

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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**

Monday, May 15, 1967

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

Prayer by Rev. Mr. Paul Keirstead of Gardiner.

The members stood at attention during the playing of the National Anthem by the Brewer High School Band.

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate: The following Communication: (S. P. 644)

STATE OF MAINE  
House of Representatives  
Augusta

May 11, 1967

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

Pursuant to the Senate Order creating an Interim Study Committee to study the subject matter of "An Act Relating to Outdoor Advertising", L. D. 1715, and determine:

"Whether the best interests of the State would be served by the enactment of such or similar legislation designed to implement the beautification of Federal Aid Highways?"

We herewith submit our report.

Respectfully,

(Signed)

HARRISON RICHARDSON  
Chairman  
Interim Study Committee

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

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

From the Senate: The following Communication: (S. P. 646)

STATE OF MAINE  
Office of the Governor  
Augusta, Maine

May 10, 1967

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

There is national awareness of the need to make state governments more effective and efficient.

I am concerned that the important acts and resolves relating to governmental reform receive full and fair consideration.

Therefore, in accordance with my constitutional authority, I respectfully request to address the members of the Maine State Legislature in joint convention on Thursday, May 18, 1967, at 11:00 A.M.

Accordingly, I would request that these constitutional resolves be tabled until after the joint convention.

Respectfully,

(Signed)

KENNETH M. CURTIS  
Governor

Came from the Senate read and ordered placed on file.

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

**Ought to Pass in New Draft**

Report of the Committee on State Government on Bill "An Act Creating a State Employees' Merit Award Board" (S. P. 558) (L. D. 1431) reporting same in a new draft (S. P. 643) (L. D. 1648) under title of "An Act Creating a State Employees' Suggestion Awards Board" 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 Education reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Maine School Building Authority Bonds (S. P. 622) (L. D. 1624)

Report of the Committee on Public Utilities reporting same on Bill "An Act relating to Sources of Supply and Purposes of North Jay Water District" (S. P. 608) (L. D. 1596)

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

In the House, Reports were read and accepted in concurrence, the Bill read twice, Resolve read once, and tomorrow assigned.

#### **Ought to Pass with Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act relating to Appeals from Land Damage Board" (S. P. 231) (L. D. 556) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of same Committee on Bill "An Act relating to Corporate Sale of Installment Bonds" (S. P. 267) (L. D. 648) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of same Committee on Bill "An Act Requiring Approval of County Commissioners of Court Term Bills" (S. P. 459) (L. D. 1359) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of same Committee on Bill "An Act Creating the Uniform Act on Paternity" (S. P. 472) (L. D. 1164) 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.

#### **Non-Concurrent Matter**

Bill "An Act Revising Laws Relating to Exemptions and Inspections under Boiler and Unfired

Steam Pressure Vessels Law" (H. P. 852) (L. D. 1266) on which the House accepted the Majority "Ought not to pass" Report of the Committee on Legal Affairs on May 10.

Came from the Senate with the Minority Report reporting "Ought to pass" as amended by Committee Amendment "A" accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.

In the House: On motion of Mrs. Baker of Orrington, the House voted to insist on its former action.

#### **Orders**

On motion of Mr. Scott of Wilton, it was

ORDERED, that Rev. Maurice Plourde of Wilton be invited to officiate as Chaplain of the House on Thursday, June 8, 1967.

#### **House Reports of Committees Ought to Pass in New Draft New Draft Printed**

Mr. Hichens from the Committee on Liquor Control on Bill "An Act relating to Penalty for Sales to or Permitting Consumption by Minors of Liquor" (H. P. 909) (L. D. 1319) reported same in a new draft (H. P. 1159) (L. D. 1656) under title of "An Act relating to Powers of Administrative Hearing Commissioner Concerning Minors under the Liquor Laws" and that it "Ought to pass".

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

#### **Ought to Pass with Committee Amendment**

Mr. Richardson from the Committee on Education on Bill "An Act Providing Appropriations for Payment of School Construction Aid to the Cities of Westbrook and South Portland" (H. P. 1124) (L. D. 1601) 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. 1124, L. D. 1601, Bill, "An Act Providing Appro-



### Amended Bills

Bill "An Act relating to Municipal Appropriation of Money for Volunteer Fire Departments" (H. P. 254) (L. D. 362)

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

### Third Reader Amended

Bill "An Act relating to Wearing Fluorescent Clothing When Hunting in Southern Zone for Two Years" (H. P. 671) (L. D. 943)

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

Thereupon, Mr. Gaudreau of Lewiston offered House Amendment "B" and moved its adoption.

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

**HOUSE AMENDMENT "B" to H. P. 671, L. D. 943, Bill "An Act Relating to Wearing Fluorescent Clothing When Hunting in Southern Zone for Two Years."**

Amend said Bill by striking out all of that part designated "\$2468," and inserting in place thereof the following: '\$2468 Fluorescent clothing'

**A person, while hunting with firearms in the Southern Deer Hunting Zone during the 1967 and 1968 deer hunting season, except when hunting waterfowl from a boat or blind, shall wear at least a single item of fluorescent orange clothing which is visible at a 360 degree angle.'**

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

Bill "An Act Increasing the Number of Medical Examiners for the County of Oxford" (H. P. 1006) (L. D. 1473)

Bill "An Act Increasing Fees for Sheriffs and Deputies" (H. P. 1047) (L. D. 1519)

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 Amended

Bill "An Act relating to Financial Matters of the Mount Desert Island Regional School District and Authorizing School Administrative District No. 48 to Take Water from Nokomis Pond" (H. P. 1128) (L. D. 1605)

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

Thereupon, Mr. Benson of Southwest Harbor offered House Amendment "A" and moved its adoption.

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

**HOUSE AMENDMENT "A" to H. P. 1128, L. D. 1605, Bill "An Act Relating to Financial Matters of the Mount Desert Island Regional School District."**

Amend said Bill by striking out in the 12th line of section 1 (10th line of L. D. 1605) the following "of 5 percent of" and inserting in place thereof the following: 'of 5 per cent 7 per cent of'

Further amend said Bill by striking out in the last line of the first paragraph of that part designated "Sec. 3 - A." of section 2 (same in L. D. 1605) the underlined figure "5 per cent" and inserting in place thereof the underlined figure '7 per cent'

Further amend said Bill by striking out in the 23rd line of the 3rd paragraph of that part designated "Sec. 3 -A." of section 2 (20th line of L. D. 1605) the underlined figure "5 per cent" and inserting in place thereof the underlined figure '7 per cent'

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

Resolve to Reimburse Mrs. Hazel Carson, of Milford, for Well Damage (H. P. 475) (L. D. 688)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be

engrossed as amended by Committee Amendment "A" and sent to the Senate.

**Passed to Be Enacted  
Emergency Measure**

An Act to Grant a New Charter to the City of Auburn (H. P. 609) (L. D. 859)

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. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act relating to Meetings of Board of Veterinary Examiners (H. P. 1071) (L. D. 1536)

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. 114 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act Permitting the Use of the Reformatory for Women for the Confinement of Federal Prisoners (H. P. 1109) (L. D. 1578)

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

**Emergency Measure**

An Act Establishing Procedures for State Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine (H. P. 1116) (L. D. 1586)

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. 108 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act Revising the Law Relating to Dealers in Securities (S. P. 389) (L. D. 1069)

An Act Reclassifying Certain Inland Waters of the State (S. P. 626) (L. D. 1626)

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

**Enactor  
Tabled and Assigned**

An Act to Clarify the Meaning of a Labor Dispute Under Employment Security Law (H. P. 322) (L. D. 456)

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

(On motion of Mr. Drummond of Sidney, tabled pending passage to be enacted and specially assigned for Wednesday, May 17.)

An Act relating to Length of Leases by State for State Facilities (H. P. 379) (L. D. 526)

An Act relating to Police Officers of Indian Tribes (H. P. 750) (L. D. 1097)

An Act Increasing the Membership of the Board of Trustees of Richmond Utilities District (H. P. 1054) (L. D. 1524)

An Act Authorizing the Leasing of Air Rights by Municipalities (H. P. 1113) (L. D. 1582)

An Act relating to the Education of Indian Children Living on Reservations. (H. P. 1145) (L. D. 1636)

An Act relating to Clerks of Indian Tribes and Excise Taxes Paid by Residents of the Various Indian Reservations. (H. P. 1146) (L. D. 1637)

An Act to Establish the Maine Law Enforcement Training Council (H. P. 1148) (L. D. 1639)

#### Finally Passed

Resolve to Reimburse James Robinson of Palmyra for Property and Well Damage by Highway Construction (H. P. 94) (L. D. 122)

Resolve to Reimburse Raymond Goodwin of Kittery for Well Damage Resulting from Highway Construction. (H. P. 441) (L. D. 616)

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.

#### Orders of the Day

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

Bill "An Act relating to Minimum Amount of Benefits Under Employment Security Law" (S. P. 505) (L. D. 1220) (In Senate, Passed to be Engrossed)

Tabled—May 10, by Mr. Levesque of Madawaska.

Pending—Passage to be engrossed

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: The sole purpose of my tabling this document was to check with the Employment Security Commission as to its relative cost per year, and I find that the cost for this document for the year would be \$123,000 to cover the employees and the fund is presently somewhere in the vicinity of \$40,000,000. So there doesn't seem to be any problems. I move that it be passed to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act Providing for a New Charter for the City of

Waterville" (H. P. 945) (L. D. 1385)

Tabled—May 10, by Mr. Carey of Waterville.

Pending—Passage to be engrossed.

Thereupon, Mr. Carey of Waterville offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 945, L. D. 1385, Bill, "An Act Providing for a New Charter for the City of Waterville."

Amend said Bill by striking out all of the last sentence of section 2 of Article I and inserting in place thereof the following:

'The mayor shall be aided by an administrator who, in the performance of his duties, shall be responsible to the mayor.'

Further amend said Bill by striking out all of the caption of Article II which now reads "The Mayor; the Administrative Assistant" and inserting in place thereof the following 'The Mayor and the Administrator'

Further amend said Bill by striking out all of the first sentence of subsection V of section 5 of Article II and inserting in place thereof the following:

'Exercise directly, or with the assistance of the administrator, supervision of all of the executive and administrative work of the city and provide for the coordination of administrative activities.'

Further amend said Bill by striking out all of subsection VI of section 5 of Article II and inserting in place thereof the following:

'VI. Appoint the administrator with the consent of the council.'

Further amend said Bill by striking out all of sections 6 and 7 of Article II and inserting in place thereof the following:

'Sec. 6. Administrator. The administrator shall be chosen as provided in subsection VI of section 5, for an indefinite term, on the basis of his character, executive and administrative qualifications and experience and his technical knowledge of municipal management. The administrator shall be the mayor's principal assistant. Should the mayor fail to appoint an administrator within 90 days



of the effective date of this charter, or within 90 days of the occurrence of any vacancy in the position, the council shall make the appointment of an individual meeting the qualifications set forth in this charter. The mayor may assign any other officer or employee of the city to perform the duties of the administrator during the vacancy of that office or absences or disability of that officer. The administrator shall, during his tenure of office, reside within the city.

**Sec. 7. Salary of administrator.** The appointed administrator shall be paid a salary of an amount to be fixed by the mayor with the approval of the council. The council shall not decrease the salary of any incumbent administrator.'

Further amend said Bill by striking out all of the first paragraph of section 8 of Article II (including the headnote) and inserting in place thereof the following:

**'Sec. 8. Powers and duties of administrator.** The administrator, under the supervision of the mayor and subject to direction by the mayor, shall:'

Further amend said Bill by striking out all of subsections VIII and IX of section 8 of Article II and inserting in place thereof the following:

**'VIII.** Attend all meetings of the council unless excused by the council, and make available such information as it may require.

**IX.** Perform all other duties required of him by this charter, or by ordinance, or assigned to him in writing by the mayor. The mayor, by prior written notice directed to the administrator, may relieve the administrator of any duties, powers or responsibilities granted him by the terms of this charter. Such written notice, signed by the mayor, shall be filed with the city clerk as a document of public record.'

Further amend said Bill by striking out all of section 9 of Article II and inserting in place thereof the following:

**'Sec. 9. Limitation of political activity of administrator.** The administrator is forbidden to use his official authority or influence for the purpose of interfering with an election or a nomination for municipal office or affecting the result thereof, or directly or indirectly to coerce, attempt to coerce, command or advise any other appointed municipal officer or servant or employee, to pay, lend or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. The administrator is forbidden to make any such contributions for political purposes. The administrator is forbidden to take any active part in political management or in political campaigns.

The sole grounds for removal of the administrator and his discharge from office by the council shall be the finding by the council, based on due proof submitted to the council upon a public hearing held upon notice for the purpose, that the administrator has violated these terms of the charter restricting his political activity, or for other cause.'

Further amend said Bill by striking out all of subsections VI and IX of section 7 of Article III and inserting in place thereof the following:

**'VI.** Confirm, by a majority vote, all appointments made by the mayor to such boards or commissions and the appointment of the city solicitor, the city auditor and the city clerk.

**IX.** Authorize, by ordinance, executive and administrative officers of the city to make contracts involving less than \$500 pursuant to duly enacted appropriation orders.'

Further amend said Bill by striking out all of the first 2 paragraphs of section 2 of Article IV and inserting in place thereof the following:

'Each department shall be headed by a director or appropriate city officer, who shall have control and direction of the department, subject to the general supervision of the administrator. The head of each department shall,

with the approval of the administrator, have the power to appoint and remove all officers and employees of the department, subject to the civil service provisions of this charter.

Two or more departments, may be headed by the same individual, and the administrator may head one or more departments, provided that one officer always be designated as city clerk and one officer as tax assessor, who may or may not be heads of departments.'

Further amend said Bill by striking out all of section 4 of Article IV and inserting in place thereof the following:

**'Sec. 4. Tax assessor and board of assessment review.** There shall continue to be under the provisions of this charter a tax assessor and a board of assessment review as provided in the private and special laws of 1887, chapter 195, sections 8-B to 8-G, as enacted by section 2 of chapter 146 of the private and special laws of 1957.'

Further amend said Bill by striking out all of the 3rd sentence of section 6 of Article IV and inserting in place thereof the following:

'He shall audit and approve all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government.'

Further amend said Bill by striking out all of the first sentence of section 1 of Article VI and inserting in place thereof the following:

"There shall be a department of finance, the head of which shall be the director of finance, who shall be, or be appointed by, the administrator.'

Further amend said Bill in subsections I, II and III, of section 5 of Article VI by striking out the figure "\$1,000" wherever it appears, and inserting in place thereof the figure "\$500"

Further amend said Bill by striking out all of subsection V of section 5 of Article VI and inserting in place thereof the following:

'V. Contracts shall be awarded only after authorization by the council.'

Further amend said Bill by striking out in the last line of section 1 of Article VIII the figure "\$1,000" and inserting in place thereof the figure '\$500'

Further amend said Bill by inserting after the enacting clause the following:

**'Sec. 1. New charter for the City of Waterville.'**

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

**'Sec. 2. P. & S. L., 1887, c. 195, S. 8-A, amended.** The last 3 sentences of section 8-A of chapter 195 of the private and special laws of 1887, as enacted by section 2 of chapter 146 of the private and special laws of 1957, are repealed and the following enacted in place thereof:

**The mayor, with the advice of the assessor, shall appoint, subject to confirmation by the city council, an assistant assessor in each ward. An assistant assessor shall serve until resignation or removal for cause, by the city council. The salaries of the assessor and assistant assessors shall be fixed by the city council but, in the case of the tax assessor, shall not be reduced during his tenure in office.'**

House Amendment "A" was adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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

Bill "An Act relating to Constitution of Police Department of City of Lewiston" (S. P. 487) (L. D. 1343) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-67)

Tabled — May 10, by Mr. Jalbert of Lewiston.

Pending — Motion of Mr. Cote of Lewiston to indefinitely postpone.

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

MR. CONLEY: Mr. Speaker and Members of the House: This bill was heard before the Legal Affairs Committee and was given a unanimous "Ought to pass" Report. I see no reason why the House should act against this mea-

sure. It is very simple if you take a look at bill 1343. It's permissive legislation that the City of Lewiston is asking for, and I would also like to clarify that there was no opposition at all to this bill and several people came before us to speak in favor of it.

I wish the House would accept the Committee Report, unanimous "Ought to pass."

The SPEAKER: The Chair recognizes the gentlemen from Lewiston, Mr. Minkowsky.

Mr. MINKOWSKY: Mr. Speaker and Members of the House: Since L. D. 1343 was reported out of the Legal Affairs Committee, unanimous, "Ought to pass," I feel personally that it was screened and analyzed thoroughly by these very capable committee members and the merits of this measure far outweigh any personal opposition that has been voiced against it.

This measure, "An Act relating to Constitution of the Police Department of City of Lewiston," is a necessity, and is sound legislation. In essence the following results would be obtained by the passage of L. D. 1343:

First, it would amend the section of the 1939 Lewiston Charter to provide that the Lewiston Police Commission may appoint a police chief, superior officers and as many patrolmen as the Commission shall feel are necessary. This would eliminate further pieces of legislation regarding this matter as the City of Lewiston grows, and thus save us public hearings and legislative time. This procedure is presently implemented in many of the City Departments in Lewiston.

I believe the psychological effect it will have on potential police department candidates, as well as the present complement of the police officers, who now must wait till the next legislative session before final approval will be granted by this body, will add tremendously to this Department's morale. It will also produce a better quality candidate who will know that his ability in police work will be recognized early in his career, and that he will be advanced sooner should the legislature not

be in session. And above all, I must mention my constituents, the citizens of Lewiston and of this state, who in the meantime will not get the police protection they so justly deserve and pay for. What is right and just for my constituents is my primary concern and absolutely nothing else.

Mr. Speaker, when the vote is taken, I respectfully request a roll call for the very obvious reason that there will be no misunderstanding by the citizens of Lewiston on how its delegation voted.

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

Mr. GAUDREAU: Mr. Speaker and Members of the House: The charter now reads that the Police Commission will appoint a police chief, three captains of police, one captain of detectives, three lieutenants and four sergeants. This measure would eliminate this section and leave the amount of officers appointed entirely at the discretion of the Police Commission.

Police work is very touchy at times, and in the performance of their duties police officers may step on someone's toes.

I sincerely believe this is the reason why this was incorporated in our Charter. I feel we should not put this added pressure of possible demotion without cause on our police officers. I believe this is a needless charter change. It will do nothing to upgrade our department; there has been no complaints relative to the Constitution of the Lewiston Police Department. Certainly we need as many officers in the Department as we did in 1939 when the charter was enacted.

This may be true that other departments the Constitution is written that way, but police are very different. Sometimes people are glad to see them, sometimes they are not; sometimes they make arrest an offense, so I believe in giving them enough protection from political pressures. Thank you.

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

Mr. COTE: Mr. Speaker and Members of the House: I have been a member of this body since 1951 and I've listened to many charter changes for the City of Lewiston, and it's very seldom I got into any debate, but on this bill I feel so strongly about it, after speaking with many members and citizens of the City of Lewiston, that this is a bad charter change. Why is it a bad charter change, and why is it that we have a new charter in 1939?

We had a free-rolling Police Commission before that time, and the conditions got so bad that the Governor had to take over the Police Department of the City of Lewiston. Under this charter change the same thing could happen, and that's one of the reasons why I'm against it.

The next reason why I'm against it is this, this could put the Police Commission where it would mean tyranny in the City of Lewiston as far as our policemen are concerned, where there would be "boss rule," and we don't want this.

In order to speak further on this bill, I also must say this, that every citizen I've talked to and many many business people don't want this change; even the policemen don't want this change, they're afraid to come under somebody's thumb, and I hope my indefinite postponement of this bill does prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In concurring with the remarks of the gentleman from Lewiston, Mr. Cote, I would say that a number of years ago the then Police Chief, the late Thomas Johnson, was about ready to be removed from office as Chief of Police for political reasons. It was then that I presented a bill that would give life tenure to the Chief of Police.

The Chief of Police presently, Joseph Farrand has, true, sent a letter as to how the feelings of the police commissioners are on this bill, George Poulin, Albert Beliveau, Gilman D. Boucharde, Robert Couturier. The letter is

signed, Joseph Farrand. If you will read the letter you will not see where Joseph Farrand favors this bill.

I have never presented any charter bills for the City of Lewiston unless they were backed by a charter committee. Insofar as the request for a roll call, I assure you that I will be the first one to press my button "yes" as far as the roll call is concerned on this measure.

I have not had a single person in the City of Lewiston who has told me anything but what they stood against this measure and I have stood before you since the year 1945, and I may be wrong on several occasions but one of my virtues is not to be a liar. It is the first time, in my opinion, that I see a member of a body, be it this one or another, who serves also in a dual capacity of commissioner of a board or commission in my city, use this type of tactics to keep the measure alive.

This is not a good bill. It is not necessarily our prerogative as members to go before a committee to state our feeling about a piece of legislation at all times, and I feel that generally this is a bad practice. A public hearing usually is for the public, and I think this is where we get our shots at legislation.

We have six members of our Lewiston delegation, Representatives Cote, Gaudreau, Couture, Tanguay and myself. Out of six, five of us stand against this measure, and I should think the numbers would speak for themselves.

I respectfully hope that the motion to indefinitely postpone this measure will prevail and I herald a roll call.

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

Mr. CONLEY: Mr. Speaker and Members of the House: It is not my prerogative to become entangled in Lewiston politics.

Since this has been my second session, the second committee assignment to the Legal Affairs Committee, at both sessions we have what we call "Lewiston Day." In this session we had "Lewiston

Day" twice, in fact we had eighteen bills relating to the city charter of Lewiston. I will also state that back in the 102nd Legislature in the regular session and again in the special session there were two charter bills that were presented to the 102nd Legislature for their approval. Needless to say the Lewiston politics plays a great part of what goes in these hallowed halls, but I'll say as far as the Lewiston bills in this session are concerned, that for two full days we listened to proponents and opponents of the eighteen measures that were presented and of the eighteen this one had no opposition, and when you can get a Lewiston bill before Legal Affairs without opposition then it must be a good bill, and I urge the House to stand by the Committee's report and to pass it out favorably.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Lewiston, Mr. Cote, that this bill and its accompanying papers be indefinitely postponed. The yeas and nays have 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, 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 Lewiston, Mr. Cote, that Senate Paper 487, L. D. 1343, Bill "An Act relating to Constitution of Police Department of City of Lewiston" be indefinitely postponed. All of those in favor of indefinite postponement will vote yes, those opposed to indefinite postponement will vote no, and the Chair opens the vote.

#### ROLL CALL

YEA — Bedard, Belanger, Birt, Brown, B u r n h a m , Champagne, Cote, Cottrell, Crockett, Crosby, Curran, Danton, D r u m m o n d , Eustis, Evans, Ewer, Gaudreau,

Hall, Haynes, Healy, H e n l e y , Hodgkins, Hoover, Huber, Humphrey, Hunter, J a l b e r t , Jameson, Keyte, Lewin, Littlefield, Lowery, Lycette, Maddox, McNally, Meisner, Miliano, Mosher, Nadeau, N. L.; Pendergast, Pike, Porter, Prince, Quinn, Richardson, H. L.; Rideout, Robinson, Ross, Sawyer, Shute, Soulas, Starbird, Tanguay, Truman, Waltz, Wood.

NAY — Baker, E. B.; Baker, R. E.; Beliveau, Benson, Berman, Boudreau, Bourgoin, B r a g d o n , Brennan, Buck, Bunker, Carey, Carrier, Carswell, Clark, Conley, Cornell, Crommett, C u s h i n g , Dennett, Drigotas, Dunn, Durgin, Edwards, Fecteau, Fortier, Fraser, Fuller, Giroux, Hanson, B. B.; Harnois, H a r r i m a n , Hawes, Hennessey, Hewes, H i c h e n s , Immonen, Jewell, Lebel, Levesque, Lincoln, Minkowsky, Rocheleau, Scott, C. F.; Scribner, Shaw, Snow, P. J.; Snowe, P.; Susi, Thompson, Trask, Watts, Wheeler, W h i t e , Wight, Williams.

ABSENT — Allen, B e r n a r d , Binnette, Bradstreet, C a r r o l l , Cookson, C o u t u r e , D'Alfonso, Darey, D i c k i n s o n , Dudley, Farrington, Foster, Gauthier, Gill, Hanson, H. L.; Hanson, P. K.; Harvey, Hinds, Jannelle, Kilroy, Kyes, Lewis, Martin, McMann, Nadeau, J. F. R.; Noyes, Payson, Philbrook, Quimby, R a c k l i f f , Richardson, G. A.; Roberston, Roy, Sahagian, Scott, G. W.; Sullivan, Townsend,.

Yes, 56; No, 56; Absent, 38.

56 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

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

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

HOUSE REPORT—Ought Not to Pass—Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for Payment for Unused Sick Leave of State Employees" (H. P. 299) (L. D. 434)

Tabled—May 10, by Mr. Levesque of Madawaska.

Pending—Acceptance.

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

Mrs. BAKER: Mr. Speaker and Members of the House: First I wish to thank my good friend from Perham, Mr. Bragdon, and my good friend from Madawaska, Mr. Levesque, for giving this L. D. such tender, loving care last Wednesday when I was absent. I want to state that I believe this is good legislation and that I was happy to be the sponsor of this L. D. I believe in the near future Maine will enact this legislation and follow many of the other progressive states in our Nation who have this.

However, as we have other important legislation before us to benefit the state employees, and realizing that we have to have a cut-off point, I will now move that the House accept the unanimous, "Ought not to pass" Report.

The SPEAKER: The gentlewoman from Winthrop, Mrs. Baker, now moves that the House accept the unanimous "Ought not to pass" Report. Is this the pleasure of the House?

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

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

Bill "An Act Creating the Short Form Deeds Act" (S. P. 537) (L. D. 1442) (In Senate, passed to be engrossed)

Tabled—May 10, by Mr. Benson of Southwest Harbor.

Pending—Passage to be engrossed. (House Amendment "A" (H-252))

On motion of Mr. Benson of Southwest Harbor, retabled pending passage to be engrossed and specially assigned for Wednesday, May 17.

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

An Act Creating the Maine Higher Education Loan Authority Act (S. P. 59) (L. D. 72)

Tabled—May 10, by Mr. Birt of East Millinocket.

Pending—Passage to be enacted.

On motion of Mr. Richardson of Cumberland, retabled pending passage to be enacted and specially assigned for Wednesday, May 17.

The Chair laid before the House the seventh 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 11, by Mr. Benson of Southwest Harbor.

Pending—Acceptance of either Report.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: First I wish to thank the gentleman from Southwest Harbor, Mr. Benson, for being so gracious as to table this matter so I would have the opportunity to make a few remarks regarding this piece of legislation.

I was prompted to introduce this matter because of recent United States Supreme Court decisions which have established the general rule that state legislatures must have its members elected on the basis of population. In abiding with this rule the State of Maine, when reapportionment becomes an accomplished fact, will have legislators in both branches who will have been elected by the same electors at the same time and for the same tenure. This in effect wipes away any good reason for continuing with a two branch form of government. The argument for having a two branch system is predicated upon a dissimilarity in the structure and composition of the two bodies.

The American colonies had a government which consisted of the Governor who was appointed by the King, a branch representing aristocracy and a branch representing the people. Later, after the Revolution, the two chamber form of government was adopted more because of expediency. There is no evidence that great consideration was given as to the efficiency of the form of two chambered government. Eventually, however, the question of whether a unicameral, a one branch form of government, should replace the bicameral or the two body form of government. And each form of government had its supporters.

The unicameral form was supported by William Penn and Benjamin Franklin, while the bicameral form was supported by John Adams and John Jay. The supporters of the bicameral form of government based their argument on the belief that the two chambered government would have two chambers composed of members who would be elected by different electors and who would represent different people, or different classes. They felt that one body should be representative of one class and the other body would be expressing a different view and representing a different class. Their arguments were based mainly that the two branches would afford a means of granting representation to two different classes and interests.

I submit to you that this difference does not exist today between the two branches of the Maine Legislature. I point out to you the fact that our committees, head by themselves, illustrate that the two branches are not dissimilar in that we have joint standing committees. I ask you that you don't compare our state government with the Federal Government insofar as the bicameral approach is concerned. It was necessary that a two chambered government be adopted at the Federal level. The United States Senate was actually a device which was used so as to provide to small states an equal voice in the conduct of the affairs of the Federal Government. This

is how the smaller states were attracted to join the Union.

Another reason I presented this bill is because I feel that the people today are more concerned about the conduct of the state government than past generations. The people are well aware that the role of government affects their daily lives. Because of this I feel that they are interested in being governed as well as possible and are willing to entertain proposals that will accomplish this.

The unicameral form of government, or the one body form of government if you will, as proposed by this L. D. will merge both houses into one and then shrink its size. Representation will be in accordance with the U. S. Supreme Court decision and I think with its size smaller there will be less confusion and more order. The buck passing that sometimes occurs presently will stop if we have a single chamber. No longer will a measure be passed by one chamber with the hope that it will meet its death in the other.

With the unicameral form of government the average citizen will be able to understand the goings on and there will be better visibility with which to discern the legislator who might be under the influence of a vested interest group or acting in a manner which would not be to the full benefit of the people of the state. With lack of confusion, greater visibility and proper information, legislation may be considered expeditiously and economically with the one chamber form of government.

And for those who wonder whether or not this would work I might print out that all of our major cities such as New York, Chicago, Detroit, Miami, Los Angeles, San Francisco, who have a much greater population than we do in this state and who also have much more complex problems, manage to get along with a one branch government.

I also would like to point out to you that all the provinces in Canada with the exception of one have the one branch form of government, the unicameral form of government, and also most of your nations in Europe.

This measure if enacted will of course go to the people in referendum and I would like to think that this Legislature will give the people of the State of Maine the right to determine whether or not they would want to change their present legislative setup so as to adopt the one branch form of government. And for that reason, Mr. Speaker, I now move that the bill be accepted instead of the report. And when the vote is taken I request a division.

The SPEAKER: The Chair understands that the gentleman from Old Orchard Beach, Mr. Danton, moves that the House accept the Minority "Ought to pass" Report.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I arise this afternoon to support my esteemed colleague and friend, a distinguished former chairman of the Committee on Judiciary, the gentleman from Old Orchard Beach. Whether any of us like it or not the winds of change are in full evidence all over the world, and Maine is not exempt. I know, to be realistic, that it is not probable to expect that the tremendous value of a unicameral legislature as contrasted to any minor disadvantage will recommend itself to the majority of the House this afternoon.

I look outside and I see it is gray and dismal, but regardless I shall give my vote to this progressive piece of legislation, which one of the greatest senators of all times from 1789 to 1957, the Honorable George Norris of Nebraska, a Republican did so much to promote; and I hope that many members of the House will go along.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: The first I was approached with the idea of a unicameral legislature, my first reaction was to oppose it. But like one of our committee members in executive hearing the other day mentioned, in quoting an old Chinese proverb, "It isn't

the size of the drop of water that wears away the rock; it's the constant drip." And so, being constantly exposed to arguments for a unicameral legislature I have to finally haul down my flag in support of the two body system and ride up in favor of the unicameral system.

Mr. Danton from Old Orchard I believe has pretty well covered the arguments for the unicameral body. There are probably several things that could be said against it but I will not go into these because I think that the advantages now, since we have been forced into a reapportionment that probably none of us really wanted, that the advantages probably will outweigh the disadvantages. And hoping that if this Minority Report is accepted this afternoon, that sometime along its way Mr. Danton might be permitted to amend out some of the things and add some of the things that probably are not quite correct in his present bill, I will go along and support as I had in committee the Minority Report and hope that two thirds of this House does also.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: Let us make a few comparisons here. We know about the bicameral of the two-house legislature of Maine. Nebraska has had a unicameral or one-house legislature since 1937 with forty-three members elected on a nonpartisan ballot. Maine has an area of 33,000 square miles; Nebraska has an area of 77,000 square miles, twice the size of Maine. In 1960, the last census year, Maine had a population of 969,000 — let us call it a million. Nebraska had a population of 1,411,000, one and one half million. Maine has a House of 151 members plus a Senate of 34; that is a legislature of 185 members compared to Nebraska's 43 member legislature.

Here in Maine each House member represents about 5,000 people in a district. There is no reason why he could not represent 15,000 and cut the size of the House



to 50 members. There would be 100 fewer persons to prolong debates.

Under the one man-one vote decision handed to us by the Supreme Court, I can see no point in having two houses to represent us. Our present system is becoming expensive, way beyond the reach of the taxpayer. We come here to make laws, Bills are introduced and passed back and forth between the two houses at an expense of \$9,000 per day. After we have been here six months many of the bills that are passed end up on an Appropriations table. On the final night of the session, it is found that there is not enough money to support many of the bills; then into the wastebasket they go. The only thing left is the bill for those \$9,000 days, which has to come from money provided by the taxpayer.

No business establishment could conduct its affairs in such a manner. The rules of our government are changing. Not only Maine, but you will find that many other states will soon be thinking about a unicameral legislature. No longer can we continue to come here, sitting on a dying limb of the tree of government which started to decay after the Supreme Court took over.

Our system will have to change. Coming here every two years and searching for someone or something to tax will reach an end and we had better think about making the change before someone makes it for us.

Had I been in this House in the 1930's when Senator Norris of Nebraska was working for the unicameral Legislature, I think a similar bill to the one before us now would have been here. I am glad to support the motion of Mr. Danton of Old Orchard and I commend one of our younger legislators for having the courage to sponsor this bill.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I stand before you here this afternoon as a signer of the Majority "Ought not to pass" Report of the

Committee. First, I would endeavor to impress on the members of this House that this is not a partisan bill. As you have noticed, you have had speakers on both sides of the aisles speak in favor of it and there are signers on both sides of the aisles on the Majority "Ought not to pass" Report.

I would commend the gentleman from Old Orchard Beach, Mr. Danton, on a wonderful presentation. He made an excellent presentation before the Committee and, too, today, he certainly has brought out his feelings on the matter. I am not entirely out of step with his thinking. But I do think that at the moment, this bill is inopportune, it is untimely, and we, at this moment, are not ready for legislation such as this. We have our two Houses with our checks and balances, perhaps in the distant future we could consider such legislation, but today, I am certain that this Legislature is not ready for it, and I now move, Mr. Speaker, that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Kittery, Mr. Dennett, that both reports and resolve be indefinitely postponed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House; In my individual capacity, not as the Majority Floor Leader, I'd like to pose a question to the gentleman from Old Orchard Beach, Mr. Danton, after first commending him on proposing this legislation and telling him how fortunate he is that this matter was tabled, as I recall at the time it was tabled that was a somewhat difficult proposition. I would inquire of my good friend, and he is, whether or not under the present Supreme Court decision it is possible that Senate reapportionment, that is, reapportionment of the State Senate can, within the Constitutional guidelines of certain percentage of the population, take into account such things as geography, and economics. And for

this reason, if he were to agree with that proposition, would he say then that the Senate would not be representing precisely the same electorate, it would in fact, would it not, be representing a geographic or economic consideration in addition to pure population?

The SPEAKER: The gentleman from Cumberland, Mr. Richardson poses a question through the Chair to the gentleman from Old Orchard Beach, Mr. Danton, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I am very happy to answer my good friend from Cumberland, Mr. Richardson. It is my understanding that the doctrine as set forth by the United States Supreme Court is based solely on the one man-one vote theory, and area does not come into consideration.

The SPEAKER: Is the House ready for the question?

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

Mr. STARBIRD: Mr. Speaker and Members of the House: If I can amplify somewhat on the statement of Mr. Danton, population is the primary factor involved, it is true. But I think that most of the members of the Reapportionment Committee, as I know, wherever this can be taken in, will consider other factors like interest, like economics, like geographical areas, etc., in considering senatorial districts, and we are somewhat bound in a tight line with this primary population factor but I think other factors can be taken into account. I think other factors could probably be taken into account in a unicameral legislature even though population will be the primary factor to determine legislative district.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Kittery, Mr. Dennett, that both Reports and Resolve be indefinitely postponed on L. D. 1500, Proposing an Amendment to the Constitution changing the Legislature to a One Body

System, and the Chair will order a vote.

Mr. Starbird of Kingman Township 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. All of 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 this Resolve be indefinitely postponed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: In view of the fact a roll call has been ordered, in my individual capacity I wish to indicate to the House my reason for voting as I am going to vote. I understand the law more in line with the gentleman from Kingman Township, Mr. Starbird, that within the permissible limits we can take into account economics, geography, and it is for this reason that I feel that until such time as we have seen whether or not our State Senate can within these guidelines represent something more than merely one man-one vote, until that time is legally certain, I would agree with the gentleman from Kittery, Mr. Dennett, that this is an untimely move on the part of the House, and I will therefore vote in favor of indefinite postponement.

THE SPEAKER: All those in favor of indefinite postponement of the Reports and Resolve Proposing an Amendment to the Constitution Changing the Legislature to a One Body System, House Paper 1034, L. D. 1500 will vote yes, those opposed will vote no, and the Chair opens the vote.

#### ROLL CALL

YEA—Baker, E. B.; Bedard, Benson, Birt, Bragdon, Bunker, Carey,

Clark, Cornell, Cote, Crockett, Crosby, Curran, Cushing, Dennett, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Fecteau, Fuller, Hall, Hanson, B. B.; Hanson, P. K.; Harnois, Harriman, Hawes, Hennessey, Hewes, Hichens, Hodgkins, Hoover, Humphrey, Hunter, Jewell, Keyte, Lebel, Lewin, Lincoln, Lowery, Lycette, Maddox, McManan, Miliano, Minkowsky, Mosher, Pendergast, Pike, Porter, Rackliff, Richardson, H. L.; Rideout, Robertson, Robinson, Ross, Sawyer, Scott, C. F.; Shaw, Shute, Snow, P. J.; Snowe, P.; Susi, Tanguay, Thompson, Trask, Waltz, Watts, White, Wight, Wood, The Speaker.

**NAY**—Belanger, Beliveau, Berma, Boudreau, Bourgoin, Bradstreet, Brennan, Brown, Buck, Burnham, Carrier, Carroll, Carswell, Champagne, Conley, Cottrell, Crommett, Danton, Darey, Drigotas, Eustis, Fortier, Fraser, Gaudreau, Giroux, Haynes, Healy, Henley, Huber, Jameson, Levesque, Littlefield, Martin, McNally, Meisner, Prince, Quinn, Rocheleau, Scribner, Soulas, Starbird, Truman, Wheeler.

**ABSENT**—Allen, Baker, R. E.; Bernard, Binnette, Cookson, Couture, D'Alfonso, Dickinson, Dudley, Farrington, Foster, Gauthier, Gill, Hanson, H. L.; Harvey, Hinds, Immonen, Jalbert, Janelle, Kilroy, Kyes, Lewis, Nadeau, J. F. R.; Nadeau, N. L.; Noyes, Payson, Philbrook, Quimby, Richardson, G. A.; Roy, Sahagian, Scott, G. W.; Sullivan, Townsend, Williams.

Yes, 73; No, 43; Absent, 35.

The **SPEAKER**: The Chair will announce the vote. Seventy-three having voted in the affirmative and forty-three having voted in the negative, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

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

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) (In House, passed

to be engrossed as amended by Committee Amendment "A" (H-203) as amended by House Amendment "C" thereto (H-220) (In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-115)

Tabled—May 11, by Mr. Cookson of Glenburn.

Pending—Further consideration.

The **SPEAKER**: The Chair recognizes the gentleman from Easton, Mr. Rackliff.

Mr. **RACKLIFF**: Mr. Speaker, I move this Resolve be indefinitely postponed.

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

Mr. **MARTIN**: Mr. Speaker, I move we recede from our former action and concur with the Senate.

The **SPEAKER**: The gentleman from Eagle Lake, Mr. Martin, now moves that the House recede from its former action and concur with the Senate. The Chair would advise the gentleman from Easton, Mr. Rackliff, that indefinite postponement does not have precedence over receding and concurring. Is it the pleasure of the House to recede from its former action and concur with the Senate?

(Cries of "No.")

The Chair will order a vote. All those in favor of receding and concurring with the Senate will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken. 52 having voted in the affirmative and 53 having voted in the negative, the motion did not prevail.

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

Mr. **MARTIN**: Mr. Speaker, I move this matter be tabled until the next legislative day.

The **SPEAKER**: The gentleman from Eagle Lake, Mr. Martin, moves that this matter be tabled until Tuesday, May 16.

Mr. Rackliff of Easton requested a vote.

The **SPEAKER**: A vote has been requested. All those in favor of tabling will vote yes, those op-

posed will vote no and the Chair will open the vote.

A vote of the House was taken.

52 having voted in the affirmative and 63 having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Rackliff.

Mr. RACKLIFF: Mr. Speaker, I move this be indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman this being a non-concurrent matter, the only motions in order would be to insist on our former action or to adhere.

Mr. RACKLIFF: I move we insist.

The SPEAKER: The gentleman from Easton, Mr. Rackliff, moves that the House insist.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I had no intentions of debating this, but I would point out that the House Chairman on Inland Fish and Game is not present, and that there is an amendment on this bill which was presented by the gentleman from Belgrade, Mr. Sahagian, and there is also an amendment proposed by myself. It was for this reason that I thought we might table until tomorrow awaiting either of these two gentlemen. However, if this is not the pleasure of the House, I would move that we insist and ask for a Committee of Conference.

The SPEAKER: The Chair would advise the gentleman that the gentleman that moved to insist did not request a Committee of Conference and his motion has priority. Is it the pleasure of the House to insist? The Chair will order a vote. All those in favor of insisting will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

77 having voted in the affirmative and 34 having voted in the negative, the motion to insist did prevail.

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

HOUSE REPORT—Ought Not to Pass—Committee on Legal Affairs on Bill “An Act Clarifying the Location of Town Line Between China and Winslow” (H. P. 1118) (L. D. 1595)

Tabled—May 11, by Mr. Farrington of China.

Pending—Acceptance.

On motion of Mr. Beliveau of Rumford, retabled pending acceptance and specially assigned for Tuesday, May 16.

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

HOUSE REPORT — Ought Not to Pass — Committee on Legal Affairs on Bill “An Act to Make Certain Changes in Government of Town of Sanford” (H. P. 903) (L. D. 1298)

Tabled — May 11, by Mr. Nadeau of Sanford.

Pending — Acceptance.

On motion of Mr. Snowe of Auburn, retabled pending acceptance and specially assigned for Tuesday, May 16.

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

HOUSE MAJORITY REPORT (8) — Ought to Pass with Committee Amendment “A” (H-291) — Committee on Business Legislation on Bill “An Act Revising the Credit Union Law” (H. P. 963) (L. D. 1406) — MINORITY REPORT (2) — Ought Not to Pass.

Tabled — May 11, by Mr. Hewes of Cape Elizabeth.

Pending — Motion of Mr. Scott of Wilton to accept Majority Report.

On motion of Mr. Hewes of Cape Elizabeth, retabled pending the motion of Mr. Scott of Wilton to accept the Majority Report and specially assigned for Wednesday, May 17.

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

HOUSE MAJORITY REPORT (9) — Ought Not to Pass — Committee on Claims on Resolve Reimbursing the Town of Brunswick for Property Tax Exemption on Property of State of Maine (H. P. 26) (L. D. 47) — MINORITY REPORT (1) — Ought to Pass.

Tabled — May 11, by Mrs. Sawyer of Brunswick.

Pending — Motion of Mrs. Lincoln of Bethel to accept Majority Report.

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

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

Bill "An Act relating to Eligibility for Office of Bank Commissioner" (S. P. 632) (L. D. 1633) (In Senate, passed to be engrossed)

Tabled — May 11 by Mr. Dennett of Kittery.

Pending — Passage to be engrossed.

On motion of Mr. Robertson of Brewer, retabled pending passage to be engrossed and specially assigned for Tuesday, May 16.

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

Bill "An Act relating to the Water and Air Environmental Improvement Commission" (S. P. 635) (L. D. 1635) (In Senate, passed to be engrossed)

Tabled — May 11, by Mr. Dennett of Kittery.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act relating to Fallout Shelters in Public School Buildings" (S. P. 607) (L. D. 1589) (In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-108))

Tabled — May 11, by Mr. Bragdon of Perham.

Pending — Passage to be engrossed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I noticed this L. D. the other day which came out of the State Government Committee unanimous ought to pass, and I looked it up; it was the first time I had seen it, I read the bill and my first thought was, well, how come after building the tremendous amount of school construction that we have done in the past ten or fifteen years and building it all on a slab with no provision for a basement, now all of a sudden we come up and we say public school houses have got to have fallout shelters. This was one thing that struck me in the bill.

The next thing was, I looked at the end of the bill and I noticed that there was a Senate Amendment which said that the cost of these fallout shelters shall not exceed one and one-half percent of the total cost of construction of the facility. I doubt very much whether this would accomplish a fallout shelter in very many instances. However, thinking the matter over over the weekend, I find myself concurring with the wise judgment of the State Government Committee.

I think it might be well to say at this time that I have not and I think perhaps a great many of you have not completely approved the method of building school houses which we have pursued for the last ten or fifteen years, namely, building them on a slab with no provision for a basement. We just recently built one in the Town of Washburn, and I was in to see it before it was completely finished, and they had built a runway which a small man by getting down on all fours could crawl around if anything happened to the plumbing or the wiring, all the wiring was in this little trench, and I can imagine—I would hope nobody ever gets lost in there, but it is kind of a poor place to fix plumbing if anything happens to it.

What I am coming to is, I think maybe this is a darn good bill. It says that all school houses built from now on shall be provided with fallout shelters, and I think that the outcome of this will be that we will go back to the system of building school houses with basements just as I think we should have done right along. Of course there are other things, the world sees this hot and cold war that we talk about. We hear about the Russians pushing our battle-ships around in the Sea of Japan and we hear about the Chinese pushing England around in Hong Kong and we see where our Senior Senator in Washington is concerned that our Russian friends are again establishing themselves upon a little island just off our borders and so of course if we ever get serious about this fallout shelter idea, we will all overnight start digging fallout shelters just the same as woodchucks would, and you'll have them under every one of these buildings that we built with a slab, we'll have one behind our house and we'll have one in all of these public buildings that we build. So with these few remarks, I concur with the findings of the State Government Committee. I believe this is a good bill and I think we should give it passage.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise only to add a few things to Mr. Bragdon of Perham's remarks. I am entirely for this bill. In fact, I was for it the way it was originally written. I only regret that it has been modified and diluted to the point of where it almost lacks any great value.

I will not take too much time of the House, although I feel we are doing very well this afternoon, but I feel that I am in a position to talk quite thoroughly on this subject and give a few points in favor of not only this, but the fallout shelters that my friend, Mr. Bragdon mentioned. In fact, I would like to state that I am one of the people that has a fallout shelter, in spite

of the fact that right now it is rather wet in my basement. For fifteen years I was associated with Civil Defense; we had a tremendous uphill fight in all of the aspects of Civil Defense.

In 1948 the Federal Government created the Civil Defense law. In 1949 the State of Maine enacted a Civil Defense law in ratification. All of the other states followed along. The law stated that we should have Civil Defense, and as time went on various changes were made, we had to keep up with the ever increasing problems of defense. It was very aptly brought to our attention, with the international intercontinental ballistic missiles, with the present nuclear weapons, with their tremendous strides in advancement, that we were no longer safe anywhere on the face of the earth from radioactive fallout. It has been proven that it is insidious and it is tasteless, it has no odor and you cannot see it. If we had a conflict on the other side of the earth, if it was great enough and enough nuclear weapons were used, we here could suffer from the outcome of this nuclear conflict, even if a bomb was not exploded over continental United States. We were frightened several years ago by the radioactivity caused by merely testing of nuclear weapons, and way over in the Pacific, it did increase the damage content in our atmosphere to some extent, although not dangerously. Through the years, I would like to answer Mr. Bragdon of Perham's mention of the fact that nothing had been heard about fallout shelters in public buildings previously. I cannot count on my fingers and toes the number of times we have tried to get legislation from Washington down through to make it mandatory for some sort of shelter to be built into public buildings, not only schools but all public buildings. In fact this bill 14—whatever number it is here, was originally written to cover all public buildings, but again it was diluted. I am very pleased and hope that we can put it through as it is, but we have tried time after time to get legislation to that effect. The

heartbreaking problem to the Civil Defense directors and various officials who are trying to set up emergency safety, if the time ever comes when that type of safety is needed, when we have seen these huge dormitories built, I can name two large dormitories built a few years ago, one of the academies in my county when I was county director, and it was a very easy place to dig and it was dry ground, and they dug out huge basement areas, and I thought we were going to have fallout shelters sure. They built nice cement walls and then what did they do? They took a bulldozer and dozed sand right back into the hole and put a cement slab over it. They could have had areas there that would have taken care of many hundreds of people for a very slight additional cost. So that is one of the problems that we have been faced with, and one of the things that we hope we never have to use is fallout shelters, and in closing I will state that a good many people throughout the State do have various types of fallout shelters in their basements; some are poor, some are good, some have spent quite a bit of money at it, some very little. Another thing that is embodied in this bill it means not only basements, but it has been found that the centers of large buildings, up possibly a couple of stories the center part can also be a certain—can supply a certain safety from radioactive fallout, and with this law in effect, new buildings, new schools would have surveys made as to areas which even though they would cost no more, would have a certain degree of safety against radioactivity. So I urge everyone to vote for this bill to assist in fallout shelters for public schools. Thank you.

Thereupon, the Bill was passed to be engrossed as amended by

Senate Amendment "A" and sent to the Senate.

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

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

Tabled — May 11, by Mr. Durgin of Raymond.

Pending — Passage to be enacted.

On motion of Mr. Durgin of Raymond, retabled pending passage to be enacted and specially assigned for Wednesday, May 17.

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

Bill "An Act relating to Membership on the Maine Milk Commission" (H. P. 339) (L. D. 487)

Tabled — May 11, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Hawes.

Mr. HAWES: Mr. Speaker, I see the gentleman from Solon, Mr. Hanson isn't here and I am not in favor of this bill, but I don't feel perhaps this is the time to debate it. Perhaps somebody should table this until another day.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and specially assigned for Tuesday, May 16.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.