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

HOUSE MAJORITY REPORT (6) — Ought to Pass — Committee on State Government on Resolve Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (H. P. 119) (L. D. 145) — MINORITY REPORT (4) — Ought Not to Pass.

Tabled — May 5, by Mr. Richardson of Cumberland.

Pending — Acceptance of either Report.

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

Mr. STARBIRD: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, moves the acceptance of the Majority "Ought to pass" Report. Is this the pleasure of the House?

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

Mr. DENNETT: Mr. Speaker and Ladies and Gentlemen of the House: I arise in opposition to the acceptance of the Majority "Ought to pass" Report. This bill, and seven that follow it, represent an involvement in the political philosophies of the two Parties. We will lay our cards on the table, these are political bills. They involve the strengthening of the office of the Governor. These bills are perennial in their appearance before this Legislature. The loyal opposition, which is now the Minority Party, has been very consistent in presenting them term after term. What is now the Majority Party has been just as consistent in opposing them. Probably in the course of debate, and I hope perhaps that we can all make it brief, I will perhaps make frequent allusions to the Governor, and I would have it distinctly understood that when I mention the word Governor, I do not address myself to the personality, but rather to the office. This particular bill I fell very strongly can be used as a whip, as a lash, by any Governor who felt so concerned, a lash, a whip, to whip a Party or individuals into line by perhaps giving the vague notion that he might refuse his assent, that he might veto something on the line budget, or on the line of a bill appropriating monies which a particular person, or even a Party, could be very much in favor, and thus reduce them to his own will. Now this would go for any Governor, regardless of the political party to which he belonged. I believe it is a very bad bill and I strongly urge that you do not accept the Majority "Ought to pass" Report of the Committee. When the vote is taken, I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker and Members of the House: This

bill differs substantially from the other seven governmental reform bills or Constitutional revision bills in that it is the only one that received a unanimous "Ought to pass" Report from the Committee—Majority "Ought to pass" Report. Sorry.

This current proposed Constitutional Amendment would permit the Governor to object to or reduce one or more items contained in an appropriation bill while approving other portions of the bill. Now today, under the present law, the Governor can only veto a complete bill, although he may object to a certain portion of the appropriation bill. Now this amendment would permit him to veto those items which are objectionable, while permitting the remaining items to become enacted.

Now this is not a novel situation; Maine is not unique in presenting or proposing this law, and there is presently law in 41 other states, and in the Commonwealth of Puerto Rico. It is a bill which would strengthen the Executive, I believe it is nonpartisan in the sense that it would benefit governors from both parties, and consequently I strongly support the motion to accept the Majority "Ought to pass" Report of the Committee.

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

Mr. STARBIRD: Mr. Speaker, just one brief word. I would like to mention in support of what Mr. Beliveau has just said, that this was the one bill that members of both political persuasions did come to some meeting of the minds although there were, as you see, four who did not. This is a bill that would simply permit the Executive, if he saw in an appropriations package bill an item or one or more items that he did not like, he would be permitted to cut this out and veto that item or items without vetoing the whole bill, and I would also like to go on to mention that this item veto would be subject to the sustaining or rejection by the Legislature. The Legislature could pass over this item veto just as they could over the regular veto that the Governor now possesses. So, there is nothing

radical or nothing alarming in this thing. The Legislature still is a check and it provides another check in our check and balance system—a system that I am very, very much in favor of. I hope you will go along with the Majority Report of this Committee.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker, I request a roll call vote.

The SPEAKER: A roll call is requested.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: In view of the time of the day, and in view of the session this afternoon which has been called for, I believe, by the Majority Floor Leader, Mr. Richardson of Cumberland, for 2:30 this afternoon, and in view of the fact that we have on our notice sheet this morning Executive sessions for the several committees and the Education Committee having hearings this afternoon, and the possibility, if I read the notice correctly, that the Republicans are planning a caucus at 2:00 p.m. today, time is of the essence. I fail to see why the crowding of all these things under one day for fear of expediency, I believe. But, be that as it may, those shots are called not by us but by the Majority Party, so I suppose we'll have to assume that there is no other recourse, but to bend under the whip.

However, this document before you presently is an important document because of the fact that the Governor in his wisdom might feel that the major document before him is of much importance with minor changing or alteration of one or separate items could carry through, and in view of the fact that 41 other states presently have this, and we only ask, we only ask both the Republicans and the Democrats on this document that they allow the people a voice in the matter.

As was stated by the gentleman from Kittery, Mr. Dennett, this has been before us many years, and I don't think that the Demo-

crats have got all the intelligence in the world, nor do I think that all the Republicans hold the key to all the intelligence of the world. So, my feeling is certainly that this document should go before the people and find out what the people have to say about these constitutional reforms. Certainly since the early nineteen hundreds, or as far back as the eighteen hundreds, certainly some changes have occurred in our state, as well as in our form of government, so let's hear from the people and see what they have to say on these documents.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Kingman Township, Mr. Starbird that the House accept the Majority "Ought to pass" Report. A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. As many as desire a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kingman Township, Mr. Starbird, that the House accept the "Ought to pass" Report on L. D. 145, Resolve Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. All those in favor of accepting the Majority "Ought to pass" Report will vote yes, those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Bedard, Belanger, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Brennan, B u r n h a m, Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cornell, Cote, Cottrell, Crommett, Curran, D'Alfonso, Drigotas, 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.; Quimby, Rocheleau, Ross, Sawyer, Scribner, Starbird, Sullivan, Tanguay, Thompson, Truman, Wheeler.

NAY — Allen, Baker, E. B.; Baker, R. E.; Benson, Berman, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Ewer, Farrington, Foster, Gill, Hall, Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Henley, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jannelle, Jewell, Kyes, Lewin, Lincoln, Littlefield, Lyette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Pendergast, Philbrook, Pike, Porter, Prince, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

ABSENT — Bradstreet, Couture, Danton, Dudley, Evans, Fuller, Hanson, B. B.; Haynes, Lewis, Noyes, Payson, Quinn, Roy, Townsend.

Yes, 57; No, 80; Absent 14.

57 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

Thereupon the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

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

HOUSE MAJORITY REPORT (7)—Ought Not to Pass—Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor (H. P. 247) (L. D. 355)—MINORITY REPORT (3)—Ought to Pass.

Tabled—May 5, by Mr. Richardson of Cumberland.

Pending—Acceptance of either Report.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As you may know, I am the sponsor of this Legislative Document and I will attempt to relate to you the reasons why I am in favor of it.

In accordance with any contemporary theory of Modern Government the Chief Administrative Officials of any State should be people responsible to the Elected Governor and thoroughly sympathetic with his point of view. Only in this manner will we obtain responsibility in the conduct of our Executive Branch to assure the citizens of the State a responsive and Democratic Government.

The government of Maine at this time is now hydra-headed. I am not attempting to tell you that it is a monster, but it is multi-headed and therefore often ineffective. Although the Governor of Maine is supposed to be the supreme executive and he is charged by the Constitution of Maine by seeing that the laws are faithfully executed, he is faced with the impossible situation of attempting to control and to direct administrative agencies that are not really subordinate to him.

One of the worst derangements in our system is the unfortunate Constitutional requirement that the Secretary of State be elected by the State Legislature in joint convention rather than be appointed by the Governor. I point out to you that Maine is one of only three states that has the Secretary of State elected by the Legislature. In all other states the Secretary of State is made more responsive to the will and contemporary sentiments of the voters of the state.

The Secretary of State should have a very close relationship to the Governor. According to the Constitution he keeps the records and he serves the Governor when

he operates through and with the Executive Council. How much more satisfactory would this system be if the Secretary of State and the Chief Executive were sympathetic with each others views. They should work under a framework which assures the public that the great ends of government will be attained rather than frustrated or shortcircuited by personal or partisan problems.

The Secretary of State as you may know also becomes the acting Governor in an emergency when neither the President of the Senate nor the Speaker of the House are available to replace the Governor. It is apparent to me that this high office should not fall by accident upon a person who has not brought his program or his person before the people of the State and who has not been identified with a successful gubernatorial candidate and his viewpoints as expressed during our State Elections.

Therefore, Members of the House, I urge the members of both political parties to consider the merits of this L. D. and when the vote is taken, I request it be taken by the yeas and nays.

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

Mr. DENNETT: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps in reply to the gentleman from Eagle Lake, Mr. Martin, I would like to make a few brief remarks. I believe very strongly in the powers and prerogatives of the Legislative body. All down through history, the surrender of these powers by legislative bodies have led to chaos and destruction even, many times, in political systems.

I feel very strongly we should retain as a Legislative body the powers we have and not, under any conditions, surrender them to one person. The checks and balances of the powers of the executive and the legislative are very necessary to good government. Again, I strongly urge you to support the "Ought not to pass" Report of the Committee.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Merely to rebut some of the remarks made by the gentleman from Kittery, Mr. Dennett, I would point out that I certainly agree that we need checks and balances, but this is not one of them.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Again I must ask you, in due course and in deference to a governor, or the office of the Governor, in deference to all the people of this State of Maine, should they have a right or a privilege to act on any of these votes that have been before us that have been changed by so many states over the years, that the rights of the Legislatures should be all supreme where some of these governmental reforms have proven beneficial in other states to better the service to the state and to all its population? This is of prime interest to the people, that they should have the right to vote and decide on this if this is presently the best system that is available and presently the best system that we should have and retain for the next hundred years.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I agree one hundred percent with the gentleman from Kittery, Mr. Dennett, and, suggest here that we should not surrender Legislature prerogatives, and I must say that I am very much opposed to the gradual erosion of responsibility. I urge every member of the House to vote in favor of the acceptance of the Majority Report of the Committee on State Government, which is "Ought not to pass." It is of course very fashionable here in Augusta to give as an argument in favor of some measure that the people should decide. I submit to you that this is one area along with many others,

that we have to face our responsibilities here. We have to bear the brunt of criticism if there is any and praise if there is any of that, for our actions. The Democratic party has no corner on proposed reform. I would remind you that one very substantial reform in the form of our ballot has already been vetoed by the Executive. It is for this reason that I urge you to vote on the merits of this bill, and on that basis I think you will vote "Ought not to pass." Thank you.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: I'm going to confine my remarks to just two sentences. There's been, I think, some information about Legislative powers, Executive powers. When we look at our Federal Government, we see that it runs with a separate Executive Department in which the President of the United States appoints all of his Cabinet members, Secretary of State, Secretary of the Treasury, and so forth and so on.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In my term of office here in this House I have heard it said many times and I probably have heard it many times from the Republican circles in the State Capitol, that they are all and always have been for home rule. I'm wondering this morning just how much this home rule goes back to. If the Republican philosophy that we have heard here for so many years is for home rule, what is so wrong in bringing these issues back to the people and find out what their home rule or philosophy is all about? Again I find myself in the position of asking, after we adjourn here, for after we adjourn here — period. How much responsive is the present Secretary of State or any Secretary of State is going to be responsive to the Legislature? In response to the remarks made by the Majority Floor Leader, Mr.

Richardson from Cumberland, on the veto of the ballot by the present Executive, I must say that he has voted against it, but that was only to take away the right of some of the voters in the manner that they were going to vote. And I don't think that was very good reform by taking a right away from the people instead of trying to give them the right to vote on issues.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. As many as desire a roll call will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass" report on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor, House Paper 247, L. D. 355. All those in favor of accepting the Majority "Ought not to pass" Report will vote yes, those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA—Allen, Baker, E. B.; Baker, R. E.; Benson, Berman, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Cornell, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Eustis, Ewer, Farrington, Foster, Gill, Hall, Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Henley, Hewes, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jameson, Jannelle, Jewell, Kyes, Lewin, Lincoln, Littlefield, Lyette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Pendergast, Philbrook, Pike, Porter, Prince, Quimby, Rackliff, Richardson, G. A.; Richardson, H. L.;

Rideout, Robertson, Robinson, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Thompson, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

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

ABSENT—Bradstreet, Couture, Danton, Dudley, Evans, Fuller, Hanson, B. B.; Haynes, Lewis, Noyes, Payson, Quinn, Roy, Sullivan, Townsend.

Yes, 87; No. 49; Absent 15.

87 having voted in the affirmative and 49 having voted in the negative, with 15 being absent, the motion prevailed.

Sent up for concurrence.

Mr. Levesque of Madawaska was granted unanimous consent to address the House.

Mr. LEVESQUE: Mr. Speaker and Members of the House: It is now twenty-two minutes to one. Most of you, ladies and gentlemen of this House, are going to have to go to dinner. Some of you have committee executive sessions at 1:30 and 1:00. The Committee on Judiciary, Towns and Counties, Inland Fisheries and Game have executive committee hearings this afternoon; some have committees that are posted for hearings this afternoon. I find it almost impossible to find that we're in the discussion of a document before a committee hearing to find that the Republican members of that Committee are going to have to leave to attend the caucus and then a session this afternoon at 2:30. I think probably I have pointed out earlier in the session,

and I go back to this, that somehow or other there was a wrench in the wheels, that the wheels were not turning for so long and now we find ourselves in a position of rush, rush, rush, all in one day. I find this quite irregular and quite reckless in some areas and I don't think that this is an absolute necessity that those things should be done or all come up under one day. So therefore, Mr. Speaker, I would move that we adjourn until nine-thirty tomorrow morning.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that the House — the Chair would advise the gentleman that he did debate an adjournment motion.

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

Mr. RICHARDSON: Mr. Speaker, I move that we recess to reconvene at two-thirty this afternoon.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker and Members of the House: The Health and Institutional Services Committee is going to have a meeting this afternoon and we are going to take up some controversial matters, and two-thirty certainly will not be time enough for me to get back and at the same time do my job in the Committee properly.

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

Mr. BRENNAN: Mr. Speaker, I move we adjourn until nine-thirty tomorrow morning.

The SPEAKER: The gentleman from Portland, Mr. Brennan, now moves that the House adjourn until nine-thirty tomorrow morning.

Mr. Richardson of Cumberland requested a vote.

The SPEAKER: A vote has been requested. All those in favor of adjourning until nine-thirty tomorrow morning will vote yes, those opposed will vote no and the Chair will open the vote.

For what purpose does the gentleman rise?

Mr. LEVESQUE: Parliamentary inquiry.

The SPEAKER: the gentleman may proceed.

Mr. LEVESQUE: Mr. Speaker, may I request from the Speaker if it is not a rule of this House that no House will be in session while there are committee hearings?

The SPEAKER: The Chair would advise the gentleman that when Committee hearings are advertised and people are asked to come to testify, that the House will not be in session. However, the Chair understands that there aren't any hearings advertised for public hearings. All those in favor of adjourning until nine-thirty tomorrow morning will vote yes and those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken.

47 having voted in the affirmative and 76 having voted in the negative, the motion to adjourn did not prevail.

Thereupon, on motion of Mr. Richardson of Cumberland,

Recessed until two-thirty o'clock this afternoon.

**After Recess
2:30 P.M.**

Called to order by the Speaker.

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

HOUSE MAJORITY REPORT (7) — Ought Not to Pass — Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Treasurer of State by the Governor (H. P. 248) (L. D. 356) — **MINORITY REPORT (3) — Ought to Pass.**

Tabled — May 5, by Mr. Richardson of Cumberland.

Pending — Acceptance of either Report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I move the acceptance of the Majority "Ought not to pass" Report of the Committee.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, now moves the acceptance of the Majority "Ought not to pass" Report.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This is the second bill which I sponsored before the State Government Committee relating to powers of the Governor; the first of course was defeated this morning, that in which the Governor would have been given the power to appoint the Secretary of State. Since there was much debate this morning about legislative powers in relationship to gubernatorial powers, I will attempt to discuss some of this with you now.

Frequently, proposals which are designed to augment the power and prestige of the Governor of the State of Maine are challenged by Legislators and Executive Councillors as affording too much power for our Chief Executive. Although some may feel this way and I presume that some members of the Republican Party do, I believe that the public as a whole does not accept this point of view.

To create a real Chief Executive who can lead the state we need to provide him with increased authority, whether he be Republican or Democrat. We need to maintain a strong independent Legislature. This can be done. And we also need to maintain a healthy democratic responsibility of our Chief Executive to the voters of the State of Maine. This can also be done. And by so doing the public welfare will be safeguarded.

Adequate safeguards to check the Executive will remain. The Legislature would continue to be the most powerful branch of our State Government. We need not doubt that these adequate checks would continue to exist.

For example, public opinion will exert continuous force and the voters of Maine will hold the Governor responsible at the next election. If he chooses not to be a candidate, the voters would hold his political party and its candidates responsible for any misdirec-

tion or incompetency displayed while in office. The Legislature still would control the purse strings and no administration can operate a program without the provision of funds by the State Legislature. Also, the Governor is dependent on the Legislature for Statutes to create such programs that he thinks beneficial. The Governor is vulnerable to the Legislature's will by the possibility of any veto being overridden by a two-thirds vote of those present and voting in each house.

I hope that this partial list of checks and balances on our Governor indicates that we need not fear abuse of Executive power in the State of Maine. The contrary is the case. We need a strong Governor. Of course this L. D. in relationship to the appointment of State Treasurer is one of the bills which would take this into consideration.

It seems to me that control of the finances that have been placed at the disposal of the Executive Branch is an essential part of the Chief Executive's power. At the present time the finances are controlled in large measure by the State Treasurer who is elected and therefore responsible to the Legislative Branch. May I point out to you that we meet approximately seventy-five days every two years, and after that who is he responsible to? I am asking you today to give serious consideration to a proposed amendment which would reform the Constitution and strengthen the responsibility of the Governor of the State of Maine by making the Treasurer of the State an administrator appointed by the Governor rather than by the Legislative Branch of our Government. Mr. Speaker, I move that when the vote be taken, if be taken by the yeas and nays.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Because of reasons before stated on the previous bill which I think are wholly valid in their application to this one, I simply urge you to go with the Majority "Ought not to pass" Report of the Committee.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I don't think I would want to add any more than what the Representative from Eagle Lake, Mr. Martin, has pointed out, but only to point out the importance of these governmental reforms that at some stage in our state should receive some attention as to the powers of the Governor, whether it be the present or the future Governor, that somewhere these powers have changed over the years and we should try in all the sincere effort to give the power of the Executive some leadership as to the governing of our state.

Now as was pointed out this morning, a number of our states have recognized these needs for better government, for better service to the population of our state, and certainly we in the loyal opposition here today certainly feel that our state should consider some of these documents so that the Chief Executive, the Legislature and the Judicial branch could better serve all of the people of the State of Maine. I would hope that you would vote against the Majority "Ought not to pass" Report.

The SPEAKER: Is the House ready for the question? A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass" Report on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Treasurer of State by the Governor, House Paper 248, L. D. 356. All those in favor of accepting the Majority Report will vote yes

and those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Baker, E. B.; Baker, R. E.; Bedard, Benson, Berman, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Cornell, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Foster, Fuller, Gill, Hall, Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Henley, Hewes, Hichens, Hinds, Hodgkins, Hoover, Humphrey, Immonen, Jameson, Janelle, Jewell, Kyes, Lewin, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Pendergast, Philbrook, Pike, Porter, Prince, Quimby, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Ross, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Townsend, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

NAY — Belanger, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cottrell, Crommett, Curran, Drigotas, Dudley, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Harnois, Harvey, Healy, Hennessey, Hunter, Jalbert, Keyte, Kilroy, Lebel, Levesque, Lowery, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Robinson, Sawyer, Scribner, Starbird, Tanquay, Truman, Wheeler.

ABSENT — Allen, Birt, Bradstreet, Cote, Couture, D'Alfonso, Danton, Eustis, Giroux, Hanson, B. B.; Haynes, Huber, Lewis, Noyes, Payson, Rocheleau, Roy, Sahagian, Sullivan, Thompson.

Yes, 85; No, 46; Absent, 20.

The **SPEAKER**: 85 having voted in the affirmative and 46 having voted in the negative, the motion does prevail.

Sent up for concurrence.

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

HOUSE MAJORITY REPORT
(6) — Ought Not to Pass — Com-

mittee on State Government on Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant Governor and Providing for Succession of Office of the Governor (H. P. 286) (L. D. 406) — **MINORITY REPORT** (4) — Ought to Pass.

Tabled — May 5, by Mr. Richardson of Cumberland.

Pending — Acceptance of either Report.

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

Mr. **DENNETT**: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report of the Committee.

The **SPEAKER**: The gentleman from Kittery, Mr. Dennett, moves the acceptance of the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. **BELIVEAU**: Mr. Speaker and Members of the House: This bill was one of the few governmental reform bills that would not result in the surrendering of the so-called legislative prerogative. This would in effect relieve the Governor of many of his ex officio duties as well as placing the problem of succession as his first responsibility.

Now this is not again, as I mentioned earlier on another bill, it is not a novel approach. Some thirty-nine states today have Lieutenant Governors, four of which are New England states. I do not intend to take up a great deal of time outlining the elements or the merits of this particular bill, only to remind the members of this House that the public of course with the advent of a four-year term for Governor is entitled to have somebody in such a position who could easily and readily assume the office of Governor in the event that the Governor should resign or dies or is incapacitated in some manner. Now we have been very fortunate in Maine in that since 1820 we have had only four Governors die in office and who in turn were succeeded by individuals who had not been elected by the voters of the State.

Now it is our feeling that in addition to his duties of succeeding the Governor he could assist him in many other ways. He could make public appearances, probably delegate in some of these pardon and clemency hearings; and finally he could serve in a capacity of an ombudsman. There has been a great deal of discussion here on the ombudsman and I think that this is truly a good solution to the problems that have been raised here during the course of our session. I think that he would satisfy many of the complaints of the citizens of the State of Maine who have administrative problems.

So again I would urge the defeat of the motion to accept the Majority "Ought not to pass" Report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Just a few brief remarks in rebuttal to the argument of the gentleman from Rumford, Mr. Beliveau. I think that in many states where they have Lieutenant Governors, and the gentleman states that they have thirty-nine, I think the Lieutenant Governor is somewhat the bane of the existence of the man who is in the front office.

Now you can recall just a few years ago in a state that is not very far removed from the State of Maine, a Lieutenant Governor spent most of his time endeavoring to undercut the Governor because generally speaking the Lieutenant Governor has but one aspiration, and that is to be Governor.

Now I feel very strongly and it was noted that perhaps the Lieutenant Governor could take over some of the ex officio duties of the Governor, I've noticed that the Governor is very reluctant to have a Lieutenant Governor do this, because he is not willingly going to expose the Lieutenant Governor to too many occasions where he can receive the plaudits and admiration of the populace, thus enhance the Lieutenant Governor's chances for election to the job that he now sits in; so consequently I think in many instances the office of Lieu-

tenant Governor is quite detrimental to the welfare of the state.

We have a line of succession, and I will agree, they are not always members of the same Party, but in this one State that I think you all know, the Lieutenant Governor, who was out undercutting the Governor, was a member of the same Party. Again, I urge you strongly to accept the Majority "Ought not to pass" Report.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I would like to make a remark in reply to the gentleman from Kittery, Mr. Dennett.

In some of the states that he mentions, the Lieutenant Governor and the Governor are voted for on a separate ticket. In the state that he mentions it is true that they happened to be of the same Party. I think that this is probably an isolated incident that might not take place too often if both individuals concerned were of the same political group.

It seems to me that an incident similar to this occurred in Vermont at one time where the Governor and Lieutenant Governor were of different political faiths, but this would not be the case in the legislation we are considering today because, of course, they would both be elected jointly.

The SPEAKER: Is the House ready for the question?

Mr. Beliveau of Rumford requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. As many as are desirous of a roll call will vote yes and those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass" Re-

port on Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant Governor and Providing for Succession of Office of the Governor, H. P. 286, L. D. 406. If you are in favor of accepting the Majority Report you will vote yes; and if you are opposed to accepting the Majority Report you will vote no, and the Chair will open the vote.

ROLL CALL

YEA—Allen, Baker, E. B.; Baker, R. E.; Benson, Berman, Birt, Bragdon, Brown, Buck, Bunker, Carey, Clark, Cookson, Cornell, Crockett, Cushing, Dennett, Dickinson, Drummond, Dudley, Dunn, Durgin, Edwards, Evans, Ewer, Foster, Fuller, Hall, Hanson, H. L.; Hanson, P. K.; Hawes, Henley, Hichens, Hinds, Hodgkins, Hoover, Humphrey, Immonen, Jannelle, Jewell, Kyes, Lewin, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Philbrook, Pike, Porter, Prince, Quimby, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Scott, C. F.; Scott, G. W.; Shaw, Snow, P. J.; Susi, Townsend, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

NAY—Bedard, Belanger, Bellevau, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carrier, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Crommett, Crosby, Curran, D'Alfonso, Darey, Drigotas, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Gill, Harnois, Harriman, Harvey, Healy, Hennessey, Hewes, Hunter, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Lowery, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Pendergast, Ross, Sawyer, Scribner, Shute, Snowe, P.; Soulas, Starbird, Tanguay, Trumana, Wheeler.

ABSENT—Bradstreet, Couture, Danton, Eustis, Farrington, Giroux, Hanson, B. B.; Haynes, Huber, Lewis, Noyes, Payson, Quinn, Rocheleau, Roy, Sahagian, Sullivan, Thompson.

Yes, 76, No, 57; Absent, 18.

The Speaker: The Chair will announce the vote. Seventy-six hav-

ing voted in the affirmative and fifty-seven having voted in the negative, the motion to accept the Majority "Ought not to pass" Report does prevail.

Sent up for concurrence.

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

HOUSE MAJORITY REPORT (7)—Ought Not to Pass—Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor (H. P. 329) (L. D. 463)—MINORITY REPORT (3)—Ought to Pass.

Tabled—May 5, by Mr. Richardson of Cumberland.

Pending—Acceptance of either Report.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House accept the Majority Report.

Mr. Jalbert of Lewiston requested a roll call.

The SPEAKER: A roll call is requested. The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I would just like to remind the House in one comment that this is essentially not a change. It is restoring the Attorney General to the position he once held, an appointment by the Governor, and I would hope that you would go along and defeat the motion of the gentleman from Kittery, Mr. Dennett.

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

Mr. DENNETT: Mr. Speaker, just a few brief words. I don't think we should promote any regressive legislation.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the

expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes and those opposed will vote no and the Chair will open the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the Majority "Ought not to pass" Report be accepted on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor, H. P. 329, L. D. 463. All those in favor of the motion to accept the Majority Report will vote yes; those opposed will vote no, and the Chair will open the vote.

ROLL CALL

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

NAY — Bedard, Belanger, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Brennan, B u r n h a m , Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Crommett, C u r r a n , D'Alfonso, Darey, Drigotas, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Harnois, Harvey, Healy, Hennessey, Hunter, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Lowery,

Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Sawyer, Scribner, Starbird, Tanguay, Truman, Wheeler.

ABSENT — Bradstreet, Couture, Danton, Eustis, Farrington, Giroux, Hanson, B. B.; Haynes, Lewis, Noyes, Payson, Rocheleau, Roy, Sahagian, Sullivan, Thompson.

Yes, 86; No, 49; Absent, 16.

The SPEAKER: The Chair will announce the vote. Eighty-six having voted in the affirmative and forty-nine having voted in the negative, the motion to accept the Majority Report does prevail.

Sent up for concurrence.

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

HOUSE MAJORITY REPORT (7) — Ought Not to Pass — Committee on State Government on Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of G u b e r n a t o r i a l Appointments and their Confirmation (H. P. 330) (L. D. 464)—MINORITY REPORT (3)—Ought to Pass.

Tabled—May 5, by Mr. Richardson of Cumberland, Pending—Acceptance of either Report.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report of the Committee.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves the acceptance of the Majority "Ought not to pass" Report.

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

Mr. JALBERT: Mr. Speaker, I move the indefinite postponement of this bill, both Reports and its accompanying papers, and I ask for a division.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the indefinite postponement of both reports and bill.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I would now respectfully request that this be tabled until Monday, next.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that this be tabled until Monday, May 15, pending the motion of the gentleman from Lewiston, Mr. Jalbert, to indefinitely postpone both Reports and Bill.

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

Mr. RICHARDSON: Mr. Speaker, I request a division.

The SPEAKER: A vote has been requested on the tabling motion. All those in favor of this matter being tabled until Monday, May 15, pending the motion of the gentleman from Lewiston, Mr. Jalbert, to indefinitely postpone both Reports and Bill will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

43 having voted in the affirmative and 89 having voted in the negative, the motion did not prevail.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: Earlier this morning I had respectfully requested the Majority Floor Leader Mr. Richardson from Cumberland, that a few of these Constitutional reforms at least be allowed to be tabled pending a message from the Governor. I was told this morning that these bills were going to be read off today, and no ifs ands or buts—they were all going to be done today and there would be no tabling of these Constitutional reforms.

I find this somewhat very regretful—that a lot of these documents here we have today before us, we have had before us and will have before us, would receive the gracious allowance of this House of being at least tabled as was mentioned earlier today and yesterday, to at least receive to be tabled for two days, even after some of these documents had been debated. Now these bills had not been debated, it was my feeling

and certainly the feeling of the Governor that they could very well and very easily be retabled pending his wishes. Unfortunately, this is not going to be the case here today. It is unfortunate that we have to debate these bills under these circumstances, but, however, if this is the wishes of the majority then we have no recourse but to debate them today.

This document is not new to most of you people. The Executive Council that is presently before us—the one that has been before previous Legislatures is the same archaic Council that has been since the formation of this State.

Originally the Council was formed when they were afraid—the Kings who were afraid in the old Colonies that they were giving too much power in this corner, so the Council was more or less to restrict the powers so that the Kings and the Queens could be protected. However, we find now that only three of the states in our Country have a Council form of government. Maine—being the only state, or being the fiftieth state, if you like, in a lot of fashions, still wants to retain the Executive Council, and elected by the Legislature. The two other states that have such a Council at least have them elected by the people.

It is my feeling that this could very well be so, and I wouldn't have that many objections to having the Council elected by the people, but when you find an Executive Council, and now I am referring to the present Executive Council, of sitting on important appointments made by the Governor, and I understand that previous Councils have sat on appointments for at least two years—if this is good government. Is this the kind of government that we want? Is this the kind of government that the State of Maine deserves? That we can have an archaic Executive Council sit on a Governor's appointment for years on end without having to take any action, or without even giving any reasonable account of the reasons why they're being tabled. If the persons are qualified,

or not qualified, then they do not have to answer any of these.

If there are any members that the Governor would suggest for appointment, if their appointment would be questionable as far as qualification, then the Council should take action, but not sit for months and years on end. This is not the form of government that we need today.

The present form of Council that we have has been in all the papers of our State, time and time again. Former Attorneys General, and I might add Republicans as well, have advocated the abolition of the Council; former Governors have advocated the abolition of the Council; and I think not too many years ago, a study was made and recommended the abolition of the Council. And if I remember correctly, a distinguished Republican of this State, was also in favor of abolishing the Council, a Mr. Haskell of Bangor who was then a Senator.

So those are only a few of the things that I could bring up today. We don't have the rule of the Kings and the Queens any more, but we have a form of government that should be progressive and not be regressive. And, I think as the gentleman from Kittery, Mr. Dennett, has pointed out a while ago, that he wanted to be progressive. I am wondering if his type of Council as we have it in this State today is the type of progressive government that this State should retain for here and on out. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I too want to be progressive, but I guess I'm a little sleepy — I thought we were going to act on Item 9. For that reason probably I would vote, withdraw my motion, but Mr. Speaker, I'd like to speak on the pending question. In spite of the fact that I withdraw my motion, I would like to state that being realistic, I've always felt that the Council should be elected — again, being realistic and having checked back the records, I find that on occasions both Parties have had

an opportunity to rid themselves, if it's a burden, of the Council; and oddly enough, if you will check back the record with me, you'll find that back many semesters ago a proposal was put forward by the then Minority, who enjoyed the minority of not having the Front Office nor having the votes in the House or the Senate — being totally in the minority, they proposed the abolishment of the Council and it was defeated by the then Majority. Then, the situation changed, two years later where the Minority became in complete command, from the Front Office to the House and to the Senate, and they then refused to kill this proposal.

So I thought that possibly while the experts on reapportionment were at work, they might possibly come up with an idea, if this measure would have succeeded in being tabled, suggesting an amendment whereby we might redistrict the Council if we need to, amend this bill and possibly submit a proposal to allow this body to be elected by the people. However, I will withdraw my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests permission to withdraw his motion for indefinite postponement. Is this the pleasure of the House? It's a vote.

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

Mr. DENNETT: Mr. Speaker and Members of the House: It is somewhat in the spirit of sadness that I arise at this moment. I am very sorry to hear that the gentleman, my very, very — very good friend from Lewiston, Mr. Jalbert, has withdrawn his motion. I thought for a fleeting moment that the gentleman from Lewiston had seen the light! However, to turn to a more serious note, and I do not wish to prolong debate or belabor this argument, the gentleman from Madawaska, Mr. Levesque, has stated that only three states have retained Executive Councils. This is very true, but I would also remind this body that there are only six states in the United States that have the town meeting, selectmen form of government, and I don't hear any

great urge to abolish this, particularly in the smaller towns where it works very well.

Throughout the years, I believe that the Executive Council has served the State of Maine well, I could stand here and go on at quite some length and elaborate why, but again, in the interest of time I will not. I just sincerely urge you to vote to accept the Majority "Ought not to pass" Report.

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

Mr. HARVEY: Mr. Speaker and Members of the House: I believe tonight, or in the morning sometime or other, many of us here — or many of you here — are going to have kind of a sick and sickened feeling in the pit of your stomach, because not only are you letting the people of the State of Maine down by not giving them the opportunity to vote on these important reforms, but sometime Saturday morning about 9:30 you're meeting a mass of the educators of the State of Maine. You're going to have to explain to them why in state government they have been teaching regressive forms of government in the last fifteen years, because all of these have been advocated by the educators of the State of Maine for the last fifteen years, and over. It's their contention that this is obsolete, that we should have a strong government but a balanced government.

I would hope, sincerely, that someone would table this until you have had a chance to face these educators of the State of Maine and explain to them how that you can vote down the right of the people to have their say in state government. Thank you.

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

Mr. GILL: Mr. Speaker and Members of the House: I would like to comment. I have had some mail opposing the Sunday lobstering bill; I've had mail opposing a great deal of legislation here, pro and con, for and against. I haven't had one piece of correspondence which has urged me to

do away with the Council. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: In support of the motion of the gentleman from Kittery, Mr. Dennett, to accept the Majority "Ought not to pass" Report, I feel that some answer should be made as to the academic position, or the position of those who are engaged in teaching our young people.

As a graduate of the University of Maine with a major of what was then called "History and Government" but which is now called "Political Science," I know that it suits our sense of making graphs to feel that there is no interruption in the flow of power from the Executive, and I know that many teachers favor the abolition of the Governor's Council. I also know many who do not favor its abolition.

The Executive Council provides a very good check on the actions of the Executive. It provides the essential confirming power — confirming of appointments — and I shudder to think that anyone here today is suggesting that the Chief Executive of this State, be he Republican or Democrat, should be able to make appointments to important State positions without confirmation by one body or another, and under our present set-up the Executive Council performs that essential function.

Now whether they are behaving responsibly, fairly, equitably, is a question pretty much of whose ox is being gored, whether an appointment is favored by one Party or opposed by another, but on balance, and I don't limit my comment to this Executive Council — although there's a fine example. On balance, Executive Councils through the years have provided excellent service to the State of Maine, and in the rush to conformity, we should not abolish this Council.

In this era of expanded state spending it seems to me that there is a very real need for a watchdog to watch the state's finances, to keep a check in order to see what's

going on, and I think that the Executive Council provides that service for the State of Maine, and I urge you to vote in favor of accepting the "Ought not to pass" Report; and when the vote is taken I would request, Mr. Speaker, that it be taken by the yeas and nays.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: Very briefly, I think probably in the correspondence that I have received regarding the Council, especially from those from teachers of higher education in our own State and from outside of the State, I have yet to receive one piece of communication on retaining the Council as we have it in its present form, and I think this has been recognized by educators, by sociologists in almost all fields of study of higher education. And I have heard it said by members of the last Executive Council that in the action of the Council or by action of the Council, every piece of legislation that is passed by this Legislature has to be confirmed by the Executive Council.

Now can you, in your wisdom, honestly say that the Executive Council is going to intelligently act on all the pieces of legislation that involves money in their term of office? Certainly the Executive Council has never disproved what the Legislature has done — and God forbid that it ever did! But, the powers are still there for them to do it, because every piece of legislation that carries a price tag has to go to the Governor and Council before it is finally gone out. This is the type of legislation that certainly the Executive Council is serving only a segment of the population; it is only — this is coming from members that served on the last Executive Council, not the present one, that say that the State of Maine is getting its services exactly what they're paid for, and this year that's two thousand dollars' worth.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: This is the third session that I have had the privilege of listening to these governmental Constitutional reforms discussed. I participated the first two times, but I think it's absolutely useless to introduce these bills any longer. It's going to take a two-thirds vote. I don't think either Party's ever going to get in a position where they're going to get a two-thirds vote, but I would hope that this Legislature doesn't turn its mind and back on possible reforms that could be agreed upon by both Parties.

I can hope that we might have a very top-level, bipartisan commission to discuss these things and come to some fair agreement. I know the PAS Report that was published, I think it was in 1956, it did make many sound recommendations I thought that could be agreed upon, partially anyway. I notice one of the things that they didn't recommend was absolutely abolishing the Council; perhaps limiting some of its powers, but it felt that Maine would never — just like Massachusetts perhaps, ever abolish the Council.

But, I'm just throwing this out because it seems such a waste of time to go through these motions session after session, when we know in advance we're not going to get many changes. I could hope that in our best wisdom and judgment we could get some bipartisan agreement on reconstructing our government for the general good.

The SPEAKER: Is the House ready for the question? All those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass" Report on Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make

Changes in the Matter of Governatorial Appointments and their Confirmation, House Paper 330, L. D. 464. If you are in favor of accepting the Majority "Ought not to pass" Report you will vote yes, if you are opposed you will vote no, and the Chair opens the vote.

ROLL CALL

YEA—Allen, Baker, E. B.; Baker, R. E.; Benson, Berman, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Cornell, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, D u n n , Durgin, Edwards, Evans, Ewer, Foster, Fuller, Gill, Hall, Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Henley, Hewes, Hichens, Hinds, Hodgkins, Hoover, Huber, H u m p h r e y , Immonen, Jannelle, Jewell, Kyes, Lewin, L i n c o l n , Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Nadeau, N. L.; Pendergast, Philbrook, Pike, Porter, Prince, Quimby, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, P. J.; Snowe, P.; Soulas, Susi, Townsend, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

NA Y — Bedard, Belanger, Beliveau, Bernard, B i n n e t t e , Boudreau, Bourgoin, B r e n n a n , Burnham, Carey, Carrier, Carroll, Carswell, Champagne, C o n l e y , Cote, Cottrell, Crommett, Curran, D'Alfonso, Drigotas, Dudley, Fec-teau, Fortier, Fraser, Gaudreau, Gauthier, Harnois, Harvey, Healy, Hennessey, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Lowery, Martin, Minkowsky, Nadeau, J. F. R.; Sawyer, Scribner, Starbird, Tanguay, Truman, Wheeler.

ABSENT—Bradstreet, Couture, Danton, Eustis, F a r r i n g t o n , Giroux, Hanson, B. B.; Haynes, Hunter, Lewis, Noyes, Payson, Rocheleau, Roy, Sahagian, Shute, Sullivan, Thompson.

Yes, 86; No, 47; Absent, 18.

86 having voted in the affirmative and 47 having voted in the negative, with 18 being absent, the motion prevailed.

Sent up for concurrence.

The Chair laid before the House the ninth item of U n f i n i s h e d Business:

HOUSE MAJORITY REPORT (9) — Ought Not to Pass — Committee on State Government on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four- Year Terms (H. P. 767) (L. D. 1114) — **MINORITY REPORT**—Ought to Pass in New Draft under New Title, Resolve Proposing an Amendment to the Constitution Changing the Election of Sheriffs to Appointment by the Governor and Council (H. P. 1149) (L. D. 1640)

T a b l e d — M a y 5, by Mr. Richardson of Cumberland.

Pending—Acceptance of either Report.

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

Mr. **DENNETT**: Mr. Speaker and Ladies and Gentlemen of the House: I move the acceptance of the Majority "Ought not to pass" Report of the Committee.

The **SPEAKER**: The gentleman from Kittery, Mr. Dennett, now moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. **STARBIRD**: Mr. Speaker and Ladies and Gentlemen of the House: A little on the lighter side to start off with, ladies and gentlemen, apparently you noticed that the gentleman from Kittery and I are running a contest as to who is the fastest mike in the House this afternoon. But, aside from that, I felt that even though I was a minority of one on the State Government Committee on this matter, that the appointment by the Governor of the Sheriff is a valid concept. It would place the Sheriffs in a position—they are law enforcement officers, and it would place them in a position where they would not be subject to political influence, and I think we'd better lay the cards on the table, that this is essentially a political office as it is, but right now—and it should be a non-political office. We don't elect the

Chief of our State Police, for instance; he is appointed.

I think this is the best argument for this being done, because then the Sheriff couldn't devote himself to the function that he is supposed to be devoting himself, to enforcing the law. and I hope that all of you— I think you will notice that this, in variance of many items here today, is not, definitely not, a political party measure. So I would hope that all persons of both political persuasions would go along with me on this and change our Constitution to a much better form than we have at the present time.

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

Mr. JALBERT: Mr. Speaker and Members of the House: A little bit on the lighter side, I'd like to inform the gentleman from Kingman Township, Mr. Starbird, that the gentlemen from Kittery, Mr. Dennett, and others know that I drew pretty fast a couple of minute ago as far as drawing up this mike. Some people wear blinkers. (laughter)

On this item I now move the indefinite postponement of this measure, the reports and accompanying papers and ask for a division.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the indefinite postponement of both reports and bill.

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: There's been a lot of talk today about progressive governmental reforms and giving the people a chance to vote on all of these issues.

Ten years ago, I sponsored a constitutional reform changing the tenure of Governor from two to four years. I thought that perhaps this would make the people realize that Republicans were not regressive, that we were not unwilling to change, that we did favor progress. The only trouble is, I at that time was mouse-trapped. My bill called for one four-year term for Governor. But to get opposition support it had to be amended to

say two consecutive terms. But at that time it didn't say two consecutive four-year terms. And then came an added qualification, and it was called the Governor Muskie Amendment, and that is right in the record as such.

He was then serving his second term, his second two-year term, and he had not decided whether he would run for the Senate or not, so at the last minute it was amended again to say that a Governor could not serve more than two consecutive four-year terms. Had Governor Muskie chosen that course of action, he could have been our Governor for twelve years. Ironically enough, it was Governor Muskie's amendment that made it possible for Governor Reed to run last time.

That same year, although I was not a sponsor, I did vote for the change of election date. The people overwhelmingly approved both of these but I certainly doubt if they realized the implications, and I often wonder how some of them feel now. The first action probably was wrong, in my opinion; the second action definitely was wrong in my opinion. I think this only points to the danger of making these Constitutional changes under the guise of needed reforms and that the people really want the opportunity to vote on them. If there is public clamor for this it is mighty well muted. Although I voted for two of these changes, the item Veto and the Lieutenant Governor, I feel however, that our actions in defeating such changes as this are responsible and defensible and I wholeheartedly support the motion.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In view of the remarks made by the distinguished gentleman from Bath, Mr. Ross, this brings back to mind a few years ago of possibly the action taken by this House and the other Branch relative to redistricting of the Congressional seats. I think if anybody would be very much interested could probably look back over this reapportioning of the

Congressional seats. Little was known then or at least little was indicated then of what the outcome of that change might have been.

I am very sure as I sit here today and as other members of the Grand Old Party sit here today, they never stopped to realize that this could ever happen in the State of Maine; and I am very sure that the Grand Old Party if they would have thought by adopting a four-year term that this would happen again in this State as happened last year by having the Democrats take the Front Office for four years, and I am sure that they look at it in dismay today with the full realization that the Front Office for another four years might still be a Democrat. I am positive that this is lingering in the Grand Old Party's mind today as to what possibly any other Constitutional Reform would do to the Grand Old Party.

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

Mr. STARBIRD: Mr. Speaker and Ladies and Gentlemen of the House: I certainly don't want to go too far but I think I should emphasize that we're not discussing specifically the original bill here. We're discussing a redraft which I requested Mr. Slosberg to draw up for me. A redraft is not simply to change the tenure of the Sheriff to a four-year term. The redraft calls for appointment of the Sheriff and this would simply take him out of the realm of partisan politics and put him in the realm of law enforcement where he properly belongs. And again, I hope that you people will go along and defeat the motion to indefinitely postpone this matter, because this is definitely a reform that I think all parties, if they give it considerable thought, will agree with.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Lewiston, Mr. Jalbert, that both Reports and Bill be indefinitely postponed. A vote is ordered. All those in favor of indefinite postponement of both Reports and Bill will vote yes; those

opposed will vote no, and the Chair opens the vote.

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

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

The SPEAKER: A roll call is requested. The Chair will clear the board. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that both Reports and Bill be indefinitely postponed on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-Year Terms, House Paper 767, L. D. 1114. All those in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Bedard, Belanger, Benson, Berman, Bernard, Binnette, Boudreau, Bragdon, Brown, Buck, Buker, Carey, Carrier, Carroll, Champagne, Clark, Conley, Cookson, Cornell, Cote, Crockett, Crommett, Crosby, Curran, Cushing, Darey, Dennett, Dickinson, Drigotas, Drummond, Dudley, Dunn, Durgin, Edwards, Evans, Ewer, Fortier, Foster, Fraser, Fuller, Gaudreau, Gauthier, Gill, Hall, Hanson, H. L.; Hanson, P. K.; Harnois, Harriman, Hawes, Healy, Henley, Hennessey, Hewes, Hinds, Hodgkins, Hoover, Huber, Humphrey, Hunter, Jalbert, Jameson, Jannelle, Jewell, Keyte, Kilroy, Kyes, Lebel, Lewin, Lincoln, Littlefield, Lowery, Maddox, Martin, McMann, McNally, Meisner, Miliano, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Philbrook, Pike, Porter, Prince, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Ross,

Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Tanguay, Trask, Truman, Waltz, Watts, Wheeler, White, Wight, Williams, Wood, The Speaker.

NAY—Beliveau, Bourgoin, Brennan, Burnham, Carswell, Cottrell, Fecteau, Harvey, Hichens, Levesque, Minkowsky, Sawyer, Scribner, Starbird.

ABSENT — Birt, Bradstreet, Couture, D'Alfonso, Danton, Eustis, Farrington, Giroux, Hanson, B. B.; Haynes, Immonen, Lewis, Lycette, Noyes, Payson, Pendergast, Quimby, Rocheleau, Roy, S a h a g i a n, Sullivan, Susi, Thompson, Townsend.

Yes, 133; No, 14; Absent, 24.

113 having voted in the affirmative and 14 having voted in the negative, with 24 absent, the motion to indefinitely postpone did prevail.

Sent up for concurrence.

Mr. Starbird of Kingman Township was granted unanimous consent to address the House.

Mr. STARBIRD: Mr. Speaker and Members of the House: I would just like to remark, in the line of humor again, that my batting average is getting even better today.

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

HOUSE MAJORITY REPORT (7)—Ought Not to Pass—Committee on State Government on Bill "An Act Conferring Upon Others the Powers now Vested in the Executive Council" (H. P. 1022) (L. D. 1550)—MINORITY REPORT (3)—Ought to Pass.

Tabled—May 5, by Mr. Richardson of Cumberland.

Pending—Acceptance of either Report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: A few brief remarks on this bill. This for all purposes is a companion measure to the bill which would abolish the Executive Coun-

cil. With the failure of the move to accept the Minority Report to abolish the Executive Council, this bill in itself now serves no purpose whatsoever. And I now move the acceptance of the Majority Report of the Committee, "Ought not to pass."

The SPEAKER: The pending question now is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass:" Report.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I would like to disagree with my good friend the gentleman from Kittery, Mr. Dennett. This does serve a very good purpose, for this bill takes away the statutory powers that the Legislature has granted to the Executive Council over the years. If I recall correctly this morning, the gentleman from Kittery said that he was against delegation of the powers of the Legislative branch to others; and in this I wholeheartedly agree with him.

Since the foundation of this government of the State of Maine we have been delegating powers, power after power, to the Executive Council, powers that were not granted in the State Constitution, and are not now granted in the State Constitution. If you will read your Constitution you will see that the powers that are constitutionally given to them are very small and deal mostly with the confirming of appointments. Over the years we have given them powers that are staggering in their implication. You know that under statutory law they can block every appropriation that this Legislature makes, if they should wish. Ordinarily they do not, but in some cases they even make appropriations — you might as well call them that, grants or whatever you should call them, to state that the Legislature did not look for.

These statutory provisions that have been given to them run over a total I believe of some seventy-five printed pages, and if this is not delegation of L e g i s l a t i v e

authority, authority that should be in the hands of the Representatives of the people, I don't know what it is. I would hope that the people in this Hall today would stop and think of the implications that this might, possible bring and would therefore go along with me to help defeat the motion of the gentleman from Kittery.

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House:

Of all the fifty states only Maine, New Hampshire and Massachusetts have the institution known as the Executive Council. In Massachusetts and New Hampshire the Council is popularly elected, whereas in Maine the seven members of the Executive Council are chosen for 2 year terms by a joint session of the Legislature. Therefore, the party which controls the majority of the Legislature always elects seven members of their own party to the Executive Council. Although the salary of a Councillor is not great, the prestige and political power that goes with this position are coveted.

Constitutionally, the powers of the Council include advice and consent on appointments by the Governor; secondly, the approval before money can be drawn from the Treasury; and thirdly, advice and consent on pardons. To some the Executive Council in Maine operates as a dual executive sharing co-equal power with the Governor. A contrary theory is that the executive powers of the State are lodged primarily in the Governor and that our tradition of separation of powers demands that the Governor be able to do as the Constitution requires. That is to see "that the laws are faithfully executed" and to fully recognize that the Constitution states that the "Supreme Executive power of this State is in a Governor." L. D. 1550 would not abolish the Executive Council. What it would be is to reverse a trend that has existed for a hundred years in the State of Maine to continually add to the Executive Council's power by statutory authority. So

what is done by L. D. 1550 is to confer upon others many powers that are now vested in the Executive Council.

This is a well written law and it has stood the test of previous studies in two legislative sessions. In both sessions it was passed and both times it failed to become the law of the State of Maine because the Governor vetoed it. We have the opportunity to again pass this bill by simple majorities in both House and Senate. We in the Legislature also have the assurance that the present Governor would welcome this bill rather than refute the action of the Legislature by a veto.

For example, under L.D. 1550 many of the appointments of the Governor would be approved by the Senate. This would strengthen the Legislature. The bill would also strengthen the removal power of the Governor's office. In some cases it would allow the Governor to appoint his subordinate administrative officials. It would also allow the Governor to allocate money from the State contingent account.

I cannot continue to take the time of the distinguished members of this House to summarize the many detailed measures which are modified to remove the Executive Council's role through countless sections and titles of our statutes. As the gentleman from Kingman Township, Mr. Starbird, has stated, it has taken 73 pages to allocate the functions now given to the Council and to see to it that the Senate, the Governor, or some other administrative official perform these prescribed duties. If this bill is enacted into law, I think it will go far towards strengthening the responsibilities of both the legislative branch and the executive branch.

I would like to emphasize this last point. Only the Governor and the members of the Legislature have put their views on record before the people. They are properly charged with both the public trust and mandate. They are, therefore, the proper place to place the responsibility for running and staffing state government.

Our chief executive is the only man who has campaigned to all

the people. He, as Governor, is responsible for the executive branch. In appointing those who assist him, he should in some cases be the sole authority and in other cases, seek the consent of other popularly elected officials, often the Senate. The Governor's appointment and removal power does not, of course, extend to persons protected under the State Personnel Law.

I respectfully urge that this House reject the Majority "Ought not to pass" Report and when the vote is taken, I move it be taken by the yeas and nays.

The SPEAKER: Is the House ready for the question? For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes and those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Conferring Upon Others the Powers now Vested in the Executive Council," House Paper 1022, L. D. 1550. All those in favor of accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no. And the Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, R. E.; Berman, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Cornell, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Foster, Fuller, Gill, Hall, Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Henley, Hewes, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jannelle, Jewell, Kyes, Lewin, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Pendergast, Philbrook, Pike, Porter, Prince,

Quimby, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, P. J.; Snowe, P.; Soulas, Susi, Trask, Waltz, Watts, White, Wight, Williams, Wood.

NAY — Bedard, Belanger, Bernard, Binnette, Boudreau, Bourgain, Burnham, Carey, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Crommett, Curran, Drigotas, Dudley, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Harnois, Harvey, Healy, Hennessy, Hunter, Jalbert, Jameson, Keyte, Kilroy, Lebel, Levesque, Lowery, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Sawyer, Scribner, Starbird, Tanguay, Truman, Wheeler.

ABSENT — Baker, E. B.; Beliveau, Bradstreet, Brennan, Carrier, Couture, D'Alfonso, Danton, Eustis, Farrington, Giroux, Hanson, B. B.; Haynes, Hichens, Lewis, Noyes, Payson, Rocheleau, Roy, Sahagian, Shute, Sullivan, Thompson, Townsend.

Yes, 81; no, 45; Absent, 24.

81 having voted in the affirmative and 45 having voted in the negative, with 24 absent, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Mr. Levesque of Madawaska was granted unanimous consent to address the House.

Mr. LEVESQUE: Mr. Speaker and members of the House: The last vote that was taken is the last of the Constitutional amendments on the calendar today that we felt, and I'm speaking now for all the Democrats in this House, and I'm speaking on behalf also of the Governor of our State, that we were not afforded the opportunity nor given the courtesy of tabling a few of these documents that the Governor had requested through the leadership this morning.

I also find it unfortunate that because of a pre-plan that these all ended up on the calendar on the same day, and everybody in this House should be whiplashed into debating these bills all in the same day, notwithstanding the

wishes of the Governor or the Democratic Party of this House.

And so for these courtesies not extended to the Minority Party, and today's courtesies not extended to our Chief Executive, we want to thank the Republican leadership.

Mr. Richardson of Cumberland was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Members of the House: These items were tabled with the full knowledge of the Minority leadership and specially assigned, the tabling taking place on May 5. Today is May 11.

The first time that we knew of this urgent request from the Governor was late this morning when we had already decided that we were going to attempt to clean up a calendar clogged with legislation demanding our action. In the past we've been criticized by the Minority for going too slowly. Today we're going too quickly. I earnestly hope that we will soon come to a pace that is acceptable to the Minority leadership.

We have made no attempt to cut off debate here. Each one of these items has been given full opportunity to be heard. The next item is a bill sponsored by the gentleman from Old Orchard Beach, Mr. Danton, and I intend to table that since he is not here. I don't feel that we have been rude or unkind. In any event we have certainly not cut off anybody's right to speak, and I would close by suggesting to you that the sole responsibility for the management of this Legislature rests with its elected leadership. If the Chief Executive of the State of Maine wishes to address a Joint Convention of the House and Senate, he has only to request that, and I assume that an Order would have been entered in the Senate, and we would have a Joint Convention.

In view of the fact that this time has elapsed and nothing has been done, I think we can be forgiven what I believe to be an understandable urge to get this show on the road, and to do the State's business and not get involved in a lot of petty, partisan wrangling. Thank you.

Mr. Levesque of Madawaska was granted unanimous consent to address the House.

Mr. LEVESQUE: Mr. Speaker and Members of the House: Unbeknown possibly to the Governor because of his schedule, unbeknown to the Republicans or the Democrats in this House, the Governor only brought it to our attention last night that these were his wishes, and the wishes were made to the Republican leadership in good faith. And I failed this morning, and I fail again this afternoon, as I have failed to see for the last three months for the urgency of getting a railroad job like we did today.

When I referred earlier that we were sitting doing nothing—that's exactly what I meant, and for two and a half months we sit, and then all of a sudden there's only a one-way track on the railroad.

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

HOUSE MAJORITY REPORT (8)—Ought Not to Pass—Committee on State Government on Resolve Proposing an Amendment to the Constitution Changing the Legislature to a One Body System (H. P. 1034) (L. D. 1500)—MINORITY REPORT (2)—Ought to Pass.

Tabled—May 5, by Mr. Richardson of Cumberland.

Pending—Acceptance of either Report.

On motion of Mr. Benson of Southwest Harbor, retabled pending acceptance of either Report and specially assigned tomorrow.

Mr. Carroll of Limerick was granted unanimous consent to address the House.

Mr. CARROLL: This morning prior to adjournment I desired to be recognized for one purpose and one purpose only, and that is to set the record straight.

And the record is this — that a public hearing was advertised for Thursday, May 11, 1967, at 1:30 p.m. Room 128, State Office Building, and this is the notice I received from the Committee on Education: Item No. 1 is House Paper 1124, L. D. 1601, page 120,

“An Act Providing Appropriations for Payment of School Construction Aid to the Cities of Westbrook and South Portland.” Item 2, House Paper 1142, L. D. 1628, page 121. “An Act Increasing Indebtedness of Baileyville School District.” And I merely read this because I want to set the record straight that hearings were advertised today, and I just merely do this for the purpose of setting the record straight.

Mr. Richardson of Cumberland was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Members of the House: In what I feel to be perhaps an unjustified criticism of the Speaker, I suggest to you that the responsibility for selecting the time of 2:30 was mine, and I suggested this to the Speaker and he acceded to my suggestion.

Before making this suggestion I checked with the Chairman of the Committee on Education who assured me that their 1:30 schedule — two hearings scheduled for 1:30, would surely be completed by 2:30. They were completed prior to the time we began today's session. It is not the intention of this leadership to ever have this House be in session when public hearings are going on, and that was not the case today. Thank you.

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

Bill “An Act to Clarify the Status of Passenger Tramway Devices” (S. P. 554) (L. D. 1486) (In Senate, passed to be engrossed)

Tabled—May 5, by Mr. Berman of Houlton.

Pending—Passage to be engrossed in concurrence.

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

Mr. BERMAN: Mr. Speaker and Members of the House: L. D. 1486 is a relatively short bill. It says, in effect, that an operator of a passenger tramway shall be deemed not to be operating a common carrier. On the face of the bill it appears innocuous, but I suggest to the House that this is not innocuous.

Title 25 of the Revised Statutes, Chapter 1902, has several definitions, one of which contains a definition for the passenger tramway under the “Tramway Act,” which says — among other things — that “‘passenger tramway’ means a device used to transport passengers uphill on skis, or in cars on tracks or suspended in the air, by the use of steel cables, chains or belts or by ropes, and usually supported by trestles or towers with one or more spans. ‘Passenger tramway’ shall include the following:

“A. Two-car aerial passenger tramway, a device used to transport passengers in 2 open or enclosed cars attached to and suspended from, a moving wire rope or attached to a moving wire rope and supported on a standing wire rope, or similar devices; B. Multiple car aerial passenger tramway, a device used to transport passengers in several open or enclosed cars attached to, and suspended from, a moving wire rope or attached to a moving wire rope and supported on a standing wire rope, or similar devices;” et cetera, and et cetera.

Now one of our very able colleagues on the Committee of Judiciary, the gentleman from Cape Elizabeth, Mr. Hewes, I believe, asked at the hearing — “how many passengers a day, and how many trips were carried on the one-passenger tramway which as I understand operates in the State of Maine?” And while I do not have the number with me here today, I recall that the number of passengers and the number of trips was so large that actually the two-car aerial passenger tramways with multiple-car aerial passenger tramways should be considered common carriers.

I think that in one of the cornerstones of our general law should be equal justice for everyone, and special privilege for none. I think it should be the duty of this House to protect the general public as best we can, and not to lower the standard of care which prudence says should attach to common carriers. I therefore move indefinite postponement of L. D.

1486, and request a division when the vote is taken.

The SPEAKER: The gentleman from Houlton, Mr. Berman, now moves indefinite postponement of L. D. 1486, Bill "An Act to Clarify the Status of Passenger Tramway Devices."

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

Mr. HEWES: Mr. Speaker and Members of the House: I second the statement of Mr. Berman. This bill as I see it is to protect one interest — the operators of ski resorts as against the general public. I think that if there is an accident on a tramway or ski lift that the Courts should determine precisely what the relationship was between the passenger, whether he paid his fare or what not, and the ski lift at the time of the accident, and I would second Mr. Berman's comments.

The SPEAKER: Is the House ready for the question? All those in favor of indefinite postponement of this measure will answer yes,—

Does the Chair understand the gentleman wants a vote?

A vote will be ordered. All those in favor of indefinite postponement will vote yes, and those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

114 having voted in the affirmative and 3 in the negative, the motion prevailed.

The Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Resolve to Reimburse Richard Jewell of Mechanic Falls for Well Damage by Deposit of Salt on Highway (H. P. 969) (L. D. 1411)

Tabled—May 5, by Mr. Foster of Mechanic Falls.

P e n d i n g — P a s s a g e to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, I now offer House Amendment "A"

and ask for its adoption, and I would like to speak to it.

The SPEAKER: The gentleman from Mechanic Falls, Mr. Foster, now offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 969, L. D. 1411, Resolve, to Reimburse Richard Jewell of Mechanic Falls for Well Damage by Deposit of Salt on Highway.

Amend said Resolve by striking out all of the title and inserting in place thereof the following title:

'RESOLVE, Authorizing the State Highway Commission to Repair Damage to Well Owned by Richard Jewell of Mechanic Falls.'

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

'Richard Jewell; well damage repaired.'

RESOLVED: That the State Highway Commission is authorized and directed to repair or replace the damage to the water supply of Richard Jewell of Mechanic Falls caused by the depositing of salt on his premises by said commission.'

The SPEAKER: The gentleman may proceed.

Mr. FOSTER: Mr. Speaker and Members of the House: I think for you to understand the amendment I would have to give you a little bit of the background as to the original bill and the committee amendment. We have a growing problem in the rural areas of domestic water supplies becoming contaminated by salt used on the highways in the winter maintenance. The salt of course has been used for a number of years and it is becoming quite prevalent now that it's seeping into the soil and reaching the water mains and finally causing a damage.

Up until this time, and including now, there has been no arrangements made and no provisions made for a person who has lost a domestic water supply to get reimbursed and paid for it. It has been the custom in the past for

a person who had lost his domestic water supply to wait until the next session of Legislature and file a claim for the loss of his water supply. Now that has been attacked upon through the Claims Committee and it was in this session. It had been the practice in the past, apparently, and that practice has been carried out this session, to give a figure across the board so to speak, to everybody that had lost their domestic water supply. I understand from what I have heard two years ago, there was \$500 allocated or allotted to these claimants, and this year the Committee on Claims has reported out a \$600 allotment across the board.

At the time that I appeared before the Claims Committee I think that they had demonstrated their great concern with the problem. They showed all the sincerity and showed that they were a dedicated committee. I don't know of a finer committee that I have ever appeared before, and I say it now that I don't know what I would have done if I had been on that committee in view of their policies and practices in the past.

But realizing that in my situation at least, \$600 would not be adequate for a compensation—it would not be anywhere near adequate. I have in mind of the first case on the list today, there are two others on the same calendar similar, in fact identical. But we have this situation where the State has contaminated the water and \$600 they could have as a — well, to appease the poor person that has lost the water I guess without any hope of ever reimbursing him. In these areas where the wells have been—in some cases the entire area has been contaminated by salt, if you dug or sunk or drilled a well or perhaps a half a dozen near to the area, each time you come up with a contaminated water.

So the people that I represent, when they were told that the Legislature had offered on their claims put in — at least had recommended a \$600 in payment, all three were confronted with the same thought — if we spend our

\$600 and don't get water, what then are we going to do? We're home without a water supply, it is of little value, and in all three homes they not only have lost their water supply but the plumbing had become affected and eaten away by the salt in the copper and brass and in some cases have been rendered useless. In one case the hot water tank had given away and the plumber said due wholly and entirely to the salt contents of the water.

So what these people do — is it adequate, can we say to them, well, that's a token gift to you, it's a figure arbitrarily set but that's the best we can do. Not having an answer to that, I did further investigation. I called our sister state New Hampshire or the Highway Department chairman and they told me that that situation up there had been handled differently than we handled it in Maine. Apparently under the general authority of the Highway Commission, from 1942 to 1959, they had been either compensating or replacing their water supply, and then in 1959 they passed a special act of Legislature setting up specific routines to follow when a person had lost their supply, and so that they wouldn't have to wait two years the Highway Commission was given authority to go and render aid to the victim.

I will read you, it's very brief, what the law says in New Hampshire. Under the Private Water Supply law, and it's the general law, it says: "When there is a complaint that privately owned water supplies have been destroyed or rendered unfit for use as water supplies because of construction or maintenance operations on the state highway systems, the commissioner shall investigate and determine the extent, if any, of state responsibility.

"Upon determination that there is state responsibility the commissioner may authorize the use of highway funds to: (a) replace or repair the damage to the water supplies," and then it goes on "(b) pay damage in lieu of replacement or repair," or to purchase the property in question, or to enter into an agreement with the depart-

mental or governmental agencies for the municipal water system.

Now it occurred to me that to ask the person who had lost their water — they had no choice there, the salt was used, the chloride used, and the water became useless, to ask them to take the gamble or follow out some uncertain procedure to get the water system returned to them was asking a lot. Especially when the United States Government or the state is behind one of the private individuals, as in the case of all three cases in my situation, not one of them could afford to do or to take such a gamble or to speculate on any such a thing.

In one case there was a young man with a wife and three children, has been hauling water for a number of months and it's been a hardship. He was hauling during the winter months, but he is buying his place and he can barely spread his money thin enough to cover the instalments on his place and to feed his family. And he said to me, frankly I can still haul water two more years if I might get a well, but I cannot pay in that two years for the money for a well nor can I speculate or gamble on any prospects of not having any.

So we've got a situation — I mean the facts as they came to me and what I thought was good solution and which was a forthright and honest and sincere approach to the problem, I have taken just a part of the New Hampshire law and I have put it in — at least the Research Department had us put it in, this amendment. And this amendment, which has been distributed and which you have on your desks, says

"RESOLVED: That the State Highway Commission is authorized and directed to repair or replace the damage to the water supply of Richard Jewell of Mechanic Falls caused by the depositing of salt on his premises by said commission." And that is the amendment that has been prepared and which I have offered and which I ask you to support and to pass.

I know that there is opposition to this, it will come probably from the committee, but I again say

that the committee I think is the most sincere and dedicated committee in the State House. And it was an afterthought, I was groping for ideas or groping for some way to help my poor constituents. It's a situation that applies or that is applicable only of course to the rural people, people in the city they have a municipal water supply and don't have things to worry about. But I'm hopeful that the city dwellers have pity on their poor country cousins and can give this thought consideration. As I said, I know that there will be opposition and I expect probably I will find it necessary to answer the opposition. So for now that is it.

The SPEAKER: The question now is on the adoption of House Amendment "A".

The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Members of the House: I oppose this amendment and I hate to speak after a lawyer has spoken, but I will do my best. The Claims Committee is most sympathetic with the people who have appeared before our committee. Believe me, it is a sad committee to be on. That doesn't sound quite right, does it? I mean the testimony that we listened to leaves us feeling very sad and disturbed as all the members of the committee have compassion for these people and their problems.

However, we also feel that the highways must be salted during the winter, and they do an excellent job. Think what the road conditions would be if this were not done. I shudder at the thought of it. The Committee unanimously came up with certain uniform figures for these claims. The majority of these claim bills have already been passed by this House and if we made an exception for this bill it would raise havoc with the others. I therefore hope that you will go along with the Committee's unanimous report and indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Fuller.

Mrs. FULLER: Mr. Speaker and Members of the House: I too am a legislator who has a constituent who is going to be most unhappy with her award. It is very difficult for me to understand how a state can do two to three thousand dollars damage in plumbing and a well and then only pay \$600. I am not sure that we can straighten it out in this Legislature, but I certainly think something should be done in the future where they have the full responsibility for the damage that is done in these houses. It is not the people that live there that do it and they cannot continue to live.

My woman is a widow with an eighty-three year old mother, and they haven't been even able to cook with the water because they both have a heart condition, and she has had to have water hauled now for nine months.

The SPEAKER: Is the House ready for the question? The question now before the House is on the motion of the gentlewoman from Bethel, Mrs. Lincoln, that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: I wish to concur with the good lady from Bethel, the House chairman of our Committee. There is nothing on the Statute books that says that we should or have to award anyone anything for the loss of these wells. We were told this quite a few times during last session and for that reason most of the bills sent out last year had this \$500 award and we were told then that we didn't have any right to do it, but they were given. And this same this year, these same wells were coming in for the same claims and this year we decided to up it to \$600, and until today everything seemed to be satisfactory.

The actual loss is what has been given the most consideration, which are dug wells, the actual loss for dug wells. And they don't cost fifteen hundred or two thousand dollars as has been asked. We couldn't pay them for a loss that wasn't existing before this happened. To be sure we are all

sorry for these people, as the gentlewoman from Bethel says, this is a committee for whom you listen to these individuals who come from rural areas, and you would like to do a lot for them, but there is nothing in the Statutes that says you can, and until the Statutes are changed it will have to go along as it is.

The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker and Members of the House: It seems to be a question, or at least the idea has arisen here, that you can't do it — well if you can do a little, you can do what's adequate — and you can do what's adequate if the Legislature says so, and I think that's the responsibility we have here today, do something adequate for people, for a person, that have had their property rights taken away from them. Now if the State of Maine comes and takes your property — takes the whole of it, you have your privilege to go and get paid for it, but if they're taking what it produces, the water, apparently some people think you can't do anything about it. Well you can do it if this Legislature says so. That has been confirmed pretty much in a communication from the Department of the State Highway. In one paragraph that I have received, it says: "Our legal people raise a question as far as the State of Maine is concerned as to the use of highway funds for this kind of an activity. I expect that legislatively this problem could be solved" — and then it goes on.

Legislatively it can be solved — it can be solved because we here today say it can, and if we want to change — I'm sorry about these few people that acted hastily — I think there were eleven in all, and I had three of them. I'm sorry about the other eight. I think we can do something about it; somebody with parliamentary background and experience can do something about those poor people that have been handed \$600. And it's inadequate — it's nonsense to think that the people should take it. I'll concede this point — and

I'll carry it through — my people have said to me, "If there's a prospect of getting paid adequate pay two years from now, I want that thrown out and I'll haul water for two more years if the Legislature of the State of Maine wants me to." Thank you.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi

Mr. SUSI: Mr. Speaker and Members of the House: I have no argument with the position Representative Foster is taking. If we had a bill before us here today which would provide for a change in our policy so far as these people who are damaged by action taken by the State which leads to the spoiling of their wells, I would vote for the bill. I think there's a need for a change in our policy — this is getting to be a more and more wide-spread problem, but here today I think our situation is this: As Representative Lincoln has already pointed out, there have been several of these bills passed through this House; I am responsible for one of them, have a personal interest in it. I know that as with Representative Foster, the people whom I sponsored the bill for are getting way less than what their expense is going to be. If we were to act favorably on the amendment that has been offered this morning and two more coming along for other bills which were evidently sponsored by Representative Foster, then I for one would have to take every action possible to see that such an amendment was attached to the bill which I sponsored, and I think everyone would recognize it would be only reasonable action. I doubt that this is the way we should go about it. I think that perhaps in another session a bill providing for a change in the general policy of the State would be very much in order, and I think it would receive support, but for the time being I think we should treat all of these well damage bills the same. I think the Committee did the best they possibly could with them, and I hope you'd vote against the amendment.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Fuller.

Mrs. FULLER: Mr. Speaker, a question through the Chair to Representative Lincoln.

Would the acceptance of the six hundred dollars preclude a ny constituent from coming back two years from now?

The SPEAKER: The gentlewoman from York Mrs. Fuller, poses a question through the Chair to the gentlewoman from Bethel, Mrs. Lincoln, who may answer if she chooses.

The Chair recognizes that gentlewoman.

Mrs. LINCOLN: I don't really know at the moment. I would have to check.

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

Mr. HEWES: Mr. Speaker and Members of the House: It seems to me that this claimant is just trying to get put back in the position he was in before the accident. He's asking that the State Highway Commission be authorized and directed to repair and replace the damage. He's not asking to make any extra money for himself, and if the system is wrong now, or isn't as good as it might be as indicated by the last speaker, then I don't see why we should continue to make further mistakes. Let's have a change. We've heard quite a lot of talk today, this afternoon, about changes, so let's have the courage to do what is right and make this man whole, and I support the motion of Mr. Foster.

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

Mr. HARVEY: Mr. Speaker and Members of the House: This is running into quite a problem. This is just one. This book is mostly damage from salt. Under the present Maine law the State Highway Department of the State of Maine is not responsible in any way for any damage done to any of these wells, so the state law would have to be changed.

Now as Mr. Foster stated, in New Hampshire, they do repair and dig wells. However, upon—if the Road Commissioner finds

they're responsible, with the present law on the books in Maine the Highway Department would not find themselves responsible, these wells would not be dug or drilled. The only thing we could do was find from people in the business the cost of a dug well which is approximately between four and six hundred dollars, so we took the maximum.

Now legally we're not even supposed to award a penny, but morally we figured we were.

A drilled well is a different proposition. If a drilled well is damaged we picked a figure of \$1200, we paid one total claim with the figures that had been paid of a little over a thousand, so I don't think that our figures on a drilled well is too far out of line.

I agree wholeheartedly with Mr. Foster that something should be done in the very near future to give these people water. Many of these water supplies were there for fifty or a hundred years, now they are contaminated and beyond use.

If the leadership and the Appropriation Committee and the Claims Committee want to get together, put in a bill to put the State Highway Department into the well-drilling business to repair the damage to these wells, I'm all for it, so—but if they're not willing to get together and put in a bill, pass it, putting the State Highway Department into the well drilling department, I recommend that we go along with the Committee's reports, pay these sums which under the conditions I think are the fairest that can be made; otherwise if this one amendment is passed, I'm sure that the ruckus that will be raised from the other Representatives with these well claims will go into next August rather than the middle of July, so I vote for the indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, I've spoken twice and request an opportunity to speak—

The SPEAKER: The gentleman may proceed. He has not spoken more than twice on the indefinite postponement motion.

Mr. FOSTER: Mr. Speaker and Members of the House: In answer to Mrs. Fuller's question, I read the second paragraph of the letter I got from the Chairman of the Maine State Highway Commission. This is what he says: "The procedure of filing a claim with the Legislature does have some merit in that it results in a cash payment which is in full settlement." Now I think that takes it out of anybody's mind as being doubtful, it says - "furthermore, does allow the claimant to have his day before the legislative committee, so to speak."

That is why that my people—I have got to kill my bill, and that's going to be kind of hard to kill my bill, unless there is some relief granted these people are not going to take this \$600 and spend it and still not have a water system and not afford to provide one for themselves, then come back two years from now to see what we can do.

Now, before I prepared this amendment, or before I had this amendment prepared, I proposed a general law similar to New Hampshire, and the Chairman of the Highway Commission thought that it needed a required study, and thought it should be referred to a study committee. But I had in my possession, and he had in his possession, the results of a study that our sister State had made under probably very similar circumstances, and it covers twenty pages, and I don't think in these two years—I mean you can rely on these reports, they're reliable people in New Hampshire, I think you could copy from them, I think you could benefit from them a great deal. I don't think it needs two years' study to know how to dig a hole in the ground until you hit some water. I think that could be done with this Legislature, but it doesn't meet with the approval apparently of the Highway Commission. I will, if it would make you members feel better, and if I get permission to table these two, I will have

prepared a bill similar to the New Hampshire one which has worked out wonderfully well apparently, and present it and see what action is taken on it. And then everybody may have their right and just do from this taking of your property right by the State of Maine and not paying adequately for it. They do it with everything else, they take from you, but they don't want to pay for the water.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Members of the House: I'd like to clear up two things. First of all, before, well several years ago, nothing was given for well damage. Then for several years we gave \$500 no matter whether it was a well, a dug well or a drilled well. This year, for those wells that had been dug we gave \$600, and for those wells that had been drilled we gave \$1200.

Now, you've heard about the system that they have in New Hampshire which is all well and good and if we could work it, it would be fine. He didn't say that they spent \$160,000 one of the years — I believe I'm right in that. The Highway Department it sounds like they don't take any responsibility at all, but they do. The claims that come to us are the ones that the Highway Department does not feel justified in giving to. In fact we had several bills on our books this session that we put out "leave to withdraw," because in the meantime the Highway Department did provide the money for them and provided adequately, they provided — one was over \$2000 or \$2500 I believe, so these are the ones that the Highway Department feels that they are not justified in giving to and we are going over their justification and giving them what we feel we should give and I certainly hope that we indefinitely postpone this amendment.

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

Mr. HANSON: Mr. Speaker and Members of the House: I feel called upon now to make a few remarks in regard to this salt

damage because of the fact that at the annual summer meeting of the State Soil and Water Conservation Association held at Nasson College in Springvale, we discussed this problem of salt damage at some length, and we passed a resolution calling for a study of salt damage to areas adjacent to highways. Now, this study is currently being done by the University of Maine, and I think this body should be aware that we are opening up a "Pandora's Box." This damage to wells is only one very small part of the damage. We were more concerned with damages to bodies of water — the entire fish population in some small ponds had been killed because of salt contamination. Trees and shrubs and various vegetation along the rights of way had been killed. Now, of course all of these are damages and probably subject to reimbursement.

I don't have any suggestion to offer here, but I did feel that this body should be aware of some of the ramifications and some of the actions that are being taken. There is currently a study on salt damage being made by the University of Maine. Thank you.

Mrs. Fuller of York was granted permission to speak a third time.

Mrs. FULLER: Mr. Speaker and Members of the House: I would like to point out that the Highway engineers explained to my woman that the only way she could get water was to drill a well. She now has a dug well, so they see fit to award her only \$600 for a dug well. This hardly seems fair when it's their feelings that the only way she can get water again is to have a drilled well.

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

Mr. HANSON: Mr. Speaker and Members of the House: I forgot one very pertinent remark that I did want to make.

There is a question that arose in my mind if we do in fact replace these wells — if we dig them another well and this new well is still adjacent to a highway, is it not possible that in some year hence that that well too will

be contaminated and these people will still have the same problem? This is another part of the problem. Thank you.

Mr. Foster of Mechanic Falls was granted permission to speak a third time.

Mr. FOSTER: Mr. Speaker and Ladies and Gentlemen of the House: That's just my point — this idea of a person accepting his \$600 and speculating whether he will hit water or not. Now the State of Maine or this Legislature is perfectly willing that some poor individual do that, but apparently they're not willing for the State of Maine to take that gamble, that chance, and speculate on that. I say that the person that has had a good water supply and if the maintenance of the highway has taken that away from him, I still think that the people of the State of Maine are willing to pay for that. I have another answer to make. It has been suggested by the lady from Bethel, Mrs. Lincoln, that the Highway Department doesn't acknowledge responsibility. Let me read to you how the Highway Department feels about this. This is in paragraph one. It says,

"The number of well claims filed with the Legislature this session as a result of alleged pollution of wells by reason of routine maintenance activities on highways maintained by the State of Maine was eleven claims. There were two or three other claims resulting from alleged pollution of wells by reason of construction. The State Highway Commission has taken the responsibility for settling these claims resulting from construction activities. I believe they are all settled with the exception of one such claim which is in the process of being settled at this time."

So they knew if they go out and damage your well by construction, they'll settle and pay for it right off. Now there has never been any question in the Highway Department, not to say but what the salt on the highway was responsible for the polluting of these wells that I have mentioned to you. Again I say, I think the State of Maine should to the speculating and the gambling and not the poor

individual that's had his property rights taken away from him and isn't going to get a adequate compensation for it.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentlewoman from Bethel, Mrs. Lincoln, that House Amendment "A" be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no. And the Chair opens the vote.

A vote of the House was taken.

66 having voted in the affirmative and 44 having voted in the negative, House Amendment "A" was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, I now move that the Bill be accepted for the Report. The bill asks for what was delineated as \$1800 for a well, and that was the average that I thought for the State of Maine of a well; the State of New Hampshire, their average is \$2200, and it was for \$600 in plumbing damages, \$2400 for Richard Jewell. Now I ask — I feel I know how it's going to be. The State of Maine doesn't want to get into this, they can pay their money; we'll gamble if they will be getting somewhere near an adequate amount. So I now move that the Bill be substituted for the Report.

The SPEAKER: The Chair would advise the gentleman if he wishes to dispose of Committee Amendment "A", the rules must be suspended and reconsider the adoption of Committee Amendment "A". Is that his proposal?

The gentleman from Mechanic Falls, Mr. Foster, moves that the rules be suspended. Is there objection?

(Cry of "Yes")

There is objection. This requires a two-thirds vote. The Chair will order a vote. All those who desire the rules to be suspended will vote yes and those opposed will vote no. And the Chair opens the vote.

A vote of the House was taken.

The SPEAKER: Forty-seven having voted in the affirmative and

sixty-three in the negative, and forty-seven being less than two-thirds the rules are not suspended.

The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, I now move that this L. D. 1411 with all its accompanying papers will be indefinitely postponed and that's the first and last time I hope that I ever have to make such a motion.

The SPEAKER: The gentleman from Mechanic Falls, Mr. Foster, now moves that Resolve to Reimburse Richard Jewell of Mechanic Falls for Well Damage by Deposit of Salt on Highway, House Paper 969, L.D. 1411, be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

Sent up for concurrence.

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

HOUSE REPORT—Ought to Pass in New Draft—Committee on Taxation on Bill "An Act Providing for a Tax on Real Estate Transfers" (H. P. 645) (L. D. 900)—New Draft (H. P. 1143) (L. D. 1627)

Tabled—May 5, by Mr. Pendergast of Kennebunkport.

Pending—Acceptance.

The SPEAKER: The Chair recognizes that gentleman.

Mr. PENDERGAST: Mr. Speaker and Ladies and Gentleman of the House: This bill, L. D. 1627, is a vital measure, not from a revenue standpoint, but to insure effective administration of property taxes in this State in the future. Information regarding sale prices is essential if property taxes are to be administered effectively. Until now, this information has been available very generally because of the necessity of stamping deeds in compliance with the federal stamp tax on real estate conveyances. However, this federal tax was repealed in 1965, effective January 1, 1968. The reason the effective date was postponed until January 1, 1968 was to give the states an opportunity to enact state measures to replace the federal tax, primarily because of its

importance in connection with property tax administration.

This legislation was supported by the Maine Association of Realtors, the Maine Association of Assessing Officers, and the Maine Municipal Association. Adoption of such legislation has also been recommended by the Federal Intergovernmental Relations Commission, which is chaired by the Junior Senator, Senator Muskie.

The passage of this Real Estate Transfer Tax is absolutely essential to good assessment administration in Maine. L. D. 1627, which is a redraft of L. D. 900, would impose the real estate transfer tax at the same rate it is presently being imposed by the federal government, \$1.10 per thousand of valuation. It would require that a declaration of value to be stamped, not the deed itself. I therefore move the acceptance of the unanimous "Ought to pass" Report. Thank you.

The SPEAKER: The gentleman from Kennebunkport, Mr. Pendergast, moves that the House accept the "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed and the New Draft was read twice and tomorrow assigned.

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

HOUSE REPORT—Ought to Pass as amended by Committee Amendment "A" (H-249)—Committee on Claims on Resolve to Reimburse Henry T. Parent of Mechanic Falls for Well Damage by Deposit of Salt on Highway (H. P. 970) (L. D. 1412).

Tabled—May 5, by Mr. Foster of Mechanic Falls.

Pending—Acceptance.

On motion of Mr. Foster of Mechanic Falls, the Report and Resolve were indefinitely postponed and sent up for concurrence.

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

HOUSE REPORT—Ought to Pass as Amended by Committee Amendment "A" (H-266)—Committee on

Judiciary on Bill "An Act relating to Right of Entry and Inspection of Nursing Homes" (H. P. 406) (L. D. 572)

Tabled — May 9, by Mr. Hinds of South Portland.

Pending—Acceptance.

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

Mr. HINDS: Mr. Speaker and Members of the House: I am in favor of the bill but I am not of the committee amendment. What would I do, just move the acceptance of the "Ought to pass" Report and then move indefinite postponement of the amendment?

The SPEAKER: The answer is in the affirmative.

Thereupon, on motion of the same gentleman, the "Ought to pass" Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 406, L. D. 572, Bill "An Act Relating to Right of Entry and Inspection of Nursing Homes."

Amend said Bill in the Title by adding after the word "Homes" the words 'and Boarding Homes'

Further amend said Bill in the 4th line (3rd line in L. D. 572) by inserting after the underlined word "homes" the underlined words 'and boarding homes'

Further amend said Bill in the 7th line (6th line in L. D. 572) by inserting after the underlined words "nursing home" the underlined words 'or boarding home'

Further amend said Bill in the 8th line (6th line in L. D. 572) by inserting after the underlined words "at any" the underlined word 'reasonable'

Further amend said Bill in the 14th line (11th line in L. D. 572) by inserting before the underlined word "permission" the underlined word 'written'

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

Mr. HINDS: Mr. Speaker and Members of the House: I have discussed this amendment with the sponsor of the bill and the parties involved and we agreed that this amendment shouldn't be attached

to the bill. This amendment would require written permission by the Department of Health and Welfare before they could enter any home in the state, any nursing or boarding home. The bill itself requires permission of the owner but it doesn't require written permission. And I would now move indefinite postponement of this amendment.

Thereupon, Committee Amendment "A" was indefinitely postponed and the Bill assigned for third reading tomorrow.

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

Resolve to Reimburse Elinor Nichols of Poland for Well Damage by Deposit of Salt on Highway (H. P. 968) (L. D. 1410)

Tabled—May 9, by Mr. Foster of Mechanic Falls.

Pending—Passage to be engrossed.

On motion of Mr. Foster of Mechanic Falls, the Resolve was indefinitely postponed and sent up for concurrence.

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

Resolve for Construction and Erection of Statue to "The Maine Lobsterman" in Washington, D. C. (H. P. 661) (L. D. 916)

Tabled—May 10, by Mr. Ross of Bath.

Pending—Motion of Mr. Hennessey of West Bath to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I didn't realize that probably we were going to get this far. But this is something that I consider quite important to the State of Maine. So, first of all, let's see exactly what we're talking about here in brief. There is now a statue made in plaster entitled, "The Maine Lobsterman." This bill suggests that we use this plaster statue for a pattern and make a bronze replica of it, transport it to Washington, and have it erected on Maine Avenue there.

I didn't realize that my friend and neighbor, the gentleman from West Bath, Mr. Hennessey, was such a connoisseur of art.

I believe as I recall, he said that the statue had been knocked around a great deal all over the State of Maine and it wasn't much good in the year 1939 and it's not much good now. He said it wasn't very characteristic of a Maine lobsterman. Here is a picture of the statue. I have it and you can see it afterwards at close hand. The picture was — and a lobsterman posed for it and that lobsterman's name was Mr. Elroy Johnson and he comes from Bailey's Island and I think that perhaps the gentleman from Harpswell, Mr. Prince, will attest to the realism of it. He said that it wasn't done by a competent or known sculptor, that the idea should be reviewed by the Maine Arts and Humanities Commission. Already we've gone one step further than that. It is currently being reviewed by the National Fine Arts Commission in Washington.

The sculptor was Mr. Victor Kahill. His works are shown in museums throughout this country and several foreign lands. There is an example downstairs in this building in the Hall of Flags of a sculptured plaque of Harold T. Andrews. This placement was approved in this building by our Arts Commission. Victor Kahill is the uncle of one of our most competent, conscientious, and attractive committee clerks, Mrs. Marie Brotherton. Her father, his brother, Joseph Kahill, was also most talented in the field of art. He was world renowned as a portrait painter. Forty of his paintings hang here in the State House. He was once invited to exhibit in the Paris Salon. This signal honor is best exemplified by the fact that the very famous Van Gogh tried three times before even he was accepted there. Victor Kahill, our sculptor in question, studied at the Museum of Fine Arts in Boston, The Pennsylvania Academy of Fine Arts, and later in Paris, Venice and Naples.

Now let's see what we hope to do and why.

In our Nation's Capitol, there is a street called Maine Avenue, which runs for many blocks along the Potomac. This location was obtained only through the untiring efforts of the late Senator Owen Brewster. He insisted that the State of Maine should have the street running along the City's waterfront. The area is being completely rebuilt and it is fast becoming one of the most beautiful avenues in the City. However, our street is just a street commemorating nothing if we don't do something about it. Granted it has sign posts, but persons seldom look for them unless they are lost.

Nevertheless, they do glance twice and stop to ponder upon seeing an interesting statue or monument. This is especially so if it is truly a work of art. Furthermore, it is even more so if it's unusual with a touch of local color. Millions of persons visit Washington, D. C. they drive around, look at the White House, various office Buildings, Grant's Tomb, Lincoln Memorial and the Washington Monument. Still, how many are going to read the signs — Maine Avenue?

No, our lovely street is destined for oblivion as far as the name goes. It will be lost in the maze of all the other signs unless Yankee ingenuity lets us visually dramatize our state in some manner. No one has ever made a suitable statue of an Aroostook Potato, but we can show a splendid example of a Down East Maine lobsterman. Here is a typical rugged individual who by his conscientiousness and hard work derives a living from the sea to provide the rest of the Nation one of the most succulent of dishes — a Maine lobster.

The gastronomic desires of people far and wide will be renewed when they glance his way. Then they will truly admire the street, look at the sign and say, "Oh yes, Maine!" Those who have been here before will visualize their remembered vacations and renew a pledge to come again. Those from afar, who have not been here, will surely say that they must certainly visualize this wonderful state from whence comes such delicious crustaceans. In the final analysis,

we can only gain from this suggestion.

Now this is not a fly-by-night scheme. This magnificent piece of art was first used to promote Maine at the New York World's Fair in 1939. Realizing its value to our state, Congressman Tupper in 1962, proposed a Resolution to Congress to accomplish the purpose we are suggesting today. After careful consideration this Resolution was adopted by the Congress of the United States. The matter was then referred to the National Planning Commission and received their approval. By now it had almost become a fait accompli.

Only one thing was lacking. We must prove that the State of Maine is willing to cooperate by having the statue cast in bronze and moved to its reserved location. I don't suppose we are morally bound to carry through with this obligation. However, our sense of pride and our innate desire to promote our State certainly warrant very careful consideration of this proposal which has been so fondly nurtured by many responsible people for such a long period of time. And I strongly oppose the suggestion before us today, the motion for indefinite postponement, and I request a division and urge all Members of the House to vote against the motion.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This was the sort of presentation that your Appropriations Committee was faced with when this matter was brought up before them. The gentleman from Bath was also reinforced in his request by the presentation from the lovely lady Clerk of this House, whom I think most of you know. After making these remarks, do you think I need to remind this House that the Appropriations Committee voted unanimously to go along with the request of the gentleman from Bath, Mr. Ross. I, too, hope that after hearing this presentation you will not indefinitely postpone this bill.

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

Mr. PRINCE: Mr. Speaker and Ladies and Gentlemen of the House: I want to concur with the remarks made by Representative Ross of Bath. To be sure we now have a lobster monument of plastic construction made by Mr. Kahill, the sculptor. This monument will be used to cast this new monument made of bronze. I believe that the amount of money that is going to be used for this permanent monument is worthwhile and reflects the Sailor on the right hand side of the Great Seal and Flag of Maine. I hope that we accept the unanimous "Ought to pass" report.

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House: I just wish to concur with the statements of the gentleman from Bath, Mr. Ross. The only thing that disturbed me in listening to his fine presentation was he failed to mention that the Maine lobsterman has spent many years sitting in the rotunda of Portland City Hall and we wish him well and on to Washington.

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

Mr. HARVEY: Mr. Speaker and Ladies and Gentlemen of the House: I am very much in accord with Mr. Ross except for one point. I've been among the lobster fishermen for a good many years. They're a robust, rugged, don't give a darn for anybody, look the world straight in the eye, and the devil take the hindmost. I've never seen a lobster fisherman yet down on his knees playing with a lobster. I'd like to see a good rugged individual up there rather than someone down on his knees.

The SPEAKER: The pending question is on the motion of the gentleman from West Bath, Mr. Hennessey, that this Resolve be indefinitely postponed. A vote has been requested and the Chair so orders. All of those who favor indefinite postponement will vote

yes and those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

7 having voted in the affirmative and 101 having voted in the negative, the motion did not prevail.

Thereupon, the Resolve was passed to be engrossed and sent to the Senate.

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

Bill "An Act relating to Membership on the Maine Milk Commission" (H. P. 339) (L. D. 487)

Tabled—May 10, by Mr. Hawes of Union.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Mosher.

Mr. MOSHER: Mr. Speaker, as this bill is closely related to one in the other house I would like to have this tabled until Monday.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed

and specially assigned for Monday May 15.

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

Mr. JALBERT: Mr. Speaker, I move that we adjourn until tomorrow at 9:30.

The SPEAKER: The gentleman from Lewiston Mr. Jalbert, moves that the House adjourn until tomorrow at 9:30.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson, who may debate the time. (laughter)

Mr. RICHARDSON: Mr. Speaker, I would like to suggest 9:00 o'clock, if the gentleman from Lewiston, Mr. Jalbert, would be so kind as to amend his motion.

Thereupon, Mr. Jalbert of Lewiston was granted permission to withdraw his motion relative to adjournment.

Thereupon, on motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.