

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third  
Legislature*

OF THE

STATE OF MAINE

Volume III

June 16 to July 8, 1967

Index

1st Special Session

October 2 and October 3, 1967

2nd Special Session

January 9 to January 26, 1968

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, July 6, 1967

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

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

The members stood at attention during the playing of the National Anthem.

The Journal of the previous session was read and approved.

**Papers from the Senate  
Non-Concurrent Matter**

An Act to Incorporate the Town of Medford (H. P. 235) (L. D. 343) which was passed to be enacted in the House on March 17 and passed to be engrossed on March 8.

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

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

**Non-Concurrent Matter**

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 543) (L. D. 1444) which was passed to be engrossed as amended by Committee Amendment "A", House Amendments "B", "D", "E", "F" and "G", and Senate Amendment "B" in non-concurrence in the House on June 30.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A", House Amendments "B", "D", "E", "F" and "G", and Senate Amendments "B" and "C" in non-concurrence.

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

By unanimous consent, the above two bills were ordered sent forthwith to the Senate.

**Orders**

Mr. Hinds of South Portland presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Re-

search Committee be directed to study the financial policies, methods of dispersing funds, revenues and expenditures of the State Liquor Commission, and be it further

ORDERED, that the Committee be directed to report the results of such study, together with any necessary recommendations, to the next regular session of the Legislature. (H. P. 1241)

The Order received passage and was sent up for concurrence.

Mr. Richardson of Cumberland presented the following Order and moved its passage:

WHEREAS, it appears to the House of Representatives of the 103rd Legislature that the following are important questions of law, and that the occasion is a solemn one; and

WHEREAS, the Legislature has enacted Legislative Document 1744 entitled "An Act to Appropriate and Provide Additional Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969, Conditioned Upon the People's Ratification by a Referendum Vote"; an engrossed copy of which is attached hereto, denominated Exhibit A, and is incorporated herein, and

WHEREAS, said bill provides that it shall be submitted to the voters for their approval before it shall become effective; and

WHEREAS, said bill has passed both Houses and has been presented to the Governor for his approval; and

WHEREAS, the Attorney General, on July 6, 1967, has advised the Speaker of the House of Representatives that it is his opinion the Governor has no power to interpose himself between the people and the Legislature when specific legislation is conditioned upon ratification by the people; and that, specifically, the Governor has no power to veto said bill; and

WHEREAS, Article IV, Part 3rd, Section 2 of the Constitution of Maine provides in part that " \* \* \* every bill or resolution, having the force of law \* \* \* " shall be pre-

sented to the Governor for his approval; and

WHEREAS, Article IV, Part 3rd, Section 19 of the Constitution of Maine provides "The veto power of the Governor shall not extend to any measure approved by vote of the people \* \* \*" and that "The Legislature may enact measures expressly conditioned upon the people's ratification by a referendum vote." and

WHEREAS, it is important that the Legislature be informed as to the constitutionality of said presentation to the Governor;

NOW, THEREFORE, BE IT ORDERED that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives, according to the provisions of the Constitution, on its behalf, their opinion on the following questions:

1. Does an Act of the Legislature in the form presented by Legislative Document 1744 "AN ACT to Appropriate and Provide Additional Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969, Conditioned Upon the People's Ratification by a Referendum Vote," which provides that it shall not become effective until approved by the people of the State pursuant to Article IV, Part third, Section 19 of the Constitution of Maine, have the force of law, so that it is necessary that said Act be presented to the Governor for his consideration, pursuant to Article IV, Part 3rd, Section 2 of the Constitution of Maine?

2. Did the Legislature err in sending Legislative Document 1744 to the Governor for his approval instead of sending it forthwith to the Secretary of State to prepare for the referendum provided by its terms?

3. Does the Governor have the power of veto to prevent the Legislature from sending legislation to the people for ratification?

Thereupon, under suspension of the rules by unanimous consent the Order received passage.

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

Mr. BRAGDON: Mr. Speaker, I would inquire if House Paper 300, L. D. 435, Bill "An Act to Authorize Bond Issues in the Amount of \$4,380,000 to Provide Funds for School Building Construction Under the Provisions of Section 3457 of Title 20, R. S. is in possession of the House?

The SPEAKER: The answer is in the affirmative.

Mr. BRAGDON: Mr. Speaker, I move that we reconsider our action of July 1 whereby we voted to recede and concur.

Thereupon, the House reconsidered its action of July 1 whereby it receded and concurred.

On further motion of the same gentleman, the House receded from its action whereby the Bill was passed to be engrossed.

And on further motion of the same gentleman, the House receded from the adoption of Committee Amendment "A" and Committee Amendment "A" was indefinitely postponed.

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

The Bill was then passed to be engrossed as amended by Senate Amendment "B" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Fortier of Waterville presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the subject of county salaries for the purpose of collecting comparative data as to the type and level of work performed, analysis of time, fees and other remuneration or fringe benefits which would be of assistance in determining the existence of inequities and salary trends; and be it further

ORDERED, that the Committee be directed to report their findings and recommendations to the 104th Legislature. (H. P. 1242)

The Order received passage and was sent up for concurrence.

The following paper from the Senate, appearing on Supplement

No. 1, was taken up out of order by unanimous consent:

**Tabled Until Later  
In Today's Session**

ORDERED, the House concurring, that the President of the Senate, the Speaker of the House, and the Majority and Minority Leaders, and Assistant Leaders of the Senate and House be and hereby are authorized during the current biennium to attend the conferences of The National Conference of State Legislative Leaders; and that their necessary expenses be paid from the Legislative Appropriation; and be it further

ORDERED, that the dues of the State of Maine for membership in said Conference be paid from the Legislative Appropriation (S. P. 726)

Came from the Senate read and passed.

In the House:

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

Mr. HEALY: Mr. Speaker, would it be a fair question to ask where they are going?

The SPEAKER: The gentleman from Portland, Mr. Healy, poses a question through the Chair relative to where the Legislative Leaders Conference will be held in this biennium. Does any member have the ability to answer this question?

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

Mr. BENSON: Mr. Speaker, to answer the question, it's San Antonio, Texas. Is that wrong?

(Laughter)

My apologies, sir.

The SPEAKER: The Chair would advise the gentleman and the House that the conference in San Antonio, Texas, is the National Legislative Conference. This is the Leaders Conference that we are referring to in this order. Does any member have the answer to the question?

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

Mr. COTTRELL: Mr. Speaker, it was held in New Orleans last year. (laughter)

Thereupon, on motion of Mr. JAlbert of Lewiston, tabled until later in the day's session pending passage in concurrence.

**Emergency Measure Amended**

An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969 (S. P. 700) (L. D. 1737)

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

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

Mr. RICHARDSON: Mr. Speaker, can the House be at recess for just a moment?

The SPEAKER: The House will be at ease for just a few minutes.

**House at Ease**

Called to order by the Speaker.

On motion of Mr. Birt of East Millinocket, the House voted to reconsider its action on July 1 whereby it voted to recede and concur with the Senate, and on further motion to recede from passage to be engrossed.

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

Mr. Birt of East Millinocket then offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 700, L. D. 1737, Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969."

Amend said Bill in "Section B" by inserting before the caption "FINANCE AND ADMINISTRATION, DEPARTMENT OF" the following caption and lines:

'EASTERN MAINE VOCATIONAL TECHNICAL INSTITUTE.

Completion of administration, classroom and Shop Building and Ground Work 225,000 —'

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

Mr. HINDS: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from East Millinocket, Mr. Birt. I ask if he would explain this amendment and the reason for it.

The SPEAKER: The gentleman from South Portland, Mr. Hinds, poses a question through the Chair to the gentleman from East Millinocket, Mr. Birt, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. BIRT: Mr. Speaker and Members of the House: At the present time the Eastern Maine Vocational - Technical Institute is in the process of being built and this will provide the extra money necessary that was—this money has been taken out of the bond issue and will be available to be put into use immediately. If this money were not taken out of the bond issue and is left until the bond issue be voted on, it would cost the State quite a bit additional for resubmitting this for bid; and this would allow the completion of the building at this time. The building is pretty well along in process and the contractor will be able to continue under the same contract, with the availability of this money which will become available immediately.

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

Mr. HINDS: Mr. Speaker, I would like to ask Mr. Birt if he said that it has been removed from the bond issue, or is going to be removed from the bond issue?

The SPEAKER: The gentleman from South Portland, Mr. Hinds, poses a further question through the Chair to the gentleman from East Millinocket, Mr. Birt who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. BIRT: Mr. Speaker and Members of the House: There is another amendment which is in the process of being reproduced, which would be an amendment to the large bond issue, L. D. 1726, and at that time that amendment will take the money out of the bond is-

sue and this one puts it under the initial appropriations act.

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

Mr. NADEAU: Mr. Speaker, in the motions that were presented by Mr. Birt and finally went along, I had this amendment, but I am wondering what the heck the Senate Amendment was that we adopted, that went under the hammer. I would like to know what we adopted, if you would please.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, poses a question through the Chair to anyone who may answer if they choose.

Mr. NADEAU: The way I understood it that—

The SPEAKER: The Chair recognizes the same gentleman.

Mr. NADEAU: Am I correct in assuming that—

The SPEAKER: Does the gentleman want the filing number of the Senate Amendment?

Mr. NADEAU: Yes, I would like to know what — I would like to have it read so I would know what it was. I think none of us said anything before its adoption thinking that we were going to—

The SPEAKER: The filing number is 323, Senate Amendment 323.

Mr. NADEAU: Could I have it read please?

The SPEAKER: The Chair would advise the gentleman that this is a lengthy amendment and the amendment has been distributed to every member of the House.

Mr. NADEAU: Can I just get the meat out of it? How much money is it going to cost us?

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, poses a question through the Chair relative to Senate Amendment "B" to any member who may answer if they choose.

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

Mr. BIRT: Mr. Speaker, there are several additions to the — there is not a major amount of money — I suppose it depends upon whose pocketbook they're coming out of, but there are a few additions to the appropriations act

for the expenditures of state government; there are about four, and three are seven items. If the gentleman from Sanford, Mr. Nadeau would like he can have my copy of the amendment and look it over.

Mr. NADEAU: I would like to very much.

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

Mr. NADEAU: Could I have—

The SPEAKER: Would the Page please pass the amendment to the gentleman from Sanford, Mr. Nadeau.

The question before the House is on the adoption of House Amendment "B".

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

Mr. DUNN: Mr. Speaker, Section B on 1737 was kept to a bare minimum. There were several cases where buildings were completed and this was for equipment so that they could be used, and that's about the extent of this section. I dislike very much to see this opened up and an item of this size coming in at this time in the session. I don't think it's warranted. I request a vote and I'm going to vote against the amendment.

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

Mr. HEALY: Mr. Speaker, through the Chair may I inquire where this Eastern Maine Institute is?

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

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

Mr. EWER: Mr. Speaker, in answer to the question of the gentleman from Portland, Mr. Healy, the Institute is located in Bangor. It's about half done. There was an article in the Bangor News this morning, probably some of you members of the House have seen it, stating that unless the money was made available for this present term of the Legislature it will be necessary to close down construction with one wing partly done and no machinery installed what-

ever. So it would hold the building up for at least another two years and it probably would mean a re-opening of the contract and added construction expense.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, I would like to pose a question to the gentleman from Bangor, Mr. Ewer. When this building was first contracted for, didn't the contractor take a contract to complete the building?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, poses a question through the Chair to the gentleman from Bangor, Mr. Ewer, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. EWER: Mr. Speaker, that's a question I'm in no position to answer. I am only going by the statement that came out in the news this morning.

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

Mr. BIRT: Mr. Speaker, as I remember the situation, there was not sufficient money to complete the building that was drawn up by the architect and the initial money was recommended originally to come out of unappropriated surplus in a special bill of the Governor's. Back sometime ago we took what was absolutely necessary and passed one bill to allow some of these contracts which had to be completed by the first of April—this money was passed and the bill was enacted. And this is additional money and some of it was in this previous L. D. and it was intended to leave this until the end of the session and put it in at that time in this special bill. But during the decisions at the end of the session, some of this has been put into the bond issue, but as the gentleman from Bangor, Mr. Ewer, points out, that if this is left in the bond issue and the bond issue will not be voted upon until this fall, it will mean that part of the building will be held up.

I don't believe that the contractor took the building with the idea in

mind that he was supposed to have completed the entire building. I don't believe that there was money enough available to complete the contract.

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

Mr. HINDS: Mr. Speaker and Members of the House: I have just checked this L. D. where the Eastern Maine money is located, and I was wondering if someone could explain the difference. There was \$145,000 in the bond issue bill for the school and this amendment calls for \$225,000.

Mr. Nadeau of Sanford was granted unanimous consent to speak a third time.

Mr. NADEAU: My only question, I had not received this, frankly, and I want to thank the gentleman for making it available. My main question of this is that what comes under the gavel in the late moments of this session — it is already July 6, and this is what made me wonder. But I was going to get up on 1737 anyway, just to make a few brief notations. I notice under the Education Department, administration, personnel services, two people, 12,519. Same two people the next year, it goes up to thirteen thousand and something. And of course by increasing these two we have an All Other Than, does that mean somehow somewhere they are going to have a \$700 expenditure of either an expense account or some fund? Then there is another capital expenditures for that first year. That's only the start of it and I can go down — for instance let's take a look at Maine State Archives Building, this is why I objected to the other building in the highway, it's not how much the building costs, it's how much it's going to cost us to operate it afterwards. In this case here we haven't even got the building, I understand we're planning for it though, personnel services, we jump into '68 with \$19,900, that's for two people.

If I recall a bill earlier in this session we have already spent \$25,000 for two people prior to this. This came through in the form of

a bill. I stand to be corrected on that but I know that is correct. Then we have this all other which they never itemize, I presume that's for coffee and donuts, I don't know. Then we have the Treasurer of State under this bill, it says here administration, personnel services and then it says one, so this goes according to the blue book with the . . . then it says provides funds for one accountant number two, now get this, he gets 43 or she will get \$4396 the first year, the second year she gets a \$2600 raise to \$6890. Accountants too now are starting to get the pay raises of the department heads, \$2500 at a time. I just thought I would make this known. Sometimes we have increases. And then I've got a note here that there was an amendment that came through and that figure that you have if you happen to look at this L. D. 1737, this first year is not \$52,000, it is \$85,252, there is an amendment that came along, so if you add it all together it is \$85,000. Next year even higher.

I don't know, I just thought I wanted to have this on the record. At the last minute everything seems to come up for additional money. Somehow or other the regular employees of this state would have gotten a five percent increase. I am wondering how we can throw it into L. D. 1737 and they can get an increase of \$2700 the next year. Whose sister is it going to be this time?

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

Mr. SULLIVAN: I too am troubled about the principle involved here. They knew these facts probably two or three months ago, and I know very little about it except what's just been said here, but I don't like this thing coming up here at the last minute and shoved through, and the gentleman Mr. Birt said, my understanding of what he said, he didn't know where this money was coming from, of course it is coming from the taxpayers and mainly from the lower income people who are already overtaxed. I'm frankly a little bit sick and tired of these things coming up here at the last minute. We should have gotten through



here four or five weeks ago, if they'd got on the ball earlier and come up with these things, so I am "agin" the thing in principle. Thank you.

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

Mr. BENSON: Mr. Speaker and Members of the House: In an effort to answer the question posed by the gentleman from South Portland, Mr. Hinds, I believe that I am right in saying that \$150,000 of this \$225,000 is allotted to the completion of the classroom wing; \$50,000 will be allotted to the completion of the administration wing, and \$25,000 will go to the landscaping. It is also my understanding that at the present time this school is operating they are leasing three different areas in the city of Bangor to house their students and to house the equipment that these students use, so I think that it behooves us to supply this \$225,000 to complete the classroom and administration wings and to continue this program in the fine manner which we intended it in the first place.

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

Mr. COUTURE: I would like to ask a question through the Chair whether this job — this construction has been given on a cost plus job or was it contract out or given on a cost plus job?

The SPEAKER: The gentleman from Lewiston, Mr. Couture, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, this is a case of the blind leading the blind I am afraid, but it is my understanding that the contractor took the job to complete up to a certain point, and that has been done, and it is now necessary for the Legislature to appropriate the money to continue and complete the program.

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

Mr. JALBERT: Mr. Speaker, in an effort to clear the air on this,

it is my understanding that individuals from this branch and the other branch approached at least one of the leaders of the Appropriations Committee indicating that some \$295,000 would be needed for the final completion of this building. It is true that in my opinion this was apparently overlooked and it is true that possibly such a measure could well have gone into the bond issue. However, we have a building, four walls constructed, without the completion of the administration, the classroom, the shop building and the ground work. Now it may be July 6 or March 20, but the fact of the matter is this that we have got an investment of a million dollars and in order to complete this school for occupancy we must therefore appropriate the funds which will complete the building, the classroom, the shop building and the administration building as well as do the groundwork. I am not so concerned with the ground work which is a minor sum anyway compared to what we have spent as I am with the remainder of the monies. The job was let out to contract. It is certainly my first information we ever give out any jobs on a cost plus basis here and that would be new to me. Regardless of that fact, sticking to the amendment itself, in that I would like my own self to have a machine tool wing in the school in central Maine taken out of surplus, that is not the point, it is a bond issue and I am satisfied to have the wing, much less having it defeated rather than have it put into the surplus. I think in any event that the only thing that we can do now is to go along with this amendment to complete this building for occupancy.

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

Mr. COUTURE: I am really puzzled about this because this is about the first time that I ever heard of such a thing in my life. Now it seems to be led to believe that this job was not a cost plus job, while although the contract has been given to the contractor to build this school of this size but go as far as you can go with

the money that we have appropriated, the next session of the legislature will see that they appropriated more money so you can continue the work to complete the schools. Now I believe here by right that a construction of this size and if the job has been given outright on a bid as it is supposed to that money should have been available to complete this job completely. Now I don't know what they have done there, if they knew that this amount was going to be too great for one time and played along with the contractor to go as far as they can go and then wait until the next session and we will make money available for you, but if \$225,000 is needed more in there and as this gentleman just brought out to me that they will be using the same contractor and let him do the same . . . to doing his work, how can it be a contractor unless the job has been given out on a cost plus basis? It can't be.

Mr. Birt of East Millinocket was granted permission to speak a third time.

Mr. BIRT: Mr. Speaker, in an attempt to try to explain this, an architect designs a building which the Department of Education approves. At that time he projects that the probable cost of it will be a certain figure. When this building is put out for contract the lowest bid may be above the amount of money that is available. They then have either one of two choices, either to come back and have it redrawn or to build as much as they can and see if the Legislature in their judgment will desire later on to raise the additional money to complete the building.

Now back early in the session this was done with I think four buildings that there was not sufficient money available for the completion of them and if the money was available by the first of April the completion of the building would be allowed under the terms of the original contract. If it were not done at that time, it would cost an additional cost due to increases in construction costs. This is exactly the same situation that we have here that it is hoped that by the end of the session as long

as this money were available by the end of the legislative session it would be possible to complete this building without having to renegotiate the additional work that was being done. Now this building would be only partly done, it wouldn't be ready for occupancy in the fall if additional money were not made available at this time, and that is the problem with doing it under the bond issue.

Now my understanding is that this is probably — I don't think this is a cost plus, I am not positive, but I do not believe that this is a cost plus job, and it is a fact that the building was larger than there was available money and this is asking for the additional money to complete the plans originally drawn up by the architect.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: If that's not a cost plus deal, it's a pretty loose one in my estimation.

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

Mr. COOKSON: Mr. Speaker and Ladies and Gentlemen of the House: To any of you who have been here the past three sessions I am quite sure that you will recall that as to folks in the various parts of the State where these vocational schools have been built, as they lobbied for theirs in their own area they would immediately say that we will help you with yours. Well it just so happens that the one before the Bangor one was the Central Maine one in Lewiston, you have one in Portland, you have one in northern Maine, so I think you will find that we in central Maine as usual probably took just about what we could get at the time and we are trying to do the best we can and now we're back here to ask for enough money to finish it. We're not asking for somebody to build us a hotel or a hospital or something to use for one thing and then turn around and sell it back to somebody for a dollar, we're not asking for this, we're asking for a school.

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

Mr. HENLEY: I wish that I could perhaps understand the system a little bit better. To me it looks a little bit suspicious of a certain type of blackmail, where you get a building partly built and then they say well you've got to give us more money or we don't get a roof on it, and possibly I am way out in left field in my understanding, but if there was not more sure money ready I don't quite see why they plan a building that they can't be sure of at least chopping off one end of it and putting the roof on in case they did not get the money. Frankly, if it is a practice I don't like it, that's all.

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

Mr. COUTURE: To keep the record straight, the school was built in Auburn; to keep the record straight, the school was built with the appropriation that was given at the cost the contractor took the job. Now I am amazed with this thing and the more we talked about it the worse it looked. Now the architect that worked on this, you have recognized the lowest bidder on the job feeling that if he hasn't got enough money money will be available later on to complete the job, in which way at all that these men were fair by giving a job knowing that it won't half be done, while the others didn't even have the similar break in getting for their constructions.

Second, how can the State here well go behind the appropriation given for a construction and knowing by the architect now that \$225,000 and know before that they would have been shy of money and they are left without a roof or without windows or doors. Now Mr. Speaker, if I may, I wish that someone would table this until further investigations and someone has a chance to look up this contract. I don't think it looks good or else I will be forced to vote against it.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: I'll agree with Mr. Couture and I wish that somebody would table it because I fear that what Mr. Ewer said about the building wouldn't be usable if this money wasn't available perhaps might not be just exactly so. I think it's only parts of the building that wouldn't be usable and I wish it could be tabled so I can investigate it. I have access to BPI and I most certainly would like to talk with them before I vote on it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have declared myself on this amendment. However, this bill here if it were tabled would come up tomorrow and if the amendment passed would mean reengrossment and it would mean at least six more hours and those who are talking about July 6 can talk about July 7 and then we can go into the 12th and the 13th with this kind of a procedure, and I am not for that at all. I think we ought to settle this thing now; either pass the amendment or defeat the amendment. I am against any thinking of tabling a thing like this which would mean hours of work in engrossing. Let's either pass it or not pass it.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I remember the legislature appropriated money for a building at Pine-land Hospital and Training Center. When they got around to certain parts they found out that they didn't have enough money. I was requested to go to the Governor and Council for money out of the construction reserve fund to get a little more money for this building. We didn't get all we wanted, but that was the proper channel to go through and perhaps this might be the case here.

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

Mr. SULLIVAN: I move this be laid on the table until tomorrow.

The SPEAKER: The gentleman from Portland, Mr. Sullivan, moves

this matter be tabled until tomorrow pending the adoption of House Amendment "B."

Mr. Littlefield of Hampden requested a division.

The SPEAKER: A vote has been requested on the tabling motion. All those in favor of this matter being tabled until tomorrow will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken. 16 having voted in the affirmative and 99 having voted in the negative, the tabling motion did not prevail.

Mr. Jalbert of Lewiston moved the previous question.

The SPEAKER: For the Chair to entertain the 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 opens the vote.

A vote of the House was taken.

The SPEAKER: A sufficient number having voted for the previous question, the motion for the previous question is entertained. The question now before the House is, shall the main question be put now? This question is debatable for not more than five minutes by any one member. Shall the main question be put now? All those in favor will answer yes, those opposed will answer no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The main question is the adoption of House Amendment "B." All those in favor of the adoption of House Amendment "B" will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

82 having voted in the affirmative and 44 having voted in the negative, House Amendment "B" was adopted.

Thereupon, the Bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969," S. P. 700, L. D. 1737 was passed to be

engrossed as amended by Senate Amendment "A" and House Amendment "B" in non-concurrence and without objection, sent forthwith to the Senate.

#### **Passed to Be Enacted Emergency Measure**

An Act Continuing Governor's Advisory Council on the Status of Women (H. P. 766) (L. D. 1113)

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

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: Section 9 of this bill carries an appropriation and I understand that Senate Amendment "B" strikes this paragraph out, so there is no appropriation. Now I have a question about Section 4, which reads, "The council is authorized to employ consultants and contract for such research projects as it deems necessary." Does this mean that they are going to present a bill to the next legislature for their research projects?

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

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

Mr. RIDEOUT: Mr. Speaker, if memory serves me correctly, during the hearing it was indicated that this Advisory Council would be eligible to receive some federal funds and these federal funds would be used for the purpose that the gentleman indicated.

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

Mrs. WHITE: Mr. Speaker and Members of the House: There is no money now; we have taken the money all off the bill. There is not a thing that we can spend, and I would assume that we're not going to spend when we haven't any money.

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

Mr. LITTLEFIELD: Mr. Speaker, I move that the bill be enacted.

(Off Record Remark)

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 direct a question to the lady from Guilford. Would it be possible for this Commission to go before the Governor and Council to obtain some money so that they may function? I am concerned for them.

The SPEAKER: The gentleman from South Portland, Mr. Gill, poses a question through the Chair to the gentlewoman from Guilford, Mrs. White, who may answer if she chooses, and the Chair recognizes the gentleman.

Mrs. WHITE: Mr. Speaker, Members of the House: I would assume that they could. I think they have been before the Governor and Council; I think that they at one time had a very small amount given them to attend a conference in Washington. But actually, they have paid their own expenses — and willing to, and they feel that they are important. Thank you.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

#### Passed to Be Enacted

An Act Providing for a State Government Internship Program (S. P. 200) (L. D. 431)

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.

By unanimous consent, ordered sent forthwith to the Senate.

#### Orders of the Day

On motion of Mr. Jalbert of Lewiston, the House voted to take from the table Senate Joint Order re: National Conference of State Legislative Leaders S. P. 726, tabled earlier, in today's session by that gentleman.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert relative to the Order on Supplement number one.

Mr. JALBERT: Mr. Speaker, I might inform the membership that the location of the conference is in San Francisco near the water. I move passage of the order.

Thereupon, the Order received passage in concurrence.

#### House at Ease

Called to order by the Speaker.

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

Mr. BERMAN: Mr. Speaker, I would inquire if the omnibus bill L. D. 1444 is still in possession of the House?

The SPEAKER: The Chair would inform the gentleman that it was ordered sent forthwith to the Senate.

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

An Act to Authorize Bond Issue in the Amount of \$17,955,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings (S. P. 691) (L. D. 1726)

Tabled — July 1, by Mr. Richardson of Cumberland.

Pending — Passage to be enacted (Roll call ordered)

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: If you will recall, the offensive portions of L. D. 1726, the large bond issue, are apparently those dealing with the University of Maine in Augusta and the University of Maine in Portland.

Now because this bill at this point is not in an appropriate posi-

tion for us to act on it without doing serious damage to the entire bill, I am going to request that some member of the House table it until tomorrow morning, and in the interim the Republicans at least and I hope the members of the Democratic Party too, will have an opportunity to caucus and discuss this and decide on the course that the House is going to take with respect to this bond issue.

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

Mr. RIDEOUT: Mr. Speaker, I move that this be tabled until tomorrow.

The SPEAKER: The gentleman from Manchester now moves that Item 1, L. D. 1726, be tabled until the next legislative day, pending passage to be enacted, and a roll call has been ordered. Is this the pleasure of the House?

The motion prevailed.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: I was not in the House when the order concerning getting the thinking of the Court came up pertaining to L. D. 1744. I would be prompted to ask a question from anyone that answers, it would be a two-fold question. Number one, is this an advisory opinion, and if it is, what effect would it have?

Mr. Richardson of Cumberland was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I assume that the gentleman is referring to the order introduced by me dealing with L. D. 1744.

Our examination of the Constitution of the State of Maine and the appropriate case authorities seems to very clearly indicate that the Governor of this State has no right to interpose himself between a bill calling for an expression of opinion by the people conditioned for its effectiveness on acceptance by the people. This Bill, L. D. 1744, conditioned upon the people's ratification by a referendum vote, is a request by this Legislature

for an expression of opinion by the people of the State of Maine, and we believe that as a legal proposition there is very, very sound authority for the proposition that the Governor has no right to interfere with the request for that expression of opinion. The various provisions of the Constitution involved are set forth in the order.

I would not characterize this as an advisory opinion. We believe that the law of this State, and the Attorney General has so advised us, very clearly provides that in questions dealing with the people's right to vote on matters, neither the Governor nor the Legislature can interfere with the expression of their right within the framework granted by the Constitution. The people of the State of Maine as in all other states reserve certain rights unto themselves, one of which was to initiate and referendum. Under these circumstances, we feel that this is an important question vitally affecting the welfare of the State and have requested the opinion of the Justices.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: When this order came before us, I for one certainly thought this was an effrontery to the Chief Executive and all the parts concerned with the Chief Executive Branch, but out of respect to the Courts, and out of respect to the members of this House, I did not get up to object or include any remarks at the passage of this order and I find that I am almost at a loss of words as to express my thinking on the passage of this order. It certainly is not something that was initiated by the people of the State of Maine, this is an act that was passed by the Legislature and I think the Chief Executive in his powers has his powers stated in the order. Thank you.

Mr. Brennan of Portland was granted unanimous consent to address the House.

Mr. BRENNAN: Mr. Speaker and Members of the House: I'd like to pose a question through the Chair to the gentleman from Cumberland, Mr. Richardson.

Assuming the Law Court says that this veto or that the Governor does not have the power to veto a bill of this nature, what position is the Republican Party going to take then, since this is only an advisory opinion and does not have the effect of law?

The SPEAKER: The gentleman from Portland, Mr. Brennan, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson who may answer if he chooses, and that gentleman requests unanimous consent to address the House.

Mr. Richardson of Cumberland was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Members of the House: Not only for the benefit of the gentleman from Portland, Mr. Brennan, but for the benefit of all the members of the House I think it should be clearly indicated that this is by no means an advisory opinion. Now it's been suggested by the gentleman from Madawaska, Mr. Levesque, that this is an effrontery to the Chief Executive. On the contrary, this is an attempt to get an opinion from the Supreme Judicial Court of the State of Maine as to what our Constitution provides with respect to the important question of initiative in referendum. I'm sorry that the wars of political fortune are such that the gentleman from Madawaska views this as an affront to the Chief Executive. It's certainly not intended in that manner. I believe, having examined this matter somewhat carefully, that there is a very very serious question here as to whether or not the Governor has this authority.

Now if we did not ask for this advisory opinion and the Governor did veto this, it would be perfectly appropriate for some citizen who thought he was aggrieved to bring a mandamus action in the name of the Attorney General, asking the Secretary of State be directed to place on the ballot the question of the referendum. This is the cleanest, the most responsible and the surest way to resolve this important question without plunging the State into chaos, and I am absolutely amazed that there could

be any question about the motive. If the Justices rule that the Chief Executive of this State has authority to veto this, then we will of course abide by that decision. That's the intention of the Republican leadership. If the Supreme Judicial Court of this State rules that the Governor does not have authority to interpose his will between that of the Legislature and the people, that he does not have a right to prevent the people of this State from expressing their opinion on this important question, then we intend to see that this matter is submitted to the people and will do everything we can to assure that end.

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

Mrs. CARSWELL: Mr. Speaker, I would like to pose a question to the gentleman from Cumberland, Mr. Richardson. Does the gentleman believe that it is fair to limit the rights of the people to vote — in other words — they will only have a sales tax issue to vote on.

The SPEAKER: The gentlewoman from Portland, Mrs. Carswell poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he desires, and the gentleman requests unanimous consent to briefly address the House.

Mr. Richardson of Cumberland was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Members of the House: There is not and has not been any reluctance on the part of the Republican Party to take to the people of the State of Maine its position in this Legislature favoring the Foundation Program, the ADC relief and the other objects which we consider worthy, and there is no reluctance on the part of the Republican Party to find out whether or not the people truly want this action to be taken.

Now we have had all this discussion about mandates, and we submit that our mandate is as clear and unequivocal as any of that claimed by any other elected official of the State, and as to

whether or not we are opposed to sending things to the people or we think it should be limited, we are taking responsibility for testing the validity of the claimed mandate that the Chief Executive asserts, and this is the only issue before us, and I don't see any point in discussing all of the other issues as to whether or not things should or should not have been sent to referendum.

The SPEAKER: The Chair would advise the gentleman from Cumberland, Mr. Richardson, that this is not a matter before the House, therefore he rules that you are speaking under unanimous consent.

The Chair recognizes the gentleman from Portland, Mr. Healy, who requests unanimous consent to address the House.

Mr. Healy of Portland was granted unanimous consent to address the House.

Mr. HEALY: Through the Chair, Mr. Speaker, I should like to ask the gentleman from Cumberland, Mr. Richardson, knowing how the time it sometimes takes the Justices to come to an answer on some of these questions — about when does he expect this answer to be in here?

The SPEAKER: The gentleman from Portland, Mr. Healy, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he chooses.

The gentleman requests unanimous consent to briefly address the House.

Mr. Richardson of Portland was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I don't believe that the order requesting the opinion of the Justices and the time necessary to secure their opinion will delay this session, if that is the gentleman's question.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brennan, who requests unanimous consent to briefly address the House.

Mr. Brennan of Portland was granted unanimous consent to address the House.

Mr. BRENNAN: Mr. Speaker, I would like to pose another question to the gentleman from Cumberland. Is it his position that an opinion on this question has the effect of law and that the Legislature would be bound by it?

The SPEAKER: The gentleman from Portland, Mr. Brennan, poses a further question to the gentleman from Cumberland, Mr. Richardson, who may answer if he chooses. The gentleman requests unanimous consent to briefly address the House.

Mr. Richardson of Cumberland was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Members of the House: As I apparently unsuccessfully attempt to point out — if the Governor vetoed L. D. 1744, and there were no legal opinion from the Justices, it would be perfectly appropriate and I believe only to be expected if some person filed a petition for writ of mandamus directing the or requesting that the Secretary of State be directed to place on the ballot the question of whether or not L. D. 1744 should become law. Now you can have it either one of two ways. We can either take the steps necessary to get an opinion from the Justices and in a business-like and rational manner decide whether or not the Governor has this Constitutional authority, or we can go back to the question of having someone file a petition, I submit to you that a decision by the Court in an opinion rendered to the Legislature does, in this instance, certainly have the force and effect of law. It is a valid interpretation of the Constitution of this State.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque, who was granted unanimous consent to address the House.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: My brief remarks a few moments ago was that this document 1744 was



neither before this Branch or the other unmentionable Branch of the Legislature. I remember quite vividly that not too long ago they refused to render an opinion because it was not before the Legislature, and my reference was that the Chief Executive was quite

capable by himself to institute an opinion if he so desired one.

(Off Record Remarks)

On motion of Mr. Benson of Southwest Harbor,

Adjourned until nine - thirty o'clock tomorrow morning.