

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 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

SENATE

Friday, July 7, 1967

Senate called to order by the President.

Prayer by the Reverend Father John J. Curran of Augusta.

Reading of the Journal of Yesterday.

Papers From The House Non-concurrent Matter

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. (Emergency) (S. P. 700) (L. D. 1737)

In Senate, June 30, Passed to be Engrossed As Amended by Senate Amendment "A" (S-323) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" and by House Amendment "B" (H-490)

Thereupon, the Senate voted to Recede and Concur.

Under suspension of the rules, sent forthwith to the Engrossing Department.

Communications

State of Maine

Legislative Research Committee
Augusta, Maine

To Members of the 103rd Legislature:

I have the privilege to submit herewith the final report of the One Hundred and Second Legislative Research Committee.

Through the 27 years since its creation by an Act of the Eighty-ninth Legislature in 1940, the Committee and its staff have shared one basic objective — to service the needs of the Maine Legislature between sessions, within the limits of its authority.

Pursuant to statutory requirements, the Legislative Research Committee studies a variety of topics as ordered by the Legislature or voted upon by the Committee, and prepares impartial factual information in the form of research reports on such subjects for consideration at the next regular legislative session.

This report, presents an overall summary of this activity for the past biennium and attests to the high standards of research and related services which the Committee and its staff have made available.

On behalf of the members and staff of the 102nd Legislative Research Committee I wish to extend our sincere appreciation to the leadership and individual members of the 103rd Legislature, for their kind and courteous attention to committee reports and assignments and to the many individuals, organizations and persons in the service of the State whose assistance to the Committee in its studies have made it possible to obtain information respecting the many problems before the Committee without whose cooperation the Committee could not have reached its conclusions.

I wish to extend on behalf of the Committee our gratitude and deep respect to Samuel H. Slosberg, who, as Director of Legislative Research, has faithfully, honorably and courteously provided the highest kind of professionalism in discharging the duties of his office; sincere appreciation is also extended to David S. Silsby, Assistant Director and the office staff of the Director — Mrs. Ella G. Andrews, Mrs. Dorothy C. Berry, Mrs. Bernice M. Lee and Mrs. Anne F. Murphy.

The Committee would be remiss in its duties if it did not make special mention of the outstanding job of fair and impartial coverage by the news media during the biennium.

The recent elevation of Samuel S. Silby, Jr., to the high office of State Archivist is a fitting challenge to his outstanding abilities and a tribute to one who served the Committee with such a deep sense of dedication for the past 12 years as Assistant Director. The members of this Committee offer to Sam their sincere wishes for good luck and God-speed in his new office.

It has been an honor and a pleasure to have served as Chairman of the Committee during the past biennium and I would like to express my personal gratitude to the

staff and to each member of the Committee for their endless cooperation and dedicated service.

Research Committee.

LOUIS JALBERT, Representative
Lewiston, Maine
Chairman of the Legislative
Research Committee
(S. P. 727)

Which was Read and Ordered
Placed On File with accompanying
report.

Sent down for concurrence.

State of Maine
Office of the Governor
Augusta, Maine

July 7, 1967

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

I am returning herewith, without my approval, 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." Out of respect for the views of the members of the Legislature, I wish to explain, in summary form, my objections to this most unusual measure.

(1) The basic issue is still the 5 per cent sales tax. L. D. 1744 includes this proposal which has four times failed of enactment and which would, in any normal legislative procedure, have been abandoned long ago in favor of any one of several reasonable alternative proposals. Acceptable compromises have been presented to this Legislature by me, by the Democratic leadership, and by other members of this Legislature. These have been rejected out of hand by the Republican Leadership in a futile effort to pass a tax increase which is not wanted and which should not pass. The 5 per cent sales tax remains unacceptable to me in any form.

(2) L. D. 1744 covers some \$20 million in state services, and would make the performance of those

services conditioned upon voter approval of the 5 per cent sales tax. In deciding what services were included as part of the so-called "bare-bones budget" enacted last week, and what services were left to the uncertain fate of L. D. 1744, the architects of this package acted arbitrarily and without any reasonable order of priorities. Thus, L. D. 1744 includes many measures that should not be there, because they should already have been enacted. For example, Section "C" includes an appropriation for the education of blind children, for the cerebral palsy clinic, and for the foster home care of children. This blatantly obvious effort to make the 5 per cent sales tax more palatable by attempting to tie it to sympathy-evoking services is wholly unjustified. This type of tactic deserves the condemnation it has so far received in this Legislature; it is indefensible and should be stopped, here and now.

(3) This Legislature has been in session for some six months. During most of that period it has deliberated carefully, weighing the merits of various bills, testing and listening to public sentiment, working and reworking words, phrases, and entire bills. Now, we are being asked to forget all that hard and careful work and accept a hodge-podge of some current services, some supplemental services, some new legislative proposals, all selected on one basis: will it help to pass the 5 per cent sales tax?

I submit that this is not the proper test to be applied to the many worthy proposals which you have studied and approved. Many of the items in L. D. 1744 are for essential services which must be provided. To deliberately invite their rejection by tying them to a specific tax proposal is fiscally unsound.

At least two previous referenda of a similar nature were rejected by the people of Maine. If L. D. 1744 went to referendum and failed of passage, this State would be in the unenviable position of having many desirable programs and necessary services rejected because they were linked directly to an unnecessary and unwanted tax increase.

(4) L. D. 1744 would leave many state programs unfunded until July 1, 1968. Of special concern is the State Planning Commission which would be separated from the present state planning effort by an unbridgeable time gap. Postponing the establishment of the commission until next year means that it will not be able to contribute to the preparation of budget recommendations for the next legislature, and will seriously retard the development of a comprehensive state plan which is so necessary if we are to obtain maximum benefit from many valuable federal programs.

(5) I object to the proposed wording of the referendum question as it would appear on the ballot. It is neither a fair nor complete statement of the contents of the Act, and does not even provide many totals to indicate the magnitude of the question in terms of dollars and cents. It is clear that it is merely an attempt to promote a 5 per cent sales tax.

(6) The projections of the State Budget Office indicating the next legislature will face a \$46 million deficit if the Republican Leadership's program is adopted, have never been refuted and still stand. Whatever attempt is made to secure passage of this program does not eliminate the fact that if enacted the people of Maine will be faced with a second major tax just one and one-half years from now. I remain firmly opposed to the crippling imposition of two successive major tax increases in less than two years' time.

(7) The Maine Constitution grants to the Legislature "full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this state." With power comes responsibility. We share that responsibility to the people of Maine which we can and which we must discharge. With a keen awareness of that responsibility, and with the deepest respect for the members of this Legislature, I ask that you sustain this veto. If you do, I will present to you still another compromise measure which will enable

us to meet our constitutional obligations without further delay.

Respectfully,
KENNETH M. CURTIS
Governor
KMC-hmc
(S. P. 728)

(On motion by Mr. Johnson of Somerset, tabled until later in today's session.)

State of Maine
Office of the Governor
Augusta, Maine

July 7, 1967

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

Dear Members:

I am returning herewith, without my approval, Legislative Document 1709, "An Act to Establish Thirty-three Districts for the Election of Senators in the State of Maine." Out of respect for the views of the members of the Legislature, I wish to explain my objections to this measure.

(1) On February 9, 1966, the 102nd Legislature created a nine member Senatorial Apportionment Commission, consisting of the Speaker and Minority Floor Leader of the House of Representatives, the President and Minority Floor Leader of the Senate, one member each from the Departments of History or Government at Bates, Bowdoin, Colby and the University of Maine and the Dean of the University of Maine School of Law, who served as Chairman.

After intensive study, deliberation and public discussion, the Commission made its recommendations to this Legislature in a report dated January 4, 1967. That report, hewing closely to the constitutional line laid down in the amendment to our Maine Constitution to respect county lines whenever possible recommended the establishment of thirty-two senatorial districts.

The Commission's impartial, essentially nonpolitical outlook is manifested in its report, which is clearly unconcerned with the partisan implications of reapportionment. There was not the slightest suggestion of political motivation

in the Commission's report. Even those members of the Joint Select Committee on Senatorial Reapportionment, established by this Legislature, who rejected the Commission's recommendations seemed to agree with this.

In short, this was and is a fair and impartial report by a fair and impartial Commission.

(2) The majority report of the Joint Select Committee stands in sharp contrast. Conceived hastily and in secrecy, without the benefit of any public hearings or public discussion, it is a patently political effort to wring some partisan advantage from the necessity of reapportionment.

Webster defines "gerrymander" as the division of a political entity "into districts in an unnatural way, especially so as to give a political party an advantage over its opponents." To understand what gerrymander means as a practical matter, we need only to look at a few of the more obvious examples in the Joint Select Committee's report:

(a) In an effort to negate the effect of normally Democratic Rumford and Mexico, these two Oxford County municipalities have been spirited into Franklin County in proposed District Number 21. Although they constitute the economic heart of northern Oxford County, they are completely divorced from the rest of their county and are included in with Republican northern Franklin County, connected only by the slender thread of a short common border between Mexico and the town of Carthage.

(b) The same effort is made in proposed District Number 9, which connects Democratic Westbrook with a string of normally Republican towns in a curious, horseshoe-shaped district that meanders around the Cumberland County country-side.

(c) Several other proposed Districts cross county lines unnecessarily and ignore traditional economic and geographic realities.

Among other things the Joint Select Committee's report ignores the mandate of the constitution to "conform, as near as may be to

county lines," substituting instead its own judgment that "county lines are not to be considered inviolate and may be crossed;" the report then proceeds to do just that by crossing the boundaries of fully one-half of our counties. The Committee seeks to justify its recommendations by relying on certain so-called "population projections", which are in turn based upon such irrelevant guesses as whether or not the Brunswick Naval Air Station and Loring Air Force Base at Limestone will be closed by 1970, and which completely ignore projections made by the United States Census Bureau.

In sum, the Committee's report is as partial as the Commission's report is impartial.

(3) We in Maine have fortunately avoided partisanship and gerrymandering in reapportionments, and we ought not to deviate from that precedent now. I respectfully request that this veto be sustained, and that this Legislature adopt the report of the Special Reapportionment Commission as the basis for reapportionment of the Senate.

Respectfully yours,
KENNETH M. CURTIS
Governor
KMC-jmg
S. P. 729

Which was read and ordered placed on file.

The PRESIDENT: The question now before the Senate is: Shall this Bill become a law, L. D. 1709, "An Act to Establish Thirty-three Districts for the Election of Senators in the State of Maine," notwithstanding the objections of the Governor?

According to the Constitution, the vote will be taken by the "Yeas" and "Nays." A vote "Yes" will be in favor of the bill. A vote "No" will be in favor of sustaining the veto. Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: This measure has been debated fully, and I don't propose to debate it additionally today, except that there have been some points that have been mentioned

in the veto message that I think are worthy of comment, and there have been some things omitted that perhaps are worthy of comment.

In an effort to discredit the bill now before us, His Excellency, the Governor, has attempted to play a brass band around the other bill which was conceived by the Senate Reapportionment Committee, and I can't help but note what seemed to me to be some errors perhaps in the description of the work that went behind that other bill in an effort to discredit the bill now before us. The comment is made that there was intensive study, deliberation and public discussion. Perhaps there was public discussion; I certainly am not aware of it. Perhaps there were public hearings; if there were I was not aware of it. As I look over the report of the Senatorial Reapportionment Commission I see no mention of public hearings in this report. Quite to the contrary, it has been my impression that this was the work of one or two people.

By the same token, the Governor attempts to point out the lack of a public hearing on the bill now before us. As was pointed out in discussion in this body previously, it has not been the practice, it has not been the history, to hold public hearings on matters of reapportionment; that this is conceived to be a legislative function. In the enthusiasm for the so-called Commission's Report, the veto message makes no mention of some of its drawbacks, understandably. I would remind the Senate that the Commission's Report does what it says it attempted not to do, namely: to divide cities unnecessarily. It makes no mention of that gosh-awful creation, that northern district of Piscataquis and Aroostook, where you can't get from one end to the other end; the roads don't go there.

To cap it all off, His Excellency, in the latter part of his message, it seems to me, goes a little bit beyond what one would ordinarily expect to be the function of a veto message. The veto message says: "Among other things the Joint Select Committee's report ignores

the mandate of the constitution to 'conform, as near as may be to county lines.'" Now, if His Excellency is correct in this, it would seem to me that if this bill now before us ignores that mandate of the constitution then it must therefore be unconstitutional. We have had, I think we are all aware, a very clear indication that this bill is not unconstitutional because our Supreme Court has said that it is not.

I do hope that the Senate will vote to override the veto.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I realize this has been fully debated, and I would only mention in regard to the public hearings that by virtue of the joint order which the 102nd Legislature in its regular session had, as far as the Senate reapportionment was concerned, a committee was set up, I would mention to the Senator from Kennebec, Senator Lund, and hearings were held throughout the State to determine what the people's wishes were in regard to this Senate reapportionment. This information was passed along to the Reapportionment Commission.

Insofar as the precedent which is mentioned about not having public hearings on reapportionment, I think we must look to the background of that precedent as to why that has existed. It has existed, I suggest, because we have had one-party domination in the State for a period of some fifty years, and this one party was in the position to carve up the State to best suit its means, its own political ends. This does not in any way diminish the importance of a public hearing on a matter which is of this much importance. I suggest that if we had had public hearings we might have found the common meeting ground under which we could have reported out a bill that would have gained the necessary support from the minority party so that this bill could have passed both branches of the Legislature and not have sustained a veto of the Governor.

But, as it is, a bill has been conceived here by the Majority Report which is obviously unacceptable to the Minority Party and to the Governor. It has faced its veto. I suggest the veto probably will be sustained. So, this Legislature, because of the partisan attitude which has been adopted in regard to the reapportionment of the Senate, will be the first legislature in the history of Maine which has not been able to reapportion itself.

Any plan that could be devised would have its certain drawbacks, I am sure. Certainly the majority plan, in the way that it carves up some of the areas, particularly Franklin County, and takes some out of Cumberland County on one end and puts it back on the other, and has this horseshoe kind of thing in District 9, this type of gerrymandering is very flagrant, it is very obvious, and I am sure this Legislature could have done a better job.

I would ask that when you do vote on this that you vote "No."

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: There has been so much talk in the various debates that have been held on this bill about the Apportionment Commission Plan that I think it would be well to point out that the Commission Report is utterly without credentials, and born completely out of political expediency.

In the last session of the Legislature a bill was introduced to set up this Apportionment Commission. The bill was vetoed by the Governor, and the Legislature failed to override that veto. And, as is well known, it was only to get around the political facts of life that this commission was manufactured.

The reason, to my mind, that it has no credentials is the fact that the constitutional resolve, which was voted upon last Fall by the people, states that the Legislature which shall convene after the adoption of this amendment shall cause the State to be divided into districts; not a commission, not

any individual. It is up to this Legislature, according to the constitutional resolve that was passed to do this work. This is obviously what we have done.

Now, there is no magic in drawing a bunch of lines on a map. This isn't something which is peculiarly within the province of a group of college professors. There are a number of people in the Legislature who have come up with plans of their own, and these plans are completely on a par with the Commission plan. The Majority Report plan that has been confirmed as to its constitutionality by the Supreme Court is in fact the report of the majority of the legislative committee that was set up to do this. It was passed by a majority of the Legislature. I suspect that two-thirds of the Senate, at least, will confirm it, and the other body will take action on it probably later today. But there is no question but what this Legislature was authorized to make this apportionment, and has done so. I believe, as a member of the Committee, that, recognizing that any plan which conforms to the requirements is going to in one manner or another cross county lines or create certain disturbances. This report has more to recommend it than any of the other reports that have been submitted to this Legislature.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MACLEOD of Penobscot: Mr. President and Members of the Senate: The Senator from Aroostook, Senator Harding, inferred quite strongly that the reason in the past why traditionally there had been no public hearings held on such matters as reapportionment was because the Republican Party had been in power for so long that they could carve up the State according to their own desires. I would just like to remind the Senator that the Republican Party was not controlling the 102nd Legislature. And going back to Governor Reed's veto of L. D. 1806, which was the L. D. to set up the Reapportionment Commission, the Governor said,

and I quote: "No public hearing has been held on this legislation as is your usual practice. In fact, the bill was not available in printed form until February 1, 1966, and was placed before me for consideration on February 2, 1966."

These two bills have been around for quite a while, L. D. 1709, with the Majority and Minority Reports. They have been available for everyone to look at and peruse for the last couple of months. And when the resolve was set up forming this Reapportionment Commission, it was printed on February 1st and was enacted into law, and was on the Governor's desk on February 2nd. So, when the Senator from Aroostook mentions no public hearing, I think, in the way of haste, and not having a chance to look at something, this beats all records, and this was not the Republican Party that did it.

To continue on with Governor Reed's veto message of 1966, he regards L. D. 1806, setting up the Reapportionment Commission, as presumptuous, and I agree with him wholeheartedly. Under the resolve that went to the people, and was voted on last Fall, full responsibility for apportioning the Senate was in the hands of the 103rd Legislature, as the Senator from Cumberland has pointed out. And it was presumptuous of the 102nd Legislature to set up a Reapportionment Commission to reapportion the Senate before the people had had a chance to vote on it in the Fall of 1966.

I hope the Senate will vote to override the veto.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I would be remiss if I didn't protest again this skewering — I think someone has said — of Franklin County which takes place under this Majority Republican Plan. Anyone would be less than a Republican I am sure, coming from Franklin County if he didn't protest and if he didn't vote to support the Governor in his position that he has taken here, because the alternative plan of the Reapportionment Commission seems to be, I think, to an

impartial observer, so much fairer than this plan.

Reference has been made by my esteemed seatmate to the allegation or the assertion which he has made that the Reapportionment Commission Plan — I think his words were — was the work of one or a few people. Well, I would submit that these esteemable gentlemen, these Professors of Government from the various colleges and universities of this State wouldn't lend themselves to the work of one or two people. Now, you can turn that around, and I think quite appropriately, in regard to the Majority or Republican Plan, because there are members of that Committee who protest that they had nothing to do with it. They have made that protestation to me; that the thing was wheeled in like Banquo's ghost, all in order and ready, and they themselves were in some dilemma to know who did it. Now, it is an open secret that the lobbyist for the private power companies is probably getting the blame for it. It hasn't been denied but what he concocted it and produced it. So, if there is any criticism to be made for it being the work of a few people on the other side, well certainly it ought to be stated that that is where the blame seems to be going, to the lobbyist for the private power companies as proposing this plan, which is so unfair to my own native county. I can't help but reflect that my vote didn't happen to be going that way when the vote on the power issue was taken, but that may be stretching things a little far to tie those two things together.

Anyway, if you do study — and I won't go into it. I got half way through this speech a week or so ago and I was gaveled off the floor, so I won't risk it again. But if you do make an observation or study of these two plans, I think you are bound to come up with the fact that one is more objective than the other. If you look at the two maps, you will see that one has snakes running around Cumberland County and horseshoes in other places. You will see that Rumford and Mexico are added like a wart to the western part

of Franklin County for no reason whatsoever. It is true that when you do concoct a plan, in order to get your population together, in some instances you may have to do some stretching. But the stretching should be in the smallest areas; not in Cumberland County. It shouldn't be in Franklin County, which is not the smallest county in the State. It should be done in an impartial and in a fair way, and I submit that this Majority Plan does not do it. Those are the reasons for my vote to support the Governor on this issue.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and Members of the Senate: Briefly I want to say that I had intended to vote along with my good friends, Senator Hildreth, Senator Lund and Senator MacLeod, until Senator Mills spoke. He has persuaded me to the contrary.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: In order to clarify the air and, hopefully, regain the vote of my colleague from Penobscot, I wanted to inform the Senator from Franklin, Senator Mills, that it has been just complete, sheer modesty that I haven't wanted to admit this up until now, but it was not the private power lobbyist. I took my abacus and went down into seclusion for twelve hours a day for 43 days to come up with this 43-page document. I didn't want to admit it publicly, but I wanted to clarify the air.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I want to commend the Senator from Penobscot, Senator MacLeod, on the seclusion. I knew he was secluded all that time, but I thought that he was working on this business legislation on the small loan companies. At least, that is what he told me he had been working on.

I would like to comment on the matters which the good Senator from Penobscot, Senator MacLeod, has brought up in relation to Senate reapportionment. I think it is important to recall the facts of the case in the special session. As a result of the public hearings which the Interim Committee on Senate Reapportionment held throughout the State, two bills were presented to a special session of the 102nd Legislature. One was the Democratic Plan which conformed to county lines, and under that plan every county would have had a senator, and the senators would still have been elected at large from the counties. The other plan was the Republican Plan which was presented by the good Senator from Knox, Senator Hoffses, and which called for the districts. At that time in the 102nd Legislature the Republicans held the one-third minority in the House, more than one-third, and we recognized that it would be impossible for the majority party to pass the plan which they thought was the better plan, and so we adopted the Republican Plan. That was put out to vote by the people in referendum and they approved it. So it was the Republican Plan which was finally adopted.

Now, we were at a special session, and you can only deal with emergency matters. I recognize the good Governor at that time, Governor Reed, pointed out the necessity of public hearings, and I agree with him that they are necessary. But we were at a special session and there was not time for a public hearing on this particular order. However, we had stated at that time that there would be a public hearing, certainly we would ask for one, when the Commission's plan was presented. This was our hope and our expectation, that we would be granted the courtesy of having a public hearing in regards to the Commission's plan so that all of Maine could learn how it was devised, who participated, and what the basis of it was. This we were denied. I am sure that Governor Reed feels very badly about this because he mentioned how important public hearings were. I feel

very badly, and I am sure all of Maine feels very badly, that we didn't have a public hearing on this very important issue.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Ross.

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: I would like to ask through the Chair of the Senator from Franklin, Senator Mills, what word he would apply to what happened to Piscataquis County under the Minority Plan? He said that Franklin County got "skewered." I would like to know what word he would apply to Piscataquis.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I think if we look at the statistics and the census of the State we will find that Piscataquis County has a population of about 17,000. Am I right?

Mr. ROSS: And 300.

Mr. MILLS: And we will also find that Piscataquis County is the smallest county in the State. That would be true, would it not, Mr. Assistant Republican Floor Leader? The smallest county in the State?

The PRESIDENT: I would ask that the Senators refrain from conversation. This is interesting, but it is hardly appropriate, even on the closing day.

Mr. MILLS: Yes, your Honor — yes, Mr. President.

The PRESIDENT: You are forgiven.

Mr. MILLS: We will make it rhetorical then that Piscataquis County is about 17,000 population. Piscataquis County is the smallest county in the State. An impartial commission has got to come out somewhere with some odds and ends; it can't help it. And it couldn't happen in a better place than to have it in the smallest county in the State, but the only tragic thing about it would be that one of the finest bear hunters is from there, and it might affect him personally, which would be regrettable.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: In view of the fact that my name has been brought up, I feel compelled to make one or two very brief remarks. I can well sympathize with the good Senator from Penobscot, Senator MacLeod, when he mentioned seclusion because I have been in that same position myself when I was the only Republican on the ten-member special committee which was set up by the 102nd Legislature, and I had to go into seclusion, and perhaps you might say that I was the author of this horrible document which you are now confronted with. It was my bill which was presented to the people. Again my sympathy goes to the good gentleman from Penobscot, because I can sympathize with him in his seclusion.

The PRESIDENT: Is the Senate ready for the question? The question is: Shall this bill become law notwithstanding the objection of the Governor? A vote "Yes" will be in favor of the bill. A vote "No" will be in favor of sustaining the veto. The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Beckett, Berry, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Ross, Sewall, Sproul, Viles, Wyman and President Campbell.

NAYS: Senators Boisvert, Couturier, Duquette, Farley, Girard, Harding, Mills, Norris, Reny, Snow and Stern.

ABSENT: Senator Young.

A roll call was had. 21 Senators having voted in the affirmative, and 11 Senators having voted in the negative, 21 being less than two-thirds of the members present, the veto was sustained.

At this point the President makes the following appointments:

COMMISSION ON INTERGOVERNMENTAL RELATIONS

LUND of Kennebec
CURTIS of Penobscot

PUBLIC EDUCATION

INTERIM COMMITTEE

BERRY of Cumberland

KATZ of Kennebec

COMMISSION ON

INTERSTATE COOPERATION

ROSS of Piscataquis

FERGUSON of Oxford

COMPACT FOR EDUCATION

KATZ of Kennebec

INTERIM STUDY COMMITTEE

ON HIGHWAY REVENUES

JOHNSON of Somerset

BARNES of Aroostook

COUTURIER

of Androscoggin

LEGISLATIVE RESEARCH
COMMITTEE

HILDRETH

of Cumberland

JOHNSON of Somerset

ALBAIR of Aroostook

MACLEOD of Penobscot

WYMAN of Washington

SNOW of Cumberland

DUQUETTE of York

(Senate at Ease)

Called to Order by the President.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table "An Act Appropriating Funds for Administration of Bureau of Public Administration at University of Maine." (H. P. 459) (L. D. 672)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

The same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing S-328, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 459, L. D. 672, Bill, "An Act Appropriating Funds for Administration of Bureau of Public Administration at University of Maine."

Amend said Bill by striking out all of the last 2 paragraphs before

the Emergency Clause and inserting in place thereof the following:

'**Appropriation.** There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$20,000 for the fiscal year ending June 30, 1968 to be paid to the treasurer of the University of Maine to carry out the duties of the Bureau of Public Administration. The breakdown shall be as follows:

Department	1967-68
University of Maine	
All Other	\$20,000'

Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in concurrence.

Sent down forthwith for concurrence.

Out of order and under suspension of the rules, Mr. Katz of Kennebec presented the following Joint Resolution and moved its passage:

STATE OF MAINE

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUNDRED AND SIXTY-SEVEN

JOINT RESOLUTION IN RECOGNITION OF LAKEWOOD SUMMER THEATRE.

WHEREAS, the Lakewood Summer Theatre is the oldest summer theatre in the United States; and

WHEREAS, after two-thirds of a century of uninterrupted operation it is still offering Maine people and out-of-state guests the finest of entertainment; and

WHEREAS, through this two-thirds of a century, Lakewood, its management and staff have consistently projected a feeling of warmth and hospitality that has made thousands of friends for our State and created an image of professionalism known and respected all over the United States; now, therefore, be it

RESOLVED: That the 103rd Legislature offers its congratulations to Lakewood on the occasion of its 67th birthday with best wishes for many more happy birthdays to come; and be it further

RESOLVED: That in consideration of the unparalleled suc-

cess Lakewood has had in adding to the enjoyment of our summer visitors and in enhancing Maine's reputation as a vacation land for 67 years, that the Lakewood Summer Theatre be designated by the honorary title of "State of Maine Theatre"; and be it further

RESOLVED: That a copy of this Joint Resolution, signed by the Speaker of the House and the President of the Senate, and duly attested by the Secretary of the Senate, be immediately forwarded by the Secretary of the Senate to Mrs. Herbert Swett at Lakewood. (S. P. 731)

Which was read and passed.

Sent down forthwith for concurrence.

Out of order and under suspension of the rules, Mr. Johnson of Somerset presented the following Order and moved its passage:

ORDERED, the House concurring, that free telephone service be provided after final adjournment of the Legislature, during the remainder of the biennium, for each member of the Senate and House of Representatives, to the number of fifty calls of reasonable duration from the member's home to any state department, commission or agency within the limits of the State of Maine, and that each member of the Senate and House be provided with a card to be certified by the Secretary of the Senate and Clerk of the House, respectively, the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (S. P. 730)

Which was Read and Passed.

Sent down forthwith for concurrence.

(Senate in Recess)

Called to Order by the President.

Out of order and under suspension of the rules, the following additional papers from the House are placed before the Senate:

Non-concurrent matter

The Committee on Engrossed Bills reported as truly and strictly engrossed:

Bill, "An Act to Authorize Bond Issue in the Amount of \$15,755,000

for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings." (S. P. 691) (L. D. 1726)

In Senate, June 29, Passed to be Engrossed As Amended by Senate Amendment "C" (S-311) in non-concurrence.

Comes from the House having Failed of Enactment.

On motion by Mr. MacLeod of Penobscot, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

The same Senator then presented Senate Amendment "D" and moved its adoption.

Senate Amendment "D", Filing S-330, was read by the Secretary as follows:

Senate Amendment "D" to S. P. 691, L. D. 1726, Bill, "An Act to Authorize Bond Issue in the Amount of \$15,755,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings."

Amend said Bill in the Title by striking out the figure "\$15,755,000" and inserting in place thereof the figure '\$15,610,000'

Further amend said Bill in section 1 by striking out in the 4th line (5th line of L. D. 1726) the figure "\$15,755,000" and inserting in place thereof the figure '\$15,610,000'

Further amend said Bill in section 6, under the caption "EDUCATION, DEPARTMENT OF" by striking out the following lines:

"Eastern Maine Vocational Technical Institute Completion of Administration, Classroom, Shop Bldg.	145,000"
---	----------

And by striking out the last line under the caption "EDUCATION, DEPARTMENT OF" and inserting in place thereof the following:

"Total Education, Department of	\$5,018,800'
------------------------------------	--------------

Further amend said Bill in section 6, under the caption "STATE PARK AND RECREATION COMMISSION" by striking out the line "Acquisition-Various 250,000" And inserting in place thereof the line:

'Acquisition and Development-Various	250,000'
---	----------

Further amend said Bill in section 6 by striking out the 6th line from the end (7th line in L. D. 1726) and inserting in place thereof the following line:

'GRAND TOTAL \$15,610,000'

Further amend said Bill in section 8 by striking out in the 6th line (6th and 7th lines of L. D. 1726) the words "on the Tuesday following the first Monday of November, 1967" and inserting in place thereof the words: "on the 2nd Tuesday of September, 1967" and by striking out all of the 2nd paragraph and inserting in place thereof the following:

"Shall a bond issue be ratified for the purposes set forth in 'An Act to Authorize Bond Issue in the Amount of \$15,610,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings,' passed by the 103rd Legislature?"

Senate Amendment "D" was adopted.

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session.

On motion by Mr. Ross of Piscataquis,

Recessed until four o'clock this afternoon.

Called to Order by the President.

The President laid before the Senate a matter tabled earlier in today's session by Mr. Johnson of Somerset, "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." (L. D. 1744)

The President then laid before the Senate the Question: Shall this Bill become a law, notwithstanding the objection of the Governor? The Secretary called the roll, and the Senators answered the question as follows:

ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Beckett, Berry, Curtis, Ferguson, Good, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Ross, Sewall, Viles, Wyman and President Campbell.

NAYS: Senators Boisvert, Couturier, Duquette, Farley, Girard, Greeley, Harding, Mills, Norris, Reny, Snow, Sproul and Stern.

ABSENT: Senator Young.

A roll call was had. 19 Senators having voted in the affirmative, and 13 Senators having voted in the negative, 19 being less than two-thirds of the members present, the veto was sustained.

The President laid before the Senate the second matter tabled earlier in today's session by Mr. Katz of Kennebec, "An Act to Authorize Bond Issue in the Amount of \$15,755,000 for Capital Improvements, Construction, Renovation, Repairs, Equipment and Furnishings." (S. P. 691) (L. D. 1726)

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action whereby it adopted Senate Amendment "C".

On further motion by the same Senator, Senate Amendment "C" was Indefinitely Postponed.

The same Senator then presented Senate Amendment "A" to Senate Amendment "D" and moved its adoption.

Senate Amendment "A", Filing S-331, to Senate Amendment "D" was read by the Secretary as follows:

SENATE AMENDMENT "A" to SENATE AMENDMENT "D" to S. P. 691, L. D. 1726, Bill, "An Act to Authorize Bond Issue in the Amount of \$15,755,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings."

Amend said Amendment in the 2nd line by striking out the figure "\$15,610,000" and inserting in place thereof the figure "\$16,710,000"

Further amend said Amendment in the 5th line by striking out the figure "\$15,610,000" and inserting in place thereof the figure "\$16,710,000"

Further amend said Amendment by inserting after the line:

"Acquisition and Development—various—250,000" the following paragraphs:

'Further amend said Bill in section 6, under the caption "UNIVERSITY OF MAINE", by

inserting after the line "Alterations South Campus (Dow Air Force Base)—450,000" the following:

'Land and Classroom Building—Augusta 1,100,000' and by striking out the last line under the caption "UNIVERSITY OF MAINE" and inserting in place thereof the following line:

'Total University of Maine 6,620,000'

Further amend said Amendment in the 11th line from the end by striking out the figure "\$15,610,000" and inserting in place thereof the figure '\$16,710,000'

Further amend said Amendment in the 3rd line from the end by striking out the figure "\$15,610,000" and inserting in place thereof the figure '\$16,710,000'

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby it adopted Senate Amendment "D"?

The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President, when the vote is taken on reconsideration of our action in adopting Senate Amendment "D" I request a division.

The PRESIDENT: The pending question is the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby it adopted Senate Amendment "D".

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I hope you will go along with the reconsideration of Senate Amendment "D", which is a minor change in the bill put on by the Senator from Penobscot, Senator MacLeod, earlier today. The amendment to Senate Amendment "D" would put the University of Maine in Augusta back into the large bond issue.

If you will recall, there has been a difference of opinion as to whether the University of Maine in Portland's Graduate and Research Center and the University of Maine in Augusta should be incorporated into the large bond issue. We feel that the situation has been resolved, insofar

as Portland is concerned, to the satisfaction of the sponsor of the Portland bill, and this will send the bill back down to the other house with U.M.A. included in it.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I would just like to remind the Senate that there is on the Appropriations Table a separate L. D., \$1,100,000 for the University of Maine at Augusta, and I certainly wouldn't oppose the passage of that L. D.

The PRESIDENT: The pending question is the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby it adopted Senate Amendment "D".

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I hope that you will vote in favor of reconsideration. I say this, not simply because I am from this area; I am interested in passage of this bond issue, but this bond issue, as you well know, is going to the people for a vote, and it is going to need the votes of a lot of people to pass because there has been increasing resistance to bond issues as you know well.

I would suggest to you that if the University of Maine at Augusta is not part of the bond issue, there is very, very little in the large bond issue which would prove attractive to the voters in this area, and we have a substantial number of voters in this area. I think we need their votes in order to pass this bond issue, and I think the way to get it is to include this within the bond issue.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I understand that there is a bond issue now on the Special Appropriations Table for the University of Maine at Augusta, and I would say that I would support that bond issue and I would

hope that the other members of the Senate would.

Ordinarily I would be in favor of the motion which the Senator from Kennebec has made, but I believe I can recognize some of the realities and I think that if we send this thing back to the House that it stands a great deal of peril, not only on this but on some other issues as well. I really feel that the people of Augusta would be best served at this stage of the game, and the people of Maine, if the motion which the Senator from Kennebec, Senator Katz, has made were to be defeated.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I appreciate the solicitous feelings of the Senator from Aroostook for the people from Augusta. However, I do feel it is of some significance that we have in this area, aside from the commuter college here, nothing to offer people, either in terms of vocational education or in terms of higher education at modest cost. I do think that there is liable to be very serious question in this area about any enthusiasm whatsoever for the bond issue unless it is in. I hope that you will vote for reconsideration.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: You know, perhaps the hardship this item has is because it is the University of Maine in Augusta. I would like to take a moment of this chamber and look around, and assure the Senator from Knox that there are constituents from Knox attending this institution and getting the benefit of low-cost commuter education. I would extend that same suggestion to the Senator from Lincoln and the Senator from Somerset. And as I look around the chamber I could go much further. Strangely enough, there are some people from York County. There must be some young couple in love who like to travel up to Augusta at-

tending the University of Maine in Augusta. But the implications of this type of education is so new that perhaps we don't completely understand it.

What this bond issue proposes is the construction of what is essentially a small high school type building, far more modest than many of the high schools in your territories in your constituencies. I suspect I can say without fear of contradiction that what we are offering the kids — and they are kids, many of whom would have no opportunities whatsoever — it is the lowest cost type of education for the children, for their families, and certainly for the taxpayer.

When I look in this big bond issue and see dormitories and other buildings going up, multi-purpose buildings, beginnings of new institutions, the development of other programs in parts of the State that have had plenty, I am confused at the lack of acceptance in the major bond issue of this item.

I want to reiterate to you with all my persuasive powers that this is important to the young people in this whole broad area of the State. Were there any possible valid consideration, any valid consideration, for not including this under whatever safety the large umbrella can give, I would feel less sure of myself. But I have lived with this, and I can think of no valid reason whatsoever why this commuter facility, to which we give lip service, is not given the safety of the big umbrella. I hope you will go along with my motion to reconsider.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: I would like to call to the attention of the Senate that the void of substantial public higher education facilities is particularly noteworthy in the central Maine region, and that this was pointed out quite strongly in the study made of the public system of higher education by the Academy for Educational Development.

I am not unmindful of the attitude of the other body. On the

other hand, I feel personally that this should be included, and will so vote.

THE PRESIDENT: Is the Senate ready for the question? The question again is the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby it adopted Senate Amendment "D".

As many as are in favor of the motion to reconsider will rise and stand in their places until counted. Those opposed?

A division was had. 20 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to reconsider prevailed.

Thereupon, Senate Amendment "A" to Senate Amendment "D" was adopted, and Senate Amendment "D", as Amended, was Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down forthwith for concurrence.

Out of order and under suspension of the rules, the following additional papers from the House are placed before the Senate:

Non-concurrent matter

Bill, An Act to Correct Errors and Inconsistencies in the Public Laws. (S. P. 543) (L. D. 1444)

In Senate, July 1, Passed to be Engrossed

As Amended by Committee Amendment "A" (S-302)

Senate Amendment "B" (S-306)

Senate Amendment "C" (S-322)

and

House Amendment "B" (H-461)

House Amendment "D" (H-464)

House Amendment "E" (H-475)

House Amendment "F" (H-479)

and

House Amendment "G" (H-482) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A"

Senate Amendments "B" and "C" and

House Amendments "B" "D"

"E" "F" "G" "H" (H-493) and

"I" (H-494)

in non-concurrence.

Mr. MacLeod of Penobscot presented Senate Amendment "F" and moved its adoption.

Senate Amendment "F", Filing S-332, was read by the Secretary as follows:

SENATE AMENDMENT "F" to S. P. 543, L. D. 1444, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by adding at the end the following:

"Sec. 38. R. S., T. 9, §1 amended. The last sentence of the first paragraph of section 1 of Title 9 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof: **He shall receive an annual salary to be determined by the Governor and confirmed by the Council and his actual traveling expenses incurred in the performance of his duties.**

Sec. 39. Effective date. Section 38 of this Act shall become effective 92 days after the adjournment of the Legislature."

Thereupon, the Senate voted to recede from its action whereby the bill was passed to be engrossed, and further voted to recede from its action whereby it adopted Senate Amendment "A", and then indefinitely postponed Senate Amendment "A".

House Amendment "E" was read and adopted.

House Amendment "F" was read and adopted.

House Amendment "G" was read and adopted.

House Amendment "H" was read and adopted.

House Amendment "I" was read and adopted.

Thereupon, Senate Amendment "F" was adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down forthwith for concurrence.

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on An Act to Abolish Imprisonment for Debt and to Revise the Laws Relating to Disclosures of Debtors. (S. P. 680) (L. D. 1710)

ask leave to report that they are unable to agree.

(signed) HORACE A. HILDRETH, PETER MILLS, JON LUND, on the part of Senate.

JOHN T. QUINN, NICHOLAS W. DANTON, T. E. LEWIN, on the part of the House.

Which was accepted.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following:

An Act to Incorporate the Town of Medford. (H. P. 235) (L. D. 343)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Bond Issue

An Act to Authorize Bond Issues in the Amount of \$6,380,000 to Provide Funds for School Building Construction Under the Provisions of Section 3457 of Title 20, R. S. and \$270,000 to Provide Funds for the Construction of Regional Technical and Vocational Centers Under the Provisions of Section 2356-B of Title 20, R. S. (H. P. 300) (L. D. 435)

This, being a bond issue, and having received the affirmative vote of 31 members of the Senate, was Passed to be Enacted; and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of order and under suspension of the rules, Mr. Johnson of Somerset presented the following Joint Resolution and moved its passage:

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SIXTY-SEVEN

JOINT RESOLUTION MEMORIALIZING CONGRESS TO CALL A CONSTITUTIONAL CONVENTION.

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

Whereas, the United States Supreme Court has ruled that

membership in both houses of a bicameral state legislature must be apportioned only according to population; and

Whereas, for 175 years the people of the various states have had the freedom to apportion their legislatures in the manner they felt best reflected the best interests of the people, recognizing that a system of apportionment that might be best for one state might not necessarily accommodate the needs of another state, but that each should be free to make its own selection; now, therefore, be it

Resolved: That we, your Memorialists, respectfully petition the Congress of the United States to call a Constitutional Convention for the purpose of submitting a Constitutional Amendment to the States which will secure to the people the right of some choice in the method of apportionment of one house of a state legislature on a basis other than population alone; and be it further

Resolved: That this Memorial is rescinded if the Congress itself proposes such a plan to the states for ratification; and be it further

Resolved: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives in Congress and to the members of the said Senate and House of Representatives from this State.

(S. P. 733)

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President, I move indefinite postponement of this Resolution and I would speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Lund, moves that this Joint Resolution be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: In the closing hours — I hope it is the closing hours — of the session one gets many surprises and unexpected turns of events,

and it is sometimes difficult to debate with any great accuracy a very grave constitutional question such as this with about ten seconds notice. However, in the first instance, let me suggest to the Senate that this is not a matter like awarding telephone service to members of the Senate to the extent of fifty calls, not like some of the resolutions of rather minor importance that we have passed upon, but this is a matter of serious consequence, not only to the State of Maine, but to the entire country. I think that it is perhaps a sad commentary on the structure of our government that a matter of this importance, affecting our entire national constitutional process, should be introduced, and might even be passed, at the eleventh hour of a long and harrowing legislative session such as we have here.

This was not wholly unexpected because, as Chairman of the Committee on Senatorial Reapportionment, I was appraised of this somewhat earlier in the session and expressed my opposition to it. At that time a legislative representative had been hired by someone, and I am not clear who, but I believe it may have been somebody connected with the office of Senator Dirksen, and he was going about lobbying and obtaining support for this measure. Since that time there has been a great deal of editorial comment, both in our newspapers and in our national magazines, concerning the inadvisability and the error that would be committed if additional states petitioned Congress and requested this change.

It was thought by some, at least at the point when this first came around, it was felt by some and commented on by some that this was in the nature of a publicity gimmick by Senator Dirksen in order to draw attention to what has become a pet project of his, namely: the overturning of the decision of the United States Supreme Court regarding the necessity of reapportioning the Senate as well as the House of Representatives of our State Legislatures. And if you look at the nature of this resolution I think

you can see wherein the harm lies. It provides for the calling of a constitutional convention if something else doesn't happen. Now, we have never had a constitutional convention since the United States was formed. And scholars who have studied the entire problem are greatly concerned of the consequences that should ensue if we should have a constitutional convention.

Perhaps part of the reason for my opposition to this is that I disagree with the basic premise that it is founded upon. It is founded upon the premise that our Senates in our States should in some fashion be apportioned other than by the people, in some fashion other than based upon the numbers of people represented. I realize that there are differences of opinion on this score. However, it seems to me that when Senators come down to represent the State at Augusta, they should come, not to represent woodlands or potato fields or miles of shore line, but they should come down to Augusta to represent individuals, and that this is the proper basis for representation.

Assuming that Senator Dirksen's effort be successful, this would cause a constant turmoil in our states, and I think in all candor we must admit that none of us enjoy this reapportionment problem we have been wrestling with at the present time. As I understand this resolution, and I only have it in mind, I think, I am not sure of the provisions, as I recall it, from time to time the states could vote on whether they want to have representation by the numbers of people or whether it should be on some other basis. It seems to me that it would not only serve to discredit the decision of the Supreme Court, but would cause constant turmoil and constant change in the manner of representation of our senates.

I believe that the students of government at the national level, countrywide, do not hold either what is sought to be accomplished by this resolution in high regard nor this manner of accomplishing it. I think that when the senate is reapportioned, as it will be here, that we will be the better off for

having representation according to people. I think that passage of this will be a most unfortunate move, and certainly passage without very careful consideration and study. I therefore hope that you will vote in favor of indefinite postponement.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Viles.

Mr. VILES of Somerset: Mr. President, I move this be tabled until later in today's session.

The PRESIDENT: The Senator from Somerset, Senator Viles, moves that this item be tabled until later in today's session, pending the motion of the Senator from Kennebec, Senator Lund, that the Joint Resolution be indefinitely postponed. Is this the pleasure of the Senate?

As many as are in favor of the motion to table will say "Yes"; those opposed, "No."

A viva voce vote being taken, the tabling motion prevailed.

On motion by Mr. Johnson of Somerset,

Recessed until eight o'clock this evening.

(Senate in Recess)

Called to Order by the President.

Out of order and under suspension of the rules, Mr. MacLeod of Penobscot presented the following order and moved its passage:

ORDERED, The House concurring, that the Joint Standing Committees on Appropriations and Financial Affairs and Taxation, acting jointly, are hereby authorized to report a bill to the House which shall provide, first, such appropriations from the General Fund which were not provided for in prior appropriations as they may deem necessary and desirable to provide funds for additional Educational General Purpose Subsidy, to provide interest on General Fund Bonds for additional moneys for the University of Maine, and to further develop Oceanography and salary increases for state employees and other necessary programs; second, such tax assessments and tax adjustments as, in their judgment, may be required to finance

the appropriations set out in said bill with a reasonable, safe and conservative excess to cover other possible legislative appropriations. (S. P. 732)

Which was read.

The PRESIDENT: Is it the pleasure of the Senate that the Order receive passage?

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I would move the passage of this Order, and I would also request that the vote be taken by the "Yeas" and the "Nays."

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I imagine that the first eight months of a pregnancy in a legislative session are the most difficult, but we have been here in a series of one frustration after another. We have, I think, as men of good faith, been casting for some kind of a common meeting ground. It is my presumption that this joint order will lead to the bringing forth of a half a cent sales tax. It is certainly not the measure that the Republicans wanted. It is certainly not the measure that the Governor called for in his original message. It is really, in the finest sense of the word, a compromise.

I am very, very hopeful personally that this order which has just been presented can be a signal for both parties to join hands in good faith and at least attempt to meet on this common ground. You know, I have a feeling that in the camps of both parties there has been substantial interest during this Legislature as to the political advantage of one path or another. Perhaps at this time, on July 7th, late in the evening, it is the time for us to consider only our complete responsibilities to the people and to become preoccupied, if indeed with anything, to become preoccupied with the job for which we are responsible and which we have not completed. And I would make a plea for every member of this body, in good faith, without political considerations, to meet on

this very, very broad middle ground and attempt to get the job done.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As far as I am concerned, this represents a compromise which each member of my party may feel free in his own judgment to make an assessment on. I feel that you have every right to make an individual judgment on this and decide what you feel would be for the best interest of your constituents and the people of Maine.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: Two years ago Republicans were in the minority. We have returned as the Majority Party this session. We were re-elected on a platform of prudent progress, and part of that platform was a plank which stated that we would enact the necessary revenue measures to pay for the programs which we favored. Thus far in the session we have been frustrated in that, and there have been differences of opinion as to the causes of that frustration. In any event, I hope that every Republican and every Senator will vote in favor of this. As a Republican, I feel that we should make this effort so it is perfectly clear that we are willing to compromise in order to raise the funds necessary to carry out the programs we would like to see carried out in Maine.

The PRESIDENT: The pending question is on the adoption of the Order.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: I will vote against a half cent sales tax. I have spoken here before. I saw the Governor's program on taxation torn apart. It wasn't given an opportunity by hardly anybody that was there, and it came along and its death was

met here and that was the finish of it.

In his appropriation bill — and we all know that the Governor of the State, regardless of who he is, or what political party that he belongs to, has to submit to us in January his inauguration speech, plus his budget program and his taxation. We have had all that time to do that here, and there has been no move that I could see to attempt to compromise with the Governor of the State of Maine.

I have told you here before that I have sat here for three terms, and this is one of the worst sessions, with one of the best bunches of fellows that ever was in this Senate, that I ever was with, in coming to what we came to now at the finish. I heartily oppose any boost in the sales tax unless it is recommended by the Governor. I am positive that he will not recommend it. We have had plenty of time. We are not children; we are men. We are elected from different counties in the State of Maine. The Governor is elected by the people of the State of Maine, and the proof of it has been within the last two or three months. I asked you here one day if we couldn't get together and get on the ground floor and try to come together and meet with the Governor of the State of Maine so that we could get out of here and go home and tend to our business.

Money is scarce to me tonight, and it is to a great many here. It is tough when you have to be down here after you have had to work hard and earn your own money. I am utterly opposed to the half cent sales tax, and I trust the members of this Senate, having gone through as far as we have gone — there is plenty of time, possibly next January, when we can come through and put it over. I am awfully sorry to stand here and say that, but in my experience, and I try to be fair — and above the board politically, I am a Democrat — many times I have voted for Republican measures, and I have sat here four sessions, and I would only say that I think it has been a farce, and a farce to the people of the State of Maine.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It gives me a great deal of pain to listen to partisan words like this from my good friend from York County, Senator Farley. We all realize that in the closing hours of the session frequently certain things are not kept in mind. Values which we have established early in the session are lost sight of. However, we were all sent here to do what we could for the people of the State of Maine.

I think a position which is adamant, which is partisan, which refuses to concede that perhaps there is a margin of error in our own viewpoint — let's admit that none of us are infallible. Many of us have sat here unable to give voice to what we feel for the good of the people of the State, but certainly the final closing hours of the session, as the good Senator from York, Senator Farley, says, in one of the best Senates in the history of the State, certainly this is the time when partisanship should be placed in the limbo. I would hope that now, in an attempt to arrive at a solution to the problems we have been facing almost hopelessly, that now we can arrive at a compromise for the good of the State.

I am sure that none of us are trying to succor for our party or for the Governor salvation of the position that their views were right and infallible. Time has proved this is wrong. I believe that no one who was party to what has been going on here has been infallible and I, for one, am sure that history will say that we perhaps have missed an opportunity. But let's not tonight or in these closing hours take a rock-bound position that we refuse to listen to other people's views, and we are going to stand steadfast with our own. If we do, the only people that will suffer are the people that sent us here.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, I move for a two-

minute recess for the purpose of a caucus of the Minority Party.

The PRESIDENT: The Senator from Aroostook, Senator Harding, requests that the Senate recess for two minutes. Is this the pleasure of the Senate?

The motion prevailed.

(Senate in Recess)

Called to Order by the President.

The PRESIDENT: The pending question is the motion that the Order receive passage. The Senator from Somerset, Senator Johnson, has requested that the vote be taken by the "Yeas" and "Nays." In order for the "Yeas" and "Nays" to be entertained there must be the expressed desire of at least one-fifth of the members present.

As many as are in favor of the vote being taken by the "Yeas" and "Nays" will stand and remain standing until counted. Obviously a sufficient number having arisen, the vote will be taken by the "Yeas" and "Nays." The motion again is on passage of the Joint Order. Those in favor of passage of the Joint Order will vote "Yes"; those opposed, "No."

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I want to make it clear that the Democratic Party is taking no official position in regard to this vote. Each member of the Democratic Party is free to vote certainly as he wishes in regard to this. I would say, however, that it would be my prediction that if the Republican Party were overwhelmingly in favor of an increase in the sales tax to four and a half percent it would be my judgment that sufficient Democratic votes would be supplied to pass that tax. However, it is for each Democrat to vote his own conviction on this particular matter.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think that due tribute should

be paid to the Minority Party for this statesmanlike statement.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am grievously disappointed. At this hour of the session political maneuvering and carefully chosen words are really not in the spirit of the occasion. It was my hope that we could meet here as men and women conscious of the very grievous situation in which we find ourselves, and whatever leadership there is within this chamber would be put behind a joint unanimous effort of every member of the Senate to pass this Joint Order. I think all of us are aware that there are other problems in this Legislature other than at this end of the hall. I must reiterate my disappointment, and hope that, despite the lukewarm support, this is a unanimous vote.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and Members of the Senate: This might be my validictory speech. It is going to be brief. I have been persuaded to join the Republican Party in this vote because I have always believed, and still believe, that to err is human; to forgive is divine.

The PRESIDENT: The pending question again is on the passage of the Order. Those in favor will vote "Yes" when their name is called; those opposed, "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Beckett, Berry, Boisvert, Curtis, Duquette, Ferguson, Girard, Good, Harding, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Mills, Ross, Sewall, Snow, Stern, Viles, Wyman and President Campbell.

NAYS: Senators Couturier, Farley, Greeley, Norris, Reny and Sproul.

ABSENT: Senator Young.

A roll call was had. 26 Senators having voted in the affirmative, and six Senators having voted in

the negative, the Joint Order received passage and was sent down forthwith for concurrence.

The President laid before the Senate a matter tabled earlier in today's session by Mr. Viles of Somerset, Joint Resolution Memorializing Congress to Call a Constitutional Convention.

The Chair recognizes the Senator from Somerset, Senator Viles.

Mr. VILES of Somerset: Mr. President, I move the pending question, and when the vote is taken I would request a division.

The PRESIDENT: The pending question is on the passage of the Joint Resolution.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I support the motion of the Senator from Kennebec, Senator Lund, for the indefinite postponement of this Order.

It has been my privilege in my legislative experience to start in with the need for the reapportionment of the House of the Maine State Legislature and, subsequently, to be intimately connected with the need for reapportionment in the Senate of the Maine State Legislature. As you may recall, the need arose originally with the Baker v. Carr decision by the United States Supreme Court where in the State of Tennessee it was decided that one of the state legislative bodies was disproportionately apportioned. At that time we thought that if the House of the Maine State Legislature was proportionately divided amongst the population that we were well off, and in good faith, and after much political maneuvering, with a great deal of credit to itself, the State of Maine properly apportioned its House. At that time I think we all breathed a sigh of relief. I know when the first inkling was given that the Senate was being considered that I was in the forefront of those who felt that the Senate of the State of Maine reflected the complexion of the Senate of the Federal Government, and that certainly people were on sacrosanct ground when they started to invade the

method by which the Senate was apportioned. I maintained this position for several years. Then it became apparent that what the Supreme Court of the United States wanted to do was to have the will of the people of the several states be reflected in their legislatures. If a body was not proportionately elected, then the will of the people was not proportionately reflected.

You may recall many years ago in England that when the House of Lords became a stumbling block that their effectiveness as a member of a bicameral body was summarily removed. Because of this, because of these two facts, that the Supreme Court did want to have state legislatures reflect the opinion of all the people of the several states, and knowing that if we didn't do it we would be forced to, I have been an ardent advocate of reapportioning the State Senate.

It seems to me that when we try by maneuvering to circumvent the will of the people we are on very, very shaky ground. I consider this attempt to have a national convention to circumvent the will, not only of the United States Supreme Court, but of the people of the several states, I consider this political chicanery of the first order because both bodies have got to be proportionately divided to reflect the opinions of the people of the state. Accordingly, I think this is a device which should be summarily rejected. I hope you will vote for the motion of my good friend, Senator Lund from Kennebec.

The PRESIDENT: The Chair hastens to correct an error committed by the Chair. I did state that the pending question was on the passage of the Joint Resolution when, in fact, it was the motion of the Senator from Kennebec, Senator Lund, that the Resolution be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: I rise to support the motion of the Senator from Kennebec, Senator Lund. I think that Senator Dirksen is a fine statesman, and a credit to the United States, and

also with the Administration today he is in an awful lot of trouble. But I do think he is wrong in this, and I feel this way: If they secured enough votes, Lord knows what might come out of this constitutional convention that they are anticipating having. I heartily support the Senator from Kennebec County.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Viles.

Mr. VILES of Somerset: Mr. President and Members of the Senate: I rise in opposition to the motion. The late Bernard Baruch once said "Everybody is entitled to an opinion, but nobody is entitled to an error in their facts." I think the fact of the matter is that the courts created this situation, and I think it is a legislative prerogative to settle it, and I think we should settle it.

These nine men of the Supreme Court are not infallible, and neither are the legislatures. Everything seemed to work pretty well until the last decade, and this is when the courts began, in my opinion, to delve into the prerogatives of not only the Congress but the state legislatures. I don't say this with any animosity, and I don't want to be derogative of the Supreme Court, but to me there comes a time when each branch of the government has to live up to its own responsibilities. Certainly, if we are to let the Supreme Court upset every rule and every law by a simple majority vote of nine men, then perhaps it is time for a constitutional convention.

Perhaps I don't realize the danger of a constitutional convention as some of the attorneys, but from my limited knowledge I realize that any law that perhaps we have on the books can be upset. I don't think this is all bad. I think there are many, many laws that should have been tested years and years ago. In the last three decades, from action on the federal level, we have seen laws supported by the judicial branch of the government foisted upon the people which have not been in the best traditions of a representative form of government. With every session of the Congress we seem

to be going further and further to the left and towards Socialism. I think perhaps it is about time for a constitutional convention, and this is something, for the benefit of this Senate, on which I have completely changed my mind since serving in this Legislature. So, I would hope that when the Senate votes that you would oppose the motion of the Senator from Kennebec, Senator Lund, and vote to support the Dirksen amendment.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I arise on this in my capacity as an attorney, one who has great love for my country, certainly as all of you do. But as an attorney I have become familiar with the great protection which is afforded us under our constitution.

The Constitution of the United States has been held, not only by the people in this country, but throughout the world as one of the finest documents ever conceived by man. The danger which this Resolution presents, and it is a terrible danger, is that it is in effect a gun at the head of the Congress in which they say "If you don't pass a constitutional amendment repealing the 'one man one vote,' then we can call a constitutional convention." The terror in constitutional lawyers' minds of a constitutional convention is such that I don't know of any responsible constitutional lawyer who would ever dream that such a thing would happen.

The last constitutional convention that we had resulted in the rewrite of our entire constitution. No one knows what the limitations of this constitutional convention could be. No one knows the people who would go there to compose that constitutional convention. We have some people in this country today who, I suggest to you, if they were delegates from their respective states — and so far as I know, each state would be entitled to the same representation — I think that it strikes terror into our hearts as to what could happen to our constitution under such a situation.

I would only say to the good Senator from Somerset that if our constitution needs amending there are ways that it can be amended. If our Congress sees the need for an amendment then all right, that amendment can be passed and it can go to the states and it can be voted upon. But certainly this Senate here today doesn't want to be party to an action which could result in a constitutional convention which could destroy the greatest document that was ever conceived by man. I hope that you will join with the Senator from Kennebec, Senator Lund, in defeating this terrible resolution.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: In 1964 when the Supreme Court of the United States handed down its famous "one man one vote" decision the decision had a far greater significance than the principle of one man one vote. What it said, in effect, was that the people of a state had no power to determine the composition of one branch of its legislature. What it said was that under the Fourteenth Amendment to the United States Constitution, providing equal protection of the laws, the states were powerless in providing for what they deemed to be fair representation to all parties, all interests and all activities in the state. What it said was that, despite the tenth article of the amendment to the constitution, which reserves to the states all powers not delegated to the United States, or denied to the states, that people of those same states had no power over their own law-making bodies. It is not surprising not long ago Justice Frankfurter said that this was a political thicket in which the Supreme Court had no business. This contention does not deny for one moment that any state may apply the "one man one vote" principle to both branches of its legislature if it so desires. The fact to be underscored here is that it is brought about by state, and not by federal action.

Those who see in the decision of the high court a further march of federal power, and an impairment of the perfect union, have sought to undue this patent damage to our constitutional system by offering a proposal to amend the Constitution of the United States which would restore this power to the people of the state. The proposal calls for a return to the principles set forth in the constitution by its framers and for a reaffirmation of faith in the people, sought neither more nor less than to give meaning and purpose to the phrase "Government by the People." The effort to bring this about commanded a clear and substantial majority in the United States Senate, but it was seven votes short of the required two-thirds.

While this endeavor was in progress, still another move was under way to bring about the convening of a constitutional convention as provided in Article Five of the Constitution. Such a convention would have one, and only one, purpose, and this is to deal with this question of legislative apportionment. A substantial number of states had already enacted application, as provided by the Congress, to call such a convention and, as far as I know, there are now still 32 states that have applied, and there is need for two more. I would hope that the motion to indefinitely postpone does not prevail.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: At the national level we have seen in the last few years an alarming and dangerous invasion of the legislative process by the judicial branch of our national government. Many of these decisions have been five-four. Many constitutional lawyers have become alarmed over what has been happening in some of the decisions that have been coming out of our Supreme Court.

I am not sure at this moment which way I am going to vote on this motion because of the splendid speech on ten seconds notice the

Senator from Kennebec, Senator Lund, made before we had our recess. But I would like to state that if I do vote with the Senator from Kennebec, Senator Lund, I would do so not because I don't feel that one branch of the legislature should be made up on a basis other than population, but because of some of the other things he mentioned, and also that the Senator from Aroostook mentioned.

I am seriously concerned about what the Supreme Court of the United States has handed down in the last few years in the way of decisions; they have been legislating instead of being a judicial branch. But on this constitutional convention which has been mentioned, I would like to have someone who is going to vote for the indefinite postponement of this Resolution answer, if they may or if they can, isn't it true that whatever comes out of this convention in the way of changes in our U. S. Constitution would have to be ratified by two-thirds of the state legislatures or not?

The PRESIDENT: The Senator from Penobscot, Senator MacLeod, poses a question to any member of the Senate, any one of whom may answer as he desires.

The Chair recognizes the Senator from Somerset, Senator Viles.

Mr. VILES of Somerset: Mr. President and Members of the Senate: I am not an attorney, and I only believe about half of what I read in the Press, but it is my understanding that it takes three-fourths, instead of two-thirds, of the states to ratify any constitutional change made.

I don't quarrel a great deal with some of the statements of the good Senator from Aroostook, Senator Harding. I would be one of the first to admit that there are limits to a constitutional convention, but I would also remind the good Senator that we have supposedly one of the strongest bodies in the world in New York made up into the United Nations, and we see a great variation of representation in these different ambassadors and different representatives from the various countries. I personally think it has worked as well as any organization that could have been

created, although I would have to admit that I am not a firm believer in the United Nations as the last resort to solve the impossible. I think we have had a lesson from the United Nations. I think history tells us this.

We also know that our Senate is made up of two Senators from each of our fifty states, and I think this is done for a purpose. I am sure that when the constitution was drawn up they recognized that as long as one body was represented by population it was wise to have the other body represented other than by population. We know from history that this system has worked extra well.

While I am on my feet, Mr. President and Members of the Senate, as I said earlier, I am greatly disturbed about the movement to the left in the last thirty years. If I may, I would like to read a piece entitled "A Practical Lesson in Socialism."

"Thomas J. Shelley, a teacher of History and Economics at Yonkers High School, has an effective way of teaching Socialism. 'As a teacher in the public schools, I find the Socialist-Communist idea of taking from one according to his ability and giving to each according to his needs is now generally accepted without question by most of our pupils. In an effort to explain the fallacy of this theory, I sometimes try this approach with my pupils: When one of the brighter and hard-working pupils makes a grade of 95 on a test I suggest that I take away 20 points and give them to a student who has made only 55 points on a test. Thus, each would contribute according to his ability.

Since both would have a passing mark, each would receive according to his need. After I have juggled the grades of all the other pupils in this fashion, the result is usually a common ownership grade of between 75 and 80, the minimum needed for passing or for survival. Then I discuss with the pupils the probable result if I actually used the Socialistic Theory for grading papers. First, the highly productive pupil — and they are always in the minority in school as well as in life — would

soon lose all the incentive for producing. Why strive to make a high grade if part of it is taken from you by authority and given to someone else. Second, the least productive pupils — the majority in school as elsewhere — would for a time be relieved of the necessity to study or to produce. The Socialistic-Communist system would continue until the high producers had sunk or were driven down to the level of the low producers. At that point, in order for anyone to survive, the authority would have no alternative but to begin a system of compulsory labor and punishment against even the low producers. They of course would then complain bitterly, but without understanding. Finally I return to the discussion of the ideas of freedom of enterprise, the market economy, in which each person has a freedom of choice and is responsible for his own decisions and welfare. Gratefully enough, most of my pupils then understand what I mean when I explain that Socialism, even in a democracy, will eventually result in living death for all except the authorities and a few of their favorite lackeys.'"

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I don't think we want to confuse the issue here. This is not an issue of how we can do away with Communism. In fact, under this document which we mention here, the finest ever conceived by man, the United States of America has been the greatest bulwark against Communism in all the world. We are the rallying point against Communism. So I think that certainly, as far as any constitutional convention is concerned, it isn't necessary to make us even a greater bulwark against Communism.

Insofar as the question which the Senator from Penobscot, Senator MacLeod, raised, this is the grave question which disturbs constitutional lawyers. Under your amendment, which is the normal way of doing things as far as amending the constitution, of

course, it is proposed by the Congress and sent out to the states for ratification, this doesn't disturb us because we know that we are protected by a Congress which is responsible and by legislatures which are responsible. However, when the constitutional convention meets, they would draw the constitution, they would draw the changes and so on and, so far as I can determine, and other people can determine, they could write a whole new constitution. Then what becomes of the one that we have? It puts us in no man's land. This is the grave concern that we have, and this is the fear why that no one who is responsible wants a constitutional convention, because we are thrown in that awful no man's land of not knowing how this would be ratified or if it did need to be ratified. We know in the other case of the constitutional convention, when it was held, there was no ratification by the state legislatures; it was not necessary. So, this is the grave fear, and this is the danger of this Resolution, and this is why I would hope that you would defeat it.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and Members of the Senate: I thought I was through making speeches, but the arguments put forth by my good friends, both Senators from Somerset, have convinced me to support the motion of Senator Lund for indefinite postponement. Any other action would be a tragedy, a terrible mistake.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I don't believe there is a lawyer in this body who does not support the Senator from Kennebec, Senator Lund, in his position here.

I would like to pose this question, which might be answered when I am finished, of the good Senator from Somerset, Senator Johnson: I presume that he speaks here tonight only as an individual, and

in no way for the Republican Party, because I am not aware myself of any party position on this. As I say, I have been quite unfamiliar all winter with this movement which seems to have developed within the last few days, and my attention has been brought to it, particularly by the great sincerity of my good friend and seatmate, Senator Lund, and also my good friend, Senator Harding. When lawyers are as disturbed as they are concerning the consequences of our act, I am certainly attracted to their position, and I have given it more thought in the last few minutes than all through the winter because I hadn't considered it was becoming an impending question before us.

It strikes me that this is perhaps a view of it that hasn't been expressed: We might regard this similarly to the movement of sixty years ago — and I might remind you again that the father of the good Senator from Washington, Senator Wyman, and my father were sitting here sixty years ago — they had a big question then, a big question that wracked the State of Maine, which was similar in character to this, but quite unsimilar in content. At that time it was the resubmission of what was known as the Maine Law. That was of very, very minor consequence compared to this. This, it seems to me, puts the United States Constitution up for grabs. If we adopt this, it says "We don't like what we have got. We want you to review it; we want you to look it over." Just the contrary is true. We do like what we have got. We know what trials and tribulations went into its concoction, and we know what a time there was in adopting the amendments to the constitution, the Bill of Rights, and those things that guard our liberties.

I take great exception to the disparagement you hear in many quarters of the United States Supreme Court. Those decisions which have come down from the United States Supreme Court in the last few years have done more to guard your liberties and mine than anything in the decades and hun-

dreds of years that have gone before. I have been a prosecutor and I have been hampered by some things that might be considered close rules of law. But they are designed to protect this country from being a fascist state, from a police state. Those are the things that we would be putting up for grabs in this constitutional convention.

As I say, there isn't a lawyer here who has so little regard for what we have got that he wants to put it out to be revamped and worked over. There may be a few things that could be changed. Of course, there always are, and the document itself has got the machinery for its own amendment through the legislative process, which has been used many, many times, and can be used again. But the machinery of turning the whole thing over, and getting perhaps the John Birchers out of California and some of the rednecks out of the south to work over this great document that in the Thirteenth Amendment prohibits slavery, and in other amendments prevents search and seizure of your property without due process of law, prevents the encroachment of the military in your homes, and all of those things which have made America great, we don't want to put that up for grabs, and we don't need to. I trust we will vote with the Senator from Kennebec, Senator Lund, on his motion to indefinitely postpone.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: It is my understanding that the good Senator from Franklin would like to confirm that this is not a party issue. I feel that both parties are pretty well split.

I would like to say that such a convention would have one and only one purpose, and that would be to deal with the question of legislative reapportionment.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the indefinite postponement of the Joint Resolution will now stand and remain

standing until counted. Those opposed?

A division was had. 18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to indefinitely postpone prevailed.

Sent down forthwith for concurrence.

On motion by Mr. Ross of Piscataquis,

Recessed until the sounding of the bell.

(Senate in Recess)

Called to Order by the President.

Out of order and under suspension of the rules, the following additional paper from the House was laid before the Senate:

Committee Report

The second Committee of Conference on the disagreeing action of the two branches of the Legislature on Joint Order H. P. 1213 relative to recalling Bill, "An Act Granting Complimentary Fishing Licenses for Certain Maine Residents in Armed Forces," H. P. 1120, L. D. 1592, have had the same under consideration and ask leave to report that the Senate Recede and Concur in Passing the Joint Order.

(Signed)

THEODORE E. LEWIN
STANLEY C. HARVEY
ROBERT J. CARRIER

—Committee on part of House.

ALBERT W. HOFFSES
RODNEY W. ROSS
JOSEPH SEWALL

—Committee on part of Senate.

Which Report was Read and Accepted.

Thereupon, the Senate voted to Recede and Concur.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

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

An Act Relating to Joint State and Municipal Purchasing. (L. D. 469)

An Act Relating to Time Limit of Keeping Sick or Injured Dogs by Agency Boarding Such Dogs. (L. D. 846)

Which were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table An Act Continuing the Governor's Advisory Council on the Status of Women. (L. D. 1113)

This, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was Passed to be Enacted; and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

Resolve Authorizing Construction of a Ferry Boat for the Maine State Ferry Service. (L. D. 678)

Resolve to Provide Funds to Convert Ferry Terminal at North Haven. (L. D. 603)

Which were Finally Passed and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I remember well some words which were uttered on a similar occasion, which I think are somewhat along the nature of a prescription that a doctor might give in the case of a serious malady, and that is that: "I had not hoped for justice, but I expected mercy."

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act to Appropriate Funds and Provide Staff for Alcoholism Services. (L. D. 15)

An Act Relating to Auto Mileage Allowances for State Employees. (L. D. 21)

Resolve, Providing Moneys for Cerebral Palsy Clinics for Home Care Programs. (L. D. 44)

An Act Relating to Poll Taxes Paid to Prentiss Plantation. (L. L. 59)

An Act Appropriating Funds for Time and a Half Overtime Payment for State Employees (L. D. 76)

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

An Act Relating to State Police Retirement Benefits Under the Maine State Retirement System. (L. D. 220)

An Act Relating to Payments to Maine Forestry District by Baxter State Park Authority and Inc. Fund. (L. D. 225)

An Act Appropriating Operational Funds for Vocational Educational Institute in Washington County. (L. D. 266)

An Act Providing for Voluntary Foster Home Placement of Children. (L. D. 273)

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

An Act Relating to Poll Taxes Paid to Caswell Plantation. (L. D. 411)

An Act to Provide Additional Funds for Enforcement of the Potato Branding Law. (L. D. 421)

An Act Providing for a Coordinator Apprenticeship in the Department of Education, (L. D. 430)

An Act Relating to Adult Education. (L. D. 445)

An Act Increasing the Number of Justices of the Superior Court. (L. D. 485)

An Act Relating to Advertising and Promotion of Tourism into the New England Region. (L. D. 490)

An Act Providing Funds for Roads at Maine Maritime Academy. (L. D. 547)

Resolve, Appropriating Moneys for Search of Lost Persons in the Woodland. (L. D. 548)

An Act Relating to the Guardianship of Mentally Retarded Persons. (L. D. 574)

An Act Relating to Allocation of Funds for Purchase of Real Estate by State. (L. D. 613)

An Act Appropriating Funds to Expand Homemaker Services in the Department of Health and Welfare. (L. D. 615)

An Act Relating to Compensation of Patients and Inmates of States Institutions. (L. D. 621)

Resolve, Providing Funds for Dental Education. (L. D. 640)

An Act Authorizing One to Two Year Sentences to Certain County Jails. (L. D. 646)

An Act Directing Review of the Liquor Laws. (L. D. 654)

An Act Relating to Credit for Military Service Under State Retirement Law. (L. D. 657)

An Act Revising the Home Repair Financing Act. (L. D. 682)

An Act Providing for an Itinerant Instructor Fire Service Training in the Department of Education. (L. D. 693)

An Act to Provide State-wide Education Service for the Blind. (L. D. 694)

An Act Providing for Associate Degree in Nursing at Aroostook State College. (L. D. 735)

An Act Relating to Inspection of Dams and Reservoirs. (L. D. 741)

An Act Providing for Oceanographic Research Projects by Division of Geological Survey, Department of Economic Development. (L. D. 765)

Resolve, Relating to Treatment of Portion of New Meadows Lake to Eliminate Aquatic Growth. (L. D. 778)

An Act Relating to Number of and Compensation for Ballot Clerks During Recounts. (L. D. 834)

An Act Relating to Compensating Counsel for Indigents Accused of Crime. (L. D. 861)

An Act Authorizing Position for Casework Services to the Blind. (L. D. 902)

An Act Providing Funds for Residential Facility for Mentally Retarded Children in Aroostook County. (L. D. 914)

An Act Increasing Salaries of the Several County Attorneys and Their Assistants. (L. D. 981)

An Act Establishing a Grievance Procedure and Appeals Board for State Employees. (L. D. 995)

An Act To Provide for Practical Nursing Course at Central Maine Vocational Technical Institute. (L. D. 1031)

An Act Exempting Water and Air Pollution Control Facilities from Sales and Use Tax. (L. D. 1042)

An Act Relating to Special Offices for Indian Tribes. (L. D. 1094)

An Act Relating to Police Officers of Indian Tribes. (L. D. 1097)

An Act Appropriating Funds to Update the Surveys of Penobscot Tribal Lands. (L. D. 1098)

An Act Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs. (L. D. 1139)

Resolve, Appropriating Moneys for Improvements at Indian Reservations. (L. D. 1142)

An Act Permitting Approval of Early Childhood Education Programs. (L. D. 1146)

An Act To Provide for Trade and Industrial Teacher Education Service at Gorham State College. (L. D. 1147)

An Act Providing a Bond Issue for Day School in Central Maine for the Mentally Retarded. (L. D. 1158)

An Act Creating the Maine Higher Education Authority. (L. D. 1257)

(On motion by Mr. Katz of Kennebec, set aside.)

An Act Appropriating Moneys for the Continuing Activities of the Committee on Aging. (L. D. 1279)

An Act Relating to Survey of Private Sewage Disposal Systems by Department of Health and Welfare. (L. D. 1320)

An Act Appropriating Funds for Classroom Building at Erskine Academy. (L. D. 1346)

An Act Relating to Reports of School Administrative Districts. (L. D. 1369)

An Act to Relieve Elderly Persons From Increases in the Property Tax. (L. D. 1384)

An Act Relating to Computation of Tuition Rates for Elementary Schools. (L. D. 1415)

An Act Relating to Instruction in a Foreign Language in Secondary Schools. (L. D. 1419)

(On motion by Mr. Snow of Cumberland, set aside.)

An Act Providing for Volunteer Services within Department of Health and Welfare. (L. D. 1429)

Resolve, Appropriating Moneys for Improvements at Indian Res-

ervation at Indian Island. (L. D. 1456)

An Act Establishing Procedures for State Medical Examiners and Chief Medical Examiner. (L. D. 1586)

Resolve, Providing for a State Pension for David Carnevale of Saco. (L. D. 1593)

An Act Relating to Allowance for Widows of Justices of Supreme and Superior Court. (L. D. 1620)

Resolve, Reimbursing Certain Municipalities for the Control of Dutch Elm Disease. (L. D. 1629)

An Act to Establish an Office of Mental Retardation. (L. D. 1632)

An Act Relating to Education of Indians. (L. D. 1634)

An Act Relating to the Education of Indian Children Living on Reservations. (L. D. 1636)

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

An Act Relating to Privately-owned Business, Trade and Technical Schools. (L. D. 1644)

An Act Appropriating Funds for Operation of the Governor's Advisory Committee on Education. (L. D. 1651)

An Act Providing State Scholarships for Higher Education (L. D. 1652)

An Act Appropriating Funds to Operate the Board of Pesticides Control. (L. D. 1658)

An Act Relating to Reimbursing Municipalities by State for Property Tax Exemptions of Veterans. (L. D. 1661)

An Act to Provide a Minimum Wage Plan for State Employees. (L. D. 1690)

An Act Creating a State Planning Office. (L. D. 1696)

An Act Relating to Salary and Expenses of Third Member of Atlantic Sea Run Salmon Commission. (L. D. 1698)

An Act Relating to a Comprehensive Water Resource and Related Land Use Plan. (L. D. 1706)

An Act to Appropriate Money to Plan for a Rural Youth Corps for Maine. (L. D. 1630)

Bond Issue for \$1,100,000.00 for Land and Class Room at the University of Maine. (L. D. 1362)

(On motion by Mr. Katz of Kennebec, set aside.)

Bond Issue for \$750,000.00 for Construction of a Dormitory At Maine Maritime Academy. (L. D. 491)

Bond Issue for \$325,000.00 for Construction of Regional and Vocational Centers. (L. D. 565)

(On motion by Mr. Harding of Aroostook, set aside.)

An Act Establishing the Maine Planning Commission on Criminal Law Administration. (L. D. 815)

(On motion by Mr. Mills of Franklin, set aside.)

An Act Establishing the Police-men's Arbitration Law. (L. D. 926)

An Act Providing for a Study of Full Time Prosecuting Attorney System. (L. D. 1716)

An Act Creating the University of the State of Maine. (L. D. 1258)

(On motion by Mr. Katz of Kennebec, set aside.)

An Act Relating to Public Higher Education. (L. D. 1256)

(On motion by Mr. Katz of Kennebec, set aside.)

An Act Improving Payment of Benefits Under the Maine State Retirement System Law. (L. D. 1653)

Which, on further motion by Mr. Berry of Cumberland, were Indefinitely Postponed in non-concurrence.

Sent down forthwith for concurrence.

The President laid before the Senate a matter set aside on motion by Mr. Katz of Kennebec, An Act Creating the University of the State of Maine. (L. D. 1258)

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: L. D. 1258 is the University of the State of Maine Bill. It was conceived in controversy and it has been living in controversy ever since. There is no money on this bill, although I am aware that it will end up costing money. There are problems within this bill that I am aware will have to be taken care of in the future. The bill is an ambitious start toward the creation of an exciting new structure for higher education in

the State. I think you are all aware of what it does. I think that I will restrict myself to saying why I feel that the motion to indefinitely postpone should not prevail.

We have been trying very desperately during this session to come out with some meaningful legislation that we can take home with us with some feeling of accomplishment. This was the bill I think that all of us in Education had the greatest hopes for. You will recall that it was a divided report, seven to three, with all three Senators coming out with the majority. You will recall, I think, that it will bring the University of the State of Maine into counties where it does not presently exist. For example, I might suggest to the two good Senators from Washington County, which presently has a fine, small State College, that those of us in Kennebec have been doing whatever we can within our power for our people to bring the University of Maine into Kennebec County, because the University of Maine, we felt, was a key to the needs of our constituents. This bill will bring the University of the State of Maine into Washington County.

To the gentlemen from Hancock, I will say that the benefits from having within a commuting area a division of the University of the State of Maine is an exciting prospect for the youngsters in this county.

Aroostook earlier this session had a bill which sought to bring a commuter division of the University of Maine to Aroostook County. This bill does that. It serves the educational needs of all the people of Aroostook County, no matter what they may be.

In the western part of our State, despite the hostility of faculty and staff of our State College there, the fact remains that, insofar as Oxford County and Franklin County are concerned, it will eventually mean far broader educational opportunities through the presence of the University of the State of Maine.

Ladies and Gentlemen, perhaps I am a little bit more discouraged

than some of you. Perhaps my sights were set a little too high this session on some of the things that I felt this Senate in particular had a right to expect to accomplish. We are within hours of adjournment. This is major legislation. It is within our grasp to have it, to enact it, by the action of this body alone. I think it is exciting legislation that will be implemented, changed and modified over ten years. I think it is legislation which will lead to more meaningful expenditures of our tax dollars in the years ahead. Whether you are particularly interested in the fruitful and meaningful expenditure of tax dollars, or whether you are just interested in wider educational opportunities, this bill offers promise in both areas.

I guess those of us who have labored in this area, irrespective of the fact that there is no appropriation, feel that when we come back in special session the structure will be there, we will have had all the opportunities we need to simplify and refine the structure, and at that time we can fund it to whatever extent is necessary.

Ladies and Gentlemen, I will ask you, out of deference to your constituents, if not to those of us who favor this bill, to open your hearts to offer the people this fine structure that will permit higher education in the State to expand meaningfully in the years ahead. If the pending motion is for the indefinite postponement of this bill, I very strongly urge all of you to open your hearts and defeat this motion. Mr. President, I ask for a division.

The PRESIDENT: The pending question is the motion of the Senator from Cumberland, Senator Berry, that this bill be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: I would like to join my voice to that of the Senator from Kennebec, Senator Katz. I have lived with this proposition for the University of the State of Maine

for almost two years. I believe that its recommendations are based upon thorough research and the debate of able people. I believe that it is the simplest system to operate to the value of our young people. I believe that it will upgrade those of our State institutions which need it. I believe that it will provide a flexibility and transferability for our students between institutions so that none of them will be locked to his disadvantage in a position where he should not be.

Many of you have raised questions with me about this; I am aware of it. Some of you have questioned the size of this. I would point out to you that there are other universities operated by a single board which are larger than this will be. Some of you have questioned the availability of 15 men to conduct the affairs of the University. I believe that if the University is properly organized, which we would certainly hope that it will be, that these 15 men will not need to be burdened any more than the present trustees of the University of Maine are burdened. I think it will provide equality of opportunity throughout the State, and I believe basically that it will provide coordination and the best use of our facilities for the benefit of all of us.

When the vote is taken I would urge you to oppose the motion of the Senator from Cumberland, Senator Berry, for indefinite postponement of this document.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: My motion to indefinitely postpone this act was not only in my capacity as Chairman of the Appropriations Committee. I firmly believe that the State of Maine is not ready yet for the University of the State of Maine.

I would cite as an example to you of the practical problem involved that we now have a Board of Trustees of the University of Maine, which is one of our most capable, devoted, conscientious, and time-devoting boards in the

State, and the prospect of wiping out this Board and replacing it, and giving its duties and its responsibilities to one man, be he president, chancellor, or whatever name you wish to call him, is certainly not a step that we should take now.

I am the first one to say that our higher education system does need an overhaul, and I know that the two previous speakers would agree with me that there is a difference in philosophy amongst educators and amongst knowledgeable people. While I personally subscribe to the theory that each of our types of high education institutions should have its own board of trustees, and that these boards of trustees should be responsible to the State Board of Education, I fully respect the viewpoints of these two gentlemen who have preceded me and those who share their views that one board of trustees for all higher education in the State of Maine is the way to tackle the problem. But I do bring up that there is an honest divergence of opinion amongst knowledgeable people in this field. I cite to you this one example, and there are many others. I fully admit there is a crying need, for instance, in our state colleges to bring order, to avoid this competition, to get the most for the taxpayers' dollar which we are certainly not getting now.

In my opinion, this matter needs more study. We are not yet, in my opinion, ready to take such a drastic step.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, may I ask the good Senator from Cumberland the price tag on this?

The PRESIDENT: The Senator from Somerset, Senator Johnson, poses a question through the Chair to the Senator from Cumberland, Senator Berry, who may answer or not, as he so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: There is a projected cost for the next biennium of some \$137,000.

The PRESIDENT: As many as are in favor of the indefinite postponement of L. D. 1258 will now stand and remain standing until counted. Those opposed?

A division was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to indefinitely postpone did not prevail.

The PRESIDENT: The pending question now is on the passage of the bill to be enacted.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I move that the vote be taken by the "Yeas" and "Nays."

The PRESIDENT: The Senator from Somerset, Senator Johnson, has moved that the vote be taken by the "Yeas" and "Nays." In order for the "Yeas" and "Nays" to be entertained there must be the expressed desire of at least one-fifth of the members present. As many as are in favor of the vote being taken by the "Yeas" and "Nays" will stand and remain standing until counted.

Obviously a sufficient number having arisen, the "Yeas" and "Nays" are ordered.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This bill has bounced back and forth from chamber to chamber like a tennis ball. It ended up on the Appropriations Table, presumably because of the price tag, but I sense that the Appropriations Table has been used primarily as a means of defeating the bill rather than the funding involved.

I think we won this by a couple of votes in the other chamber. We just sneaked out a single vote margin here in the Senate. A roll call is a different kettle of fish though, and I would like to take just a moment to say another couple of words prior to the roll call.

I believe with all my heart and with all my soul that those of you who have State Colleges in your constituencies could do no greater good for the future of the kids in these constituencies than to attempt to bring the University of the State of Maine into it. I believe this so deeply.

I also have kind of a sad feeling that destiny is striking at our door now; that if we miss this opportunity it will not be offered again at the special session. Everything in this life is a question of timing, and I think that the time for the enactment of this bill is now, and the time for the seizing of the opportunity is now. I would urge those of you who voted against it to search your souls just a little bit more and see if you can't help us enact this major legislation so we can go home with some pride at having done some good things for the kids.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Albair.

Mr. ALBAIR of Aroostook: Mr. President and Members of the Senate: I would like to further point out that in the second year of the biennium, if this becomes law, there will be a \$1,000,000 loss to the general fund as a result of student fees.

I would also like to say a little further, that to implement this program now, coming out late in the session as it did, it was held in Committee until the last part of the session, without thorough debate—I understand the debate was probably very brief, and I think it went under the gavel almost all the way through the Senate—you are really getting into something here on which I don't believe you realize what the consequences will be. This is serious and I think it should be studied further. I would certainly suggest that this be referred to a study this summer to see when you can implement this.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Perhaps I am getting a

little tense, but when I hear the classic remark about putting something that has been studied as much as any bill this session out to further study I start to shake a little bit. I think I should point out what is obvious to all you gentlemen who have enough intelligence that if indeed there is a loss to the general fund because of student fees that it comes out of the right-hand pocket of the State and goes into the left-hand pocket. I don't think bookkeeping has any place in this discussion.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am touched when my good friend and colleague, almost my seatmate, Senator Katz, gets as emotional about a matter as he has over this and as disturbed about it, and talks about doing something for the kids. I want to do something for the kids. I have got five of them and I am sure all of you do. I am sure that all of us in voting here are certainly not turning our back on the kids.

I have a State Teachers College in my home town, a State College in my home town, of course, and I live practically on the campus. The faculty is unanimously against this proposition, all 48 of them, led by their President. I have seen in all of my lifetime many, many students, high school graduates, go to what was then the Normal School, and then the State Teachers' College, and now the State College, students who could not have attended any other institution because of its proximity to their homes, and the fact that it cost them, according to the President there now, \$500 less than it would cost to go to the University of Maine.

One of the things I feel, if this should take place, would be that they would be put under the same tuition charges and the same expenses as the University of Maine. So I, too, in casting my vote am trying to do something for the kids, for that the kids that I have grown up with and seen all through my lifetime going to the

college who could not otherwise have gone because of the difference there, and because of the fact that I want to see the autonomy maintained, and not to see it absorbed in a great unfeeling university of statewide concept. Those are the reasons.

I wish I could do a favor for my friend, Senator Katz, and I wish I could vote for him on a personal basis, but I cannot reconcile such a vote with what I consider to be my obligations at home.

The PRESIDENT: The pending question is on the passage of the bill to be enacted. Those in favor of enactment will vote "Yes" when their name is called. Those opposed to enactment will vote "No."

The Chair will state the question again. The question is on the passage of the bill to be enacted. Those in favor of enactment will vote "Yes." Those opposed, "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Boisvert, Couturier, Duquette, Farley, Ferguson, Girard, Good, Harding, Katz, Lund, MacLeod, Norris, Reny, Snow, and Stern.

NAYS: Senators Albair, Barnes, Beckett, Berry, Curtis, Greeley, Hildreth, Hoffses, Johnson, Mills, Ross, Sewall, Sproul, Viles, Wyman and President Campbell.

ABSENT: Senator Young.

A roll call was had. 16 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the Bill failed of enactment.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be indefinitely postponed?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I move this matter lay upon the table until the next legislative day.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that this item lay on the table pending the motion of the Senator from Cumberland, Senator Berry, that the bill be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Albair.

Mr. ALBAIR of Aroostook: Mr. President, I request a division.

The PRESIDENT: The Senator from Aroostook, Senator Albair, has requested a division. Those in favor of the tabling motion will stand and remain standing until counted. Those opposed?

A division was had. 16 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to table did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that the bill be indefinitely postponed?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I request a division.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has requested a division. As many as are in favor of the indefinite postponement of the bill will now stand and remain standing until counted. Those opposed?

A division was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and specially assigned for Saturday, July 8, Pending Enactment.

The President laid before the Senate a matter set aside on motion by Mr. Katz of Kennebec, An Act Creating the Maine Higher Education Authority. (L. D. 1257)

On motion by Mr. Katz of Kennebec, tabled and specially assigned for Saturday, July 8, pending Motion by Mr. Berry of Cumberland to Indefinitely Postpone.

The President laid before the Senate a matter set aside on motion by Mr. Katz of Kennebec, An Act Relating to Higher Education. (L. D. 1256)

On motion by Mr. Katz of Kennebec, tabled and specially assigned for Saturday, July 8, pending Motion by Mr. Berry of Cumberland to Indefinitely Postpone.

The President laid before the Senate a matter set aside on motion by Mr. Mills of Franklin, An Act Relating to Reports of School Administrative Districts. (L. D. 1369)

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I would like to inquire what the docket shows for cost, if I could, in regard to this before proceeding to talk about it. Could I inquire of Senator Berry what he has down for a prospective cost?

The PRESIDENT: The Senator from Franklin, Senator Mills, has posed a question to the Senator from Cumberland, Senator Berry, who may answer or not, as he so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This particular L. D., along with several others, has no immediate cash cost, but has a considerable impact on the future general purpose aid set-up. There are several bills like this. There have been incentive bills for professional training, and things like this. This is one bill which, if passed by this Legislature, will have a tremendous financial impact on future legislatures.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I would have to gather from the remarks of the Senator that we are talking about different bills. I think I am talking about L. D. 1369, which is in regard to required reports by school administrative districts to the towns in which they function, because I don't recognize from the context of his remarks any similarity to this bill.

I would inquire of the Secretary if L. D. 1369 is not the bill in regard to school administrative districts, the reports that they make to the towns?

The PRESIDENT: The pending question is on the motion of the

Senator from Cumberland, Senator Berry, that this bill, L. D. 1369, be indefinitely postponed.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: I would like to ask, Mr. President, the question of Senator Katz of the Education Committee, if L. D. 1369 is in fact the act — I know it is; I am looking at it — but in regard to the cost features of it, could Senator Katz enlighten us in regard to that?

The PRESIDENT: The Senator from Franklin, Senator Mills, poses a question through the Chair to the Senator from Kennebec, Senator Katz, who may answer or not, as he desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, in response to the question of the Senator from Franklin, Senator Mills, I am very familiar with this bill. This bill in its original form might have involved some expense, but the Committee knocked the stuffing out of the bill, and now it is a reporting procedure. I don't care what, it says "considerable future cost," and this is sheer nonsense. This is just a method of reporting from the towns to the State in a very negligible manner. I cannot under any circumstances accept the fact that there are future costs other than negligible ones.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Thank you very much, Senator Katz. Mr. President, I would like to continue in my opposition. I would oppose the motion to indefinitely postpone, and I would like to explain the bill a bit. I think I should, however, in the interest of time, assume that the bill stands on its merits, having passed through the Committee process and the legislative process of both branches. The only issue before the Legislature at this time, I would consider, would be as to whether or not there are costs involved, because it is standing on its own on the merits.

Now, the fact is that at the present time every town in the

State of Maine is required by law to make financial reports to the townspeople, to the taxpayers, as you well know. As you notice, from town to town, those reports are fairly uniform so that people comparing financial data from town to town can compare intelligently. And town officials are required very carefully to put certain things in them. There is no such requirement in regard to school administrative districts. The school administrative districts, of course, are spending in most instances up to two-thirds or more of the taxpayers' dollars from the towns where they function, but there is no requirement upon them to give an accounting or a reporting to the towns. They do it in a hit-or-miss or haphazard fashion. They are frequently on mimeograph paper and frequently they are very insufficient data, and it seemed only fair and right that there should be some uniformity about their reports. They are making some types of reports now.

Now this bill, as revised, corrected and improved a great deal by the Education Committee, tells the towns that they shall, on regulations prescribed by the State Department of Education, make reports to the townspeople, to the taxpayers, and it says that it shall be the same material that they give to the State of Maine, and it shall be passed on to the townspeople, the people that are providing the money under which they function, that is, the local money.

I know that someone out of the Department of Education didn't like the bill. He appeared at the hearing. It was going to mean some work for him. But out of the millions that they have there, the administrative funds and the administrative personnel, I am sure that it wouldn't be very difficult — I would almost volunteer to go down there and do the work myself, without charge, so that they could get out a mimeographed regulation to the school administrative districts saying "You shall tell your towns at fiscal year times this information." It

wouldn't be very difficult at all to do it, and I can't imagine any great cost being involved.

I think it is something that has been overlooked in the School Administrative District Act over the years, and it is just placing them somewhere near on the same par as the towns are now in being required to report to the taxpayers. So, I hope that the motion of the Senator from Cumberland, Senator Berry, for indefinite postponement will not prevail.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: I rise in support of the remarks of the Senator from Franklin, Senator Mills. There are very few school districts in the State whose reports, as I understand it, are not now satisfactorily prepared. There are perhaps two or three whose reports are not adequately prepared on good paper and in sufficient detail. The only cost to the State would be the difference between what it costs these towns now to prepare an inadequate report and what it would cost to prepare a decent report, and the State would only bear a small percentage of these costs. The State average would be about thirty percent. I would think that the sum involved would be very, very small, and I hope that the Senate would support Senator Mills in opposition to the motion to indefinitely postpone.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland; Mr. President and Members of the Senate: The facts on which the decision to table matters on the Special Appropriation Table was made have always been on memorandums from primarily the departments affected. These are not matters of judgment or opinion.

I probably should state right now that I would trust that the statement made by my good friend, Senator Katz from Kennebec, that the Appropriations Table has been used in political maneuvering, was said in the heat of debate and I

would certainly accept it in that spirit. I'm sure we all realize that we have tried to run this office in an impartial manner.

I do not disagree with the comments made by the two Senators, Senator Mills from Franklin or Senator Snow from Cumberland, but let me read you the memorandum from the Education Department, and what else can we go by. The original memorandum that was sent to us was dated April 11, it came from Commissioner Logan, and relative to L. D. 1369 it says this: "Sections A and B would require considerable expense for districts which would be reflected in future general purpose aid." The following memorandum, dated May 26, came from Mr. Booth, and with reference to 1369, as amended, says this: "The previous statement," which I just read, "relating to L. D. 1369, without the amendment, would still hold. It would involve considerable expense to districts which would be reflected in future general purpose aid. While the cost still would be substantial, the effect of the amendment would be to reduce the possible cost required under the bill as introduced.

On the basis of the financial requirements, I have made the motion to indefinitely postpone this bill.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I request a division on the motion.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Berry, that this item, L. D. 1369, be indefinitely postponed.

As many as are in favor of indefinite postponement will rise and remain standing until counted. Those opposed?

A division was had. 14 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to indefinitely postpone did not prevail.

The PRESIDENT: The pending question now is on the Passage of this Bill to be Enacted.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Albair.

Mr. ALBAIR of Aroostook: Mr. President and Members of the Senate: If you would take L. D. 1369 and read section G, which says: "Penalty: If any superintendent refuses or neglects to perform any duty required by this subsection, he shall be punished by a fine of \$50.00 for each offense." Can somebody tell me how this comes about?

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I'm very sure that this has been amended out of the bill. I would have to have recourse to the original document in order to answer it correctly, but I'm sure that this penalty provision in that style has been amended out. I'm not positive, but I think it has been. The committee amendment to 1369 was modified a great deal by the committee. Perhaps Senator MacLeod has the answer.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President, if my memory serves me correctly, this bill was amended, so in its final engrossed form it takes out the penalty which was in the original document. I would say, however, in commenting on L. D. 1369, that I agree with the Senator from Cumberland, Senator Berry, that it probably does have some future cost. I would remind the Senate that there are many bills here that don't happen to be pet bills of members of the Senate, but perhaps belong to members of the other body, which are far more worthwhile and far more deserving of consideration that are going down the drain here tonight, such as funds for Cerebral Palsy, funds for the state nursing home programs, funds for Aroostook County to have a nursing program, adult education, which we had before our committee, future adult education for the blind which we had before our committee, many of

these L. D's which are going down the drain here tonight. That is why I move for indefinite postponement of L. D. 1369, because I don't think it is unique at all.

The PRESIDENT: The Chair will advise that the pending question is on the passage of the bill to be enacted and that the Senate has just acted adversely on the motion to indefinitely postpone. As many as are in favor of passage of the bill to be enacted will rise and stand in their places until counted.

A division was had. 15 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the Bill failed of Enactment.

The PRESIDENT: Is it now the pleasure of the Senate that the Bill be indefinitely postponed?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I move for tabling until the next legislative day.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that this item, L. D. 1369, be tabled until the next legislative day.

The Chair recognizes the Senator from Aroostook, Senator Albair.

Mr. ALBAIR of Aroostook: Mr. President, I request a division on the motion.

The PRESIDENT: The Senator from Aroostook, Senator Albair, has requested that the vote be taken by a division. As many as are in favor of the matter, L. D. 1369, being tabled until the next legislative day will stand and remain standing until counted. Those opposed?

A division was had. 13 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the tabling motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that the Bill be indefinitely postponed?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I request a division.

The PRESIDENT: The Senator from Franklin, Senator Mills, has asked that the vote be taken by a

division. As many as are in favor of the indefinite postponement of the bill will now stand and remain standing until counted. Those opposed?

A division was had. 16 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion to indefinitely postpone prevailed.

Sent down forthwith for concurrence.

The President laid before the Senate a matter set aside on motion by Mr. Snow of Cumberland, An Act Relating to Instruction in a Foreign Language in Secondary Schools. (L. D. 1419)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, I would like to ask if there is a motion before the Senate in connection with this measure?

The PRESIDENT: The Senator from Cumberland, Senator Berry, has moved that this item and all others that have been passed over be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, in a few words I would like to tell the Senate about this bill. I do not feel it has any measurable cost connected with it. It permits those school systems which desire to do so to conduct languages in a course other than English. The Education Committee, in passing it to be enacted, felt that this would be of particular value to school children in certain sections of Maine, particularly those who live near the Canadian border.

School systems cannot institute these courses without the permission of the Department of Education. I assume that the Department of Education feels that if there is a cost involved which is not funded that it will not permit the courses to be conducted. I would also assume that in many cases in these Canadian border towns the courses will be conducted by existing faculty, and will not require any expense. Therefore,

I would hope, Mr. President, that the Senate would not indefinitely postpone this document.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would read the memorandum from the Department of Education's Commissioner Logan, dated April 11, with reference to L. D. 1419. "There will be some cost locally for text books and teaching aids in the foreign language which would be reflected in general purpose subsidies in future bienniums. The biggest cost potential is the possible need for establishing additional classes at the same grade level to segregate those who have and those who have not acquired the basic skills in both languages. Any such additional classes would be an extra expense reflecting in general purpose aid and most probably in an area of the State where the state participation in school costs approaches two-thirds of the total."

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President, first of all there is a clause in this bill which says that annually, if the bill is passed, before a school can embark on this program it will obtain the permission of the Commissioner of Education. Now, Senator MacLeod and some other Senators in this room know very, very well that it is very difficult to get permission from the State Department of Education, whether it is to get a college to grant associate degrees, or for anything else, for that matter.

I, for one, remember my years at Bates, Mr. President, when courses in literature, for instance, in Spanish were taught in Spanish. I can still remember Professor Seward at Bates, and we got much more out of his classes because he could use that language to communicate with us and where we were reading this foreign language, and communicating with it, we learned it much better.

I certainly feel that there may be a cost to this bill, but there will be no cost if permission isn't granted by the State Department of Education. If they are as liberal in granting permission for this as they have been with everything else—my God—I don't suppose they will grant permission to any school system in the State to implement this bill. But I would certainly like to see it on the books just the same, and if in later years funds are available I suppose the State Board of Education would use its intelligence and its discretion to get these programs going.

The PRESIDENT: The pending question is the motion that the bill be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I would request a division on the motion.

The PRESIDENT: The Senator from Somerset, Senator Johnson, has requested a division. As many as are in favor of the indefinite postponement of the bill will now stand and remain standing until counted. Those opposed?

A division was had. 16 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion to indefinitely postpone prevailed.

Sent down forthwith for concurrence.

The President laid before the Senate a matter set aside on motion by Mr. Katz of Kennebec, Bond Issue for \$1,100,000 for Land and Class Room at the University of Maine. (L. D. 1362)

On motion by Mr. Katz of Kennebec, tabled and specially assigned for Saturday, July 8, pending motion by Mr. Berry of Cumberland to indefinitely postpone.

The President laid before the Senate a matter set aside on motion by Mr. Harding of Aroostook, Bond Issue for \$325,000 for Construction of Regional and Vocational Centers. (L. D. 565)

The PRESIDENT: Is it the pleasure of the Senate that this bill be indefinitely postponed?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I concur with the indefinite postponement of this bill because it is included in the larger bond issue. So it would not be necessary for this one to be enacted.

The PRESIDENT: As many as are in favor of the motion to indefinitely postpone L. D. 565 will say "Yes." Those opposed, "No."

A viva voce vote being taken, the motion prevailed and the Bill was Indefinitely Postponed.

Sent down forthwith for concurrence.

The President laid before the Senate a matter set aside on motion by Mr. Mills of Franklin, An Act Establishing the Maine Planning Commission on Criminal Law Administration. (L. D. 815)

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I would like to inquire of the good Senator from Cumberland, Senator Berry, what the financial data is and what memoranda he may have in connection with this bill.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The financing and funding of this bill depended on federal funds, and we have, I believe, no assurance now that we are going to get these funds.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: We had two bills in Committee dealing with the study of Criminal Laws and Criminal Administration in the State. One of them did come out of the Committee with an appropriation attached, and I believe it has been killed off. This one purposely did not carry an appropriation because of our awareness that some \$25,000 of Federal Funds were avail-

able to fund it. If it is enacted and becomes law, there is absolutely no appropriation with it, and it could not cost the State anything. It just could not come into being unless this federal grant does come to the State. I have been advised, as lately as a few minutes ago, that that is the situation: that there is waiting for the State of Maine, under a policy of the Federal Government, appropriations of Congress for all of the states for these studies of the Criminal Laws, some \$25,000.00 available to the State. This bill is merely the vehicle to take advantage of this grant, and it cannot cost the State of Maine anything.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I move this lay on the table until the next legislative day.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that this item, L. D. 815, lay upon the table and be specially assigned for the next legislative day. Is this the pleasure of the Senate?

The motion prevailed.

Out of order and under suspension of the rules, the following additional paper from the House was laid before the Senate:

Non-concurrent matter

Bill, An Act to Correct Errors and Inconsistencies in the Public Laws. (S. P. 543) (L. D. 1444)

Now comes from the House with Senate Amendment "F" Indefinitely Postponed in non-concurrence and the House INSISTS.

On motion by Mr. MacLeod of Penobscot, the Senate voted to Recede and Concur.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table An Act Appropriating Funds to Aid in Dredging Chauncey Creek Extension of Pepperrell Cove, Kittery Harbor. (L. D. 380)

On further motion by the same Senator, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table An Act to Authorize General Fund Bond Issue for Airport Construction. (L. D. 1667)

On further motion by the same Senator, this, being a bond authorization act, and having received the affirmative vote of 27 members of the Senate, was Passed to be Enacted; and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Johnson of Somerset,

Adjourned until ten o'clock tomorrow morning.