

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Friday, May 2, 1969

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

Prayer by the Rev. Mr. Allen Short of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Communication: (S. P. 448)

CAPITOL PLANNING  
COMMISSION  
State Office Building  
Augusta

April 30, 1969

To the Honorable Senate and House of Representatives of the One Hundred and Fourth Legislature

Transmitted herewith is a report entitled "Capitol Planning Commission Master Plan Report".

This report is submitted in accordance with the provisions of Chapter 458 of the Public Laws of 1967 which created the Capitol Planning Commission and instructed said Commission to establish a master plan for the orderly development of future state buildings and grounds in the Capitol Area of the City of Augusta.

Respectfully submitted,  
CAPITOL PLANNING

COMMISSION  
(Signed) RODNEY W. ROSS  
Chairman

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

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

From the Senate: The following Order:

**ORDERED**, the House concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill, "An Act relating to Reimbursement of Fuel Tax for Miles Traveled on Maine Turnpike," House Paper No. 371, Legislative Document No. 511,

introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the adoption of such legislation; and be it further

**ORDERED**, that the Committee report the results of its study to the 105th Legislature (S. P. 447)

Came from the Senate read and passed.

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

From the Senate:

Resolve to Reimburse Ida M. Reiss of Andover for Well Damage Resulting from Highway Construction (S. P. 446) (L. D. 1482)

Came from the Senate referred to the Committee on Claims.

In the House, referred to the Committee on Claims in concurrence.

**Reports of Committees  
Leave to Withdraw**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Public Assistance Payments in Boarding Homes" (S. P. 258) (L. D. 862) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

**Ought to Pass  
Amended in Senate**

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to a Maine-New Hampshire Interstate School Compact" (S. P. 387) (L. D. 1378)

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Senate Amendment "A" (S-116) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

**Ought to Pass with  
Committee Amendment**

Report of the Committee on Public Utilities on Bill "An Act relating to Debt Limit of the Waterville Sewerage District" (S. P. 272) (L. D. 910) reporting "Ought to pass" as amended by Committee Amendment "A", submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-112) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act" (S. P. 245) (L. D. 754)

Report was signed by the following members:

Messrs. PEABODY of Aroostook  
TANOUS of Penobscot  
BELIVEAU of Oxford  
— of the Senate.  
Messrs. GOOD of Westfield  
BEDARD of Saco  
CASEY of Baileyville  
HUBER of Rockland  
McTEAGUE of Brunswick  
— of the House.

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

Report was signed by the following members:

Messrs. HASKELL of Houlton  
DURGIN of Raymond  
— of the House.

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

In the House: Reports were read. On motion of Mr. Huber of Rockland, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was given its two several readings and assigned the next legislative day.

**Divided Report  
Tabled and Assigned**

Report "A" of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors (S. P. 178) (L. D. 580) reporting same in a new draft (S. P. 443) (L. D. 1474) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. WYMAN of Washington  
— of the Senate.  
Messrs. DENNETT of Kittery  
MARSTALLER of Freeport  
RIDEOUT of Manchester  
DONAGHY of Lubec  
— of the House.

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

Report was signed by the following members:

Mr. LETOURNEAU of York  
— of the Senate.  
Mr. STARBIRD of Kingman  
Township  
— of the House.

Report "C" of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Mr. BELIVEAU of Oxford  
— of the Senate.  
Miss WATSON of Bath  
Mr. D'ALFONSO of Portland  
— of the House.

Came from the Senate with Report "A" accepted and the Resolve passed to be engrossed.

In the House: Reports were read. (On motion of Mr. Rideout of Manchester, tabled pending acceptance of any Report and specially assigned for Wednesday, May 7.)

**Non-Concurrent Matter**

An Act relating to Closed Season and Minimum Size of Atlantic Salmon (S. P. 278) (L. D. 873) which was passed to be enacted in the House on April 29 and passed to be engrossed on April 24.

Came from the Senate passed to be engrossed as amended by

Senate Amendment "A" in non-concurrence.

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

#### Non-Concurrent Matter

Bill "An Act relating to Age Requirement for Kindergartens" (H. P. 458) (L. D. 595) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 29. (Committee Amendment "A" H-246)

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mrs. Cummings of Newport, the House voted to insist and ask for a Committee of Conference.

#### Non-Concurrent Matter Tabled and Assigned

Bill, "An Act Amending the Charter of Portland Relating to Title of Chairman of the City Council" (H. P. 998) (L. D. 1300) on which the House accepted the "Ought to pass" Report of the Committee on Legal Affairs and passed the Bill to be engrossed on April 11.

Came from the Senate with the Report and Bill recommitted to the Committee on Legal Affairs in non-concurrence.

In the House: On motion of Mrs. Wheeler of Portland, tabled pending further consideration and specially assigned for Wednesday May 7.

#### Non-Concurrent Matter

Joint Order (S. P. 445) relative to Legislative Research Committee study of L. D. 1208, Bill "An Act Establishing the Quality Rating of Gasoline" which was indefinitely postponed in non-concurrence in the House on April 30.

Came from the Senate with that body voting to insist on its former action whereby the Order was passed, and asking for a Committee of Conference.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker, I move that we recede and concur.

Whereupon, Mr. Rideout of Manchester asked for a vote.

The SPEAKER: The gentleman from Parsonsfield, Mr. Pratt, moves that the House recede from its former action and concur with the Senate. A vote has been requested on the motion to recede and concur. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

54 having voted in the affirmative and 53 having voted in the negative, the motion did prevail.

#### Messages and Documents

The following Communication:

STATE OF MAINE  
Senate Chamber  
President's Office  
Augusta

May 1, 1969

Honorable Bertha W. Johnson  
Clerk of the House  
Augusta, Maine  
Dear Madam Clerk:

The Committee on Reference of Bills has met and decided to extend the date by which all bills must be reported out of committee.

All bills and resolves must be reported from all committees by 5:00 p.m. on May 14, 1969.

Respectfully yours,

(Signed)

KENNETH P. MacLEOD  
Chairman

Committee on Reference of Bills  
The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE  
Augusta

May 1, 1969

Honorable Bertha W. Johnson  
Clerk of the House of  
Representatives  
104th Legislature  
Augusta, Maine

Dear Madam Clerk:

The Senate today voted to adhere to its action whereby it referred to the Committee on Judiciary Bill, An Act Relating to Full-time State's Attorneys. (S. P. 243) (L.

D. 1294) on which the House had previously adhered to its action whereby it referred the Bill to the Committee on State Government.

The Senate today voted to adhere to its action whereby it referred to the Committee on Judiciary Bill, An Act to Provide for Full-time County Attorneys. (H. P. 1013) (L. D. 1321), on which the House had previously adhered to its action whereby it referred the Bill to the Committee on State Government.

The Senate today voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve, in Favor of Town of Harrington for Medical Care of an Indigent. (H. P. 543) (L. D. 722).

The Senate today voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Relating to Safety Devices for Railroad Utilities. (H. P. 440) (L. D. 564), and the President appointed the following members of the Senate to that Committee of Conference:

Senators:

SEWALL of Penobscot  
STUART of Cumberland  
CIANCHETTE of Somerset  
Respectfully,

(Signed)

JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### **Petitions, Bills, and Resolves Requiring Reference**

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, was received and referred to the following Committee:

#### **Education**

Bill "An Act relating to the Borrowing Capacity of School Administrative District No. 64" (H. P. 1164) (Presented by Mr. Barnes of Alton)

(Ordered Printed)

Sent up for concurrence.

#### **Orders**

On motion of Mr. Lewis of Bristol, it was

ORDERED, that Rev. Warner Howard of Coopers Mills be invited to officiate as Chaplain of the House on Thursday, May 8, 1969.

#### **House Reports of Committees Ought Not to Pass Tabled and Assigned**

Mr. Scott of Wilton from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act relating to Reporting by Insurance Companies of Cancellations and Nonrenewals of Automobile Insurance Policies" (H. P. 884) (L. D. 1143)

Report was read.

(On motion of Mr. Scott of Wilton, tabled pending acceptance of the Report and specially assigned for Tuesday, May 6.)

#### **Tabled and Assigned**

Mr. Scott of Wilton from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act Providing for the Uniform Deceptive Trade Practices Act" (H. P. 950) (L. D. 1299)

Report was read.

(On motion of Mrs. Baker of Orrington, tabled pending acceptance of the Report and specially assigned for Wednesday, May 7.)

#### **Tabled and Assigned**

Mr. Scott of Wilton from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act Establishing a Consumers' Council" (H. P. 1022) (L. D. 1329)

Report was read.

(On motion of Mr. Moreshead of Augusta, tabled pending acceptance of the Report and specially assigned for Wednesday, May 7.)

Mr. Brennan from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Building Liens" (H. P. 475) (L. D. 629)

Mr. Hewes from same Committee reported same on Bill "An Act relating to Powers of Sale in Mortgages" (H. P. 453) (L. D. 590)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft  
New Drafts Printed**

Mr. Soulas from the Committee on Health and Institutional Services on Bill "An Act to Create a Hearing Aid Dealer Board and Provide for Licensing of Hearing Aid Dealers and Fitters" (H. P. 613) (L. D. 801) reported same in a new draft (H. P. 1168) (L. D. 1489) under same title and that it "Ought to pass"

Mr. Good from the Committee on Labor on Bill "An Act relating to Petitions for Review of Incapacity under Workmen's Compensation Act" (H. P. 502) (L. D. 656) reported same in a new draft (H. P. 1165) (L. D. 1486) under same title and that it "Ought to pass"

Mrs. Lincoln from the Committee on Retirements and Pensions on Bill "An Act relating to Participating Local Districts in the Maine State Retirement System" (H. P. 741) (L. D. 959) reported same in a new draft (H. P. 1167) (L. D. 1488) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and assigned the next legislative day.

**Ought to Pass  
Printed Bills**

Mr. Hunter from the Committee on Agriculture reported "Ought to pass" on Bill "An Act Authorizing Harness Racing Commission to Employ a Veterinarian" (H. P. 591) (L. D. 772)

Mr. Berman from the Committee on Judiciary reported same on Bill "An Act to Give the Attorney General Authority to Require Certain Telephone Records" (H. P. 386) (L. D. 496)

Mr. Durgin from the Committee on Labor reported same on Bill "An Act relating to Mediation Authority of State Employees Appeal Board" (H. P. 1035) (L. D. 1345)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act relating to

Weekly Benefits for Total Unemployment under Employment Security Law" (H. P. 694) (L. D. 894)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
PEABODY of Aroostook  
BELIVEAU of Oxford  
— of the Senate.

Messrs. GOOD of Westfield  
CASEY of Baileyville  
BEDARD of Saco  
McTEAGUE of Brunswick  
HUBER of Rockland

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

Report was signed by the following members:

Messrs. DURGIN of Raymond  
HASKELL of Houlton  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

Whereupon, on motion of Mr. Durgin of Raymond, tabled pending the motion of Mr. Huber of Rockland to accept the Majority "Ought to pass" Report and specially assigned for Wednesday, May 7.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Labor on Bill "An Act Revising the Minimum Wage Law" (H. P. 864) (L. D. 1106) reporting same in a new draft (H. P. 1166) (L. D. 1487) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
PEABODY of Aroostook  
BELIVEAU of Oxford  
— of the Senate.

Messrs. GOOD of Westfield  
BEDARD of Saco  
CASEY of Baileyville  
McTEAGUE of Brunswick  
— of the House.

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

Report was signed by the following members:

Messrs. DURGIN of Raymond  
HASKELL of Houlton  
HUBER of Rockland  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, I move that we accept the Majority "Ought to pass" in New Draft Report.

Whereupon, on motion of Mr. Durgin of Raymond, tabled pending the motion of Mr. Good of Westfield to accept the Majority "Ought to pass" in New Draft Report and specially assigned for Wednesday, May 7.

#### Passed to Be Enacted Amended Bill

Bill "An Act relating to the Guardianship of Mentally Retarded Persons" (S. P. 109) (L. D. 315)

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

#### Engrossed in Non-Concurrence

Bill "An Act Exempting Sales to Certain Institutions from Sales Tax" (S. P. 240) (L. D. 715)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

#### Third Reader

##### Tabled and Assigned

Bill "An Act relating to Minimum School Year" (S. P. 344) (L. D. 1210)

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

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I think that this bill was passed in a rather precipitous manner and that we were not aware of the repercussions that will come if we add five days to the school year.

As I understand it, this bill was originated by a new gentleman, a superintendent who comes from out of state and apparently has had trouble in the past with teachers who have used as a bargaining power the extra days that are added to the calendar to take care of our storm days. He thinks that this problem may arise in the State of Maine, but I have not been able to find any locality where the teachers have used those extra days as bargaining positions, nor have they used those days to say at the end of the year — they are not legal, we do not have to teach on those days, so let us close school.

I think that the present change in the wording on the bill, the Errors and Inconsistencies bill, takes care of this in a good way, already would add three more days to the number of actual teacher-pupil school days; whereas now the teachers' conventions, when the teachers are gone, they are considered school days. Also that the Tuesday after Labor Day is considered a school day when teachers are getting ready for the children to go to school.

This would not happen any more after the Errors and Inconsistencies bill is passed. As it is, — as the gentleman from Stonington, said, we already have averaged over 180 days, and in the eleven years that I have served on the school board only this year and one other have we used up our five snowstorm days, and I don't remember that any teacher has ever made any comment on that.

This bill, instead of allaying the possibility of a bargaining point for teachers, in my opinion would create it. I think that it would be wise if we would do a little research on this over the weekend. I don't suggest you talk to the children who already dread going to school on the lovely warm June days, nor to the teachers to whose interest it would be not to pass this bill — but the superintendents who work the full year and the school committees I think would be able to give you all a better idea for judgment on this bill at a future date, and I would hope that someone would table it.



Whereupon, on motion of Mr. Allen of Caribou, tabled pending passage to be engrossed and specially assigned for Wednesday, May 7.

**Passed to Be Enacted  
Emergency Measure**

An Act relating to Taking of Alewives in Georges River (H. P. 1093) (L. D. 1410)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Senate Paper out of Order**

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, May 6, at 10 o'clock in the morning. (S. P. 450)

Came from the Senate, read and passed.

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

**Passed to Be Enacted**

An Act to Correct Errors and Inconsistencies in the Public Laws Relative to Sea and Shore Fisheries (S. P. 71) (L. D. 193)

An Act relating to the Open Season on Beaver (S. P. 79) (L. D. 239)

An Act relating to Construction or Acquisition of School Buildings for Mentally Retarded Children (S. P. 133) (L. D. 417)

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

**Enactor**

**Tabled and Assigned**

An Act to Provide for the Expunging of Certain Records of Arrest (S. P. 223) (L. D. 663)

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

(On motion of Mr. Lund of Augusta, tabled pending passage to be enacted and specially assigned for Tuesday, May 6.)

An Act to Authorize the Commissioner of Sea and Shore Fisheries and the Commissioner of Inland Fisheries and Game to Manage Alewife Fishing Where no Rights Have Been Granted to Others or Where Municipalities Fail to Act (S. P. 277) (L. D. 872)

An Act relating to Operation of Purse Seines Within Territorial Waters of Washington County (S. P. 302) (L. D. 995)

An Act to Authorize the Portland Water District to Engage in Sewer Collection and Treatment to Protect the Purity of Sebago Lake (S. P. 324) (L. D. 1086)

An Act relating to Maine Babe Ruth Baseball, Inc. (S. P. 426) (L. D. 1426)

An Act relating to Use of Scallop Drags in Gouldsboro Bay and Fishing in Narraguagus River (H. P. 611) (L. D. 799)

An Act Increasing the Number of Superior Court Justices (H. P. 955) (L. D. 1236)

An Act relating to Open Season on Muskrat and Mink (H. P. 1122) (L. D. 1443)

An Act relating to Tuition Charges for Students from State Institutions (H. P. 1149) (L. D. 1471)

An Act relating to Type of Dredge to Dig Clams in Waters between Cape Elizabeth and Pemaquid Point (H. P. 1150) (L. D. 1472)

**Finally Passed**

Resolve Providing Moneys for Cerebral Palsy Centers for Home Care and Other Purposes (H. P. 1148) (L. D. 1470)

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

**Orders of the Day**

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

HOUSE REPORT — "Leave to Withdraw" — Committee on Natural Resources on Bill "An Act

to Create a Use Regulation Commission" (H. P. 1042) (L. D. 1372)

Tabled — April 30, by Mr. Bragdon of Perham.

Pending — Acceptance.

On motion of Mr. Bragdon of Perham, retabled pending acceptance of Report and specially assigned for Wednesday, May 7.

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

HOUSE REPORT — "Ought to pass"—Committee on Transportation on Bill "An Act Repealing the Motor Vehicle Dealer Registration Board" (H. P. 881) (L. D. 1124)

Tabled — April 30, by Mr. Crosby of Kennebunk.

Pending — Acceptance.

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

Mr. CAREY: Mr. Speaker, because of some very bad deficiencies in this bill that have been discovered by the Attorney General's office, and the possibility of rewording it, I would move that this be recommitted to the Committee on Transportation.

Thereupon, recommitted to the Committee on Transportation and sent up for concurrence.

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

Bill "An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits" (S. P. 88) (L. D. 278)

Tabled — April 30, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

On motion of Mr. Scott of Wilton, retabled pending passage to be engrossed and specially assigned for Tuesday, May 6.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, does the House have in its possession Senate Paper 345, L. D. 1211?

The SPEAKER: The answer is in the affirmative, the paper is in the possession of the House — An Act Providing for Scholarship Aid

for Students from Low Income Families, Senate Paper 345, L. D. 1211, passed to be enacted as of yesterday.

Mr. FINEMORE: Mr. Speaker, I would move that we reconsider our action of yesterday whereby we enacted this bill.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Finemore of Bridgewater to reconsider passage to be enacted and specially assigned for Tuesday, May 6.

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

Bill "An Act relating to Pecuniary Damages in Actions for Injuries Causing Death of a Minor" (S. P. 86) (L. D. 249) (In Senate, passed to be engrossed as amended by Committee Amendment "A" S-96) (In House, Committee Amendment "A" adopted)

Tabled — April 30, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

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

Bill "An Act relating to Cost of Replacement Motor Vehicles as Damages in Civil Actions" (S. P. 87) (L. D. 250) (In Senate, passed to be engrossed as amended by Committee Amendment "A" S-97) (In House, Committee Amendment "A" adopted)

Tabled — April 30, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

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

Bill "An Act to Authorize Bond Issue in the Amount of \$7,541,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (H.

P. 319) (L. D. 406) (Committee Amendment "A" adopted H-250)

Tabled — April 30, by Mr. Bragdon of Perham.

Pending — Passage to be engrossed.

On motion of Mr. Bragdon of Perham, retabled pending passage to be engrossed and specially assigned for Tuesday, May 6.

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

Bill "An Act relating to Legislative Ethics" (H. P. 909) (L. D. 1170)

Tabled — April 30, by Mr. Fortier of Waterville.

Pending — Passage to be engrossed.

On motion of Mr. Haskell of Houlton, retabled pending passage to be engrossed and specially assigned for Tuesday, May 6.

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

Bill "An Act Providing for Presidential Preferences in Primary Election" (H. P. 1151) (L. D. 1473)

Tabled — April 30, by Mr. Scott of Wilton.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Watson.

Miss WATSON: Mr. Speaker, I offer House Amendment "A" under Filing H-265, move its adoption, and would speak to my motion.

The SPEAKER: The gentlewoman from Bath, Miss Watson, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

House Amendment "A" (H-265) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentlewoman.

Miss WATSON: Mr. Speaker and Ladies and Gentlemen of the House: In presenting the original bill, L. D. 687, it was my hope to give the people of Maine a stronger voice in making one of the most important decisions in the life of every citizen — the selection of a President of the United States. There is a great cry today, especially among the young, that

the people are being left out of the governmental decision-making process and that our political system has become corrupt. Perhaps it is time to reform our entire electoral system and to show our faith in the intelligence and commonsense of the average American citizen, a faith which our forefathers seem to have been sadly lacking.

As long as we retain the national convention system of nominating our presidential candidates, I think we should allow our state conventions to choose delegates to the national convention as they have done in the past. I believe that for the most part these delegates should have the freedom to respond to the dynamics of the national convention process and vote according to their own judgment as to who would make their party's best candidate in the national election.

There should be, however, a greater opportunity than there is now for the views of the average members of our political parties to be represented at the national conventions at some point or other. The practical point for this to happen, it seems to me, is on the first ballot at the national convention.

The June primary would follow the state convention choice of delegates to the national convention. It would be held at the same time as the regular primary for state offices and would not involve an added expense to the state. The Maine primary would be held toward the end of the campaigns of candidates for the nominations and at a time when the voters of the state would have had a chance to size up the candidates fully after several months of public exposure.

Maine has been fortunate in the past in that both political parties have sent delegations which have reflected diverse views whenever presidential nominations have been seriously contested. A presidential preference primary which would bind the delegates on the first ballot would not violate this tradition but rather strengthen it by providing the most accurate reflection possible of the preference of

the rank and file voters of the state.

I do feel, however, that the redraft of L. D. 687 has weakened the bill considerably because it has omitted what I believe to be the best feature of this legislation and that is its provision for proportional representation. After giving the matter considerable thought, I am not completely convinced that a winner-take-all primary would be a significant improvement over our present system in which there is at least some room for differing opinions.

With proportional representation the man who received 40 per cent of the primary vote would receive 40 per cent of the convention delegate votes from Maine on the first ballot. I am not sure that a winner-take-all primary would accurately reflect the will of the people nor do I believe that it is truly democratic. This principle is one of the features which I find most disturbing about the electoral college. If the man who comes out on top in a winner-take-all primary receives only 40 per cent of the vote, then 60 per cent of the voters have in a sense become disenfranchised for the purpose of nominating a presidential candidate.

The principle of proportional representation would offer protection for a minority candidate. It would assure him of votes on the first ballot which would be a true reflection of the number of his supporters among the voters at large. However, since a candidate must receive more than 10 per cent of the entire vote cast in the primary in order to qualify for any of the convention votes, this legislation would assure that overzealous radicals and reactionaries or publicity seekers who do not have any significant support among the people would not be able to make a mockery out of very serious business. On the other hand, minority groups composed of concerned and interested citizens have a right to be fairly and accurately represented at any political convention.

I would therefore hope that if this Legislature sees fit to enact a presidential primary bill at this

session, you will seriously consider the principle of proportional representation.

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

Mr. ROSS: Mr Speaker and Ladies and Gentlemen of the House: This year there were three bills introduced having to do with presidential preferential primaries — one from the gentlemen from East Millinocket, Mr. Birt, and two of us from Bath, the gentlewoman, Miss Watson, and myself.

I have proposed similar legislation for three sessions. This year, unbeknownst to me, Governor Curtis had this proposal in his opening address to us. Of the three bills, the simplest was the one of Mr. Birt's. Mine was next, and Miss Watson's, although intriguing, was most complicated.

The Committee came out with a compromise redraft which I favor, and I believe Mr. Birt favors; however, this amendment before us today is Section 426 of Miss Watson's bill. It is complicated and it is confusing. As explained, it does split up delegate votes by fractions according to the way the candidates ran, and providing that they receive at least 10 per cent of the vote.

Now no state in the country has anything like this. It was a very fascinating attempt to please all factions within a political party. However, in my opinion, it is not practical, and so I move indefinite postponement of the amendment.

The SPEAKER: The pending question now is the motion of the gentleman from Bath, Mr. Ross, that House Amendment "A" be indefinitely postponed.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: You have this morning before you the amendment presented by the gentlewoman from Bath, Miss Watson, which I think would be well for the members of the House this morning to have a very good look at for the simple reason that in the original bill that is before you there is no provision for minority group representation,

which we presently have, to some extent, on our present form of convention. It is my sincere belief that we must continue to have some form of minority group representation in our local convention or, in this case, as indicated by a presidential primary.

Without the basic philosophy of having some representation by these minority groups and using the unit vote appeal to the national convention, I think we are going to lead ourselves into a path of no return by having a single group representation that the majority takes all. I think this is false. I think this is wrong, that one group by majority rule will take all when it comes to representing the people of your own state at a national convention.

So, therefore, this is why I sincerely approve of the amendment this morning because, at least, what this will do will give some form of support, or approval, of the minority groups that would like to have a voice in state politics and also at the national convention. Without the amendment this will go back to the system of the majority will take all and the minorities will be even left more behind than what they presently feel that they are getting.

So, therefore, I ask the members of this House this morning to sincerely support the amendment because I think we have got sincerely to consider the action by this House as giving some of the minorities some representation, and the amendment presented by Miss Watson this morning does exactly that. It is not a perfect document by all means, but we will still have a better system by having minority group representation or, if we fall back to the original bill, our present form of state convention is better than winner takes all.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I do not stand here this morning with any thought in mind of joining a reform democrat group or any splinter group. To me there are two major parties in this State, in this

country; there is the Republican Party and the Democratic Party. We have primaries, and we should rally our forces together.

I think the day of machine politics, if it has not gone out the window in all areas of this State, I think that machine politics are doomed, if they still exist.

However, I believe that we must play according to the rules, and as long as the rules are there, anyone who is in the contest and doesn't take full advantage of them is (1) not a fighter; (2) doesn't believe in what he fights for, and (3) shouldn't be around anyway.

Now I would like to give you a look-see as to what happens wherein it concerns rules that would indicate the possibility of invoking machine politics. Let us go back and take a situation that existed last year. According to our own rules, in our party and in your party, in the Republican Party, local caucuses are held. I will restrict myself to my own situation. I will restrict myself to my own area. I will restrict myself to my party. I do not know what the opposition party does, and I am sure that whatever they do is for the good of their party and ultimately for the good of all the citizens.

According to the rules we held our local caucus in Lewiston. Being a proponent of getting up very early, it didn't take me too long, as the gentleman from Waterville would say, Mr. Fortier, "to gather in the troops"; it didn't take too long to gather the proper numbers to come up with a victory at our local caucus. So that at the local caucus, according to our rules, to the victor belongs the spoils, to the majority goes the spoils. This is the system we are living in. It's a good system.

We then proceeded to our county caucus — and I am extremely sorry that my friend from Durham, Representative Hunter is not here. I will not take his name in vain, but I will have to bring him into this conversation. We then went to our own county caucuses. At the county caucus, again being one of those who likes to get up early, I get up still a little earlier, because this involved not travelling

through the ways and byways of Lewiston, this involved in my travelling into the areas of Androscoggin County. I then got to the residences, or got by telephone to the people who had been named as delegates to the state convention from their community, and being one who likes to make certain of things, I got to the alternates, and I got to the wives or husband or boyfriends or girl friends of the delegates and the alternates. If you got to nail it down, nail it down good.

From there I went to the convention site, which happened to be Augusta, and I got an entire section of those who intended to stay within the confines of Augusta during the convention, and I got all of the good boys and the good girls grouped under one roof in one section. As a matter of fact, I wanted to make certain that they would not be late at the caucus the next morning. To make certain of that I gathered around a couple of boys and got some coffee, a trailer, a cart, with coffee and tomato juice and grapefruit juice — I had had my glass of ice water in the morning, and I went around and rapped at the door of everybody and told them you needn't get up, you needn't open the door. If you want to, all you have to do is just tell me what your choice is: ice water, coffee, tomato juice, or grapefruit juice, or orange juice. Then, of course, came the time for the caucus.

However, going back a little bit, sometime during the night I got a telephone call that the group who was with one force and a group who was with another force sort of gathered themselves together in meeting and decided that they would put a rule in — invoke the rule that had been put in at the caucus, and the system we have is that there are two from each county named as committees to choose the delegates to the convention, to the national convention, two from each county. So they had gotten together and said, "What we will do is we will name one from our group and name four or five from their groups," and by accident when these two groups got together, somebody, who is a

friend, happened to be there and made an accurate report, and the report I got was that these two groups were getting together — "and allow one from our group to be named, and then name four or five within our group, and then the first two winners would be the two people named to choose the delegates to the convention."

Well, it didn't take me long to figure that one out, and it didn't take me too long to become chairman of that caucus. And when I stood there, as my very dear friend from Lewiston would do, Representative Tanguay at some of his meetings, in his own domain, for all intents and purposes, as I sit there at a meeting that he chairs, for all intents and purposes the meeting is practically over anyway, and I think the gentleman from Lewiston, Mr. Cote, will attest to that, being one of those who has attended these meetings for many many moons.

So that when the nominations came, I made very certain that the first two people that I recognized would be two people who would name two people from our group, and the minute that happened I then entertained a motion that nominations cease. And if you don't think that havoc — and I wouldn't use a n y intemperate words, Mr. Speaker — if you don't think havoc didn't break loose, you are wrong.

Well, to make a long story short, the situation is that that went by, the nominations ceased, the thing was put to a vote, and that was nailed down. The two were named from the group that I belonged to, and they proceeded to go to the convention hall and they in turn named and chose the delegates to the convention — according to the rules! This was not done in any way going outside the rules. This procedure was done within the rules.

However, as it dwindled down from the county caucus to the county level, to the choosing of the delegates, then down to the inside the choosing of the delegate's room, somewhere along the line somebody wound up with a little more power than probably they should have. In this particular

instance it was all right with me because I had already cut myself in anyway.

But regardless of that situation, regardless of the fact that we went strictly according to the rules, and regardless of the fact that the opposition party will operate in the same manner strictly according to the rules, somewhere along the line the majority of the public was left out. And I feel very strongly that this procedure, even though rules are adhered to right down the line, because if you are going to stay there as chairman of the local caucus, if you are going to stay there as chairman of the county caucus, if you are going to stay there as chairman of a caucus to choose delegates, or final windup, you have got to go according to the rules. Because once you go outside the rules and something happens and you're not caught, but something happens that it's proven that you are outside of the rules, then you lose what little power you might think this would have.

This, in my opinion, is, according to the rules, machine politics. I do not like machine politics; it went out the window many many moons ago. I would have to say that somewhere along the line we never found out what happened too much in Miami because it was on an island, it was behind closed doors; we didn't know too much anyway. At least our exposure was out in the open in Chicago, and believe me, I wasn't too happy about some of it. By the same token, I wasn't too happy about the TV and the press minimizing the six that were killed in Miami. Believe me, some of the things that I saw on TV, regardless of both parties, really made me sick in my heart. And I wasn't too happy about it because I was not able to be at the convention even though I was a delegate.

And this type of action that I see where a man, and men, will rise and fail to be recognized, and when it is in plain sight for the rest of the country to see and the rest of the world to see, I don't think does us too much good.

I believe in loyalty, loyalty of people of being loyal to those that are with you, because that is a

philosophy I have always practiced and I was always preached.

I think that this is not a party issue. I think that the points as taken by the gentleman from Madawaska, the leader of our party, and I'm sure that he is speaking in both capacities, were very well taken. I'm certain that the young lady from Bath, Miss Watson, the sponsor, points are extremely well taken, and her thoughts are really well taken.

As an old pro who wants to go according to the rules and loves it, I am willing to go according to the law, relinquish some of the power and go along with the fine thinking of the young lady from Bath, Miss Watson.

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

Mr. CAREY: Mr. Speaker, I would like to direct a question to the gentleman from Madawaska, Mr. Levesque, and I would like to know what would prevent the state convention of either political party to change its rules to adopt this type of thing and do away with the machine politics that Mr. Jalbert has in Lewiston?

The SPEAKER: The gentleman from Waterville, Mr. Carey, directs a question through the Chair to the gentleman from Madawaska, Mr. Levesque, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. LEVESQUE: Thank you Mr. Speaker and Ladies and Gentlemen of the House: In answer to the inquiry by the gentleman from Waterville, Mr. Carey, I don't know how we can eliminate or even ameliorate some of the machine politics in the area of Lewiston where Mr. Jalbert has pre-dominance, well - organized, and according to the rules as he says. I don't know that we'd even want to change that system in Lewiston. But be that as it may, I think this particular area here would give a chance for machine politics, as we have it today, to get some fair type of representation for the minority groups that have felt for some time that they are left out of state politics and the national politics.

So this is the reason that I feel that these minority groups must have representation, and we must provide the vehicle for them to be able to recognize and be represented in one form or another. And I think probably that in the area of Lewiston, where Mr. Jalbert operates, this has always been the rule for a good many years, and we wouldn't want to change that either.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I want to assure the gathering here this morning that I'm not ruling anything. I don't operate anywhere. And I assure you one thing, as far as chief magistrates of the City of Lewiston, I think I've picked two winners in thirty years.

I am talking — and I'm talking very seriously about a situation — I will say one thing, in my city it's done out in the open. It is not done behind any closed doors, and I've known of a few charades here and there that have been done a little bit on the quiet, and I probably have been one of those around here who has joined that situation. And I'll tell you something now, I will go further; as a matter of fact, speaking of minority groups, my own self, I encouraged and helped people who were within the minority groups. And I'm stating now for those people who happened to be on the McCarthy side, certainly the preponderance were on the Humphrey-Muskie side. I'm speaking now that I encouraged these people to join. We even had meetings with these people. I had a meeting with these people even after the convention. I think this is more than a serious thing. It certainly does not restrict itself to machine politics in one area or another, it restricts itself to one thing. It restricts itself to seeing and truly putting democracy in action.

If by any chance this measure didn't pass, certainly if there's an area for the Legislative Research Committee, or a special committee to study, made up of both parties, this is where it exists. Because I, my own self, have seen within

the opposition party, I have sat in the gallery, and I have learned a few things — not tricks, I mean a few things, attending some of these meetings, and I mean I have seen the way they work, and the Republican Party has worked according to the rules. Sometimes there might be those who come back from conventions and say "power plays." Power play is all right if you can get the numbers. And I assure you of one thing, that for all the power, or all the voice, and all the will power that I have at my command, if the situation remains as it is, I shall go according to the rules and it will probably wind up hopefully on the same side.

On the other side of the picture, I have seen, my own self, I remember one time, and it was done according to the rules, I remember one time when I held the title of Democratic Floorleader of the Maine House. I was not even a delegate to the convention. I was not even an alternate to the convention. I sat in the gallery as a spectator. I didn't moan and groan as some of the minority groups are prone to do sometimes, I just got hotter than a firecracker and organized, and I wound up chairman of the delegates two years hence. I didn't quit; I joined them. If you can't beat them, join them. I joined them, and I wound up on the winning side.

That's exactly what I'm talking about, and it may sound to some — my conversation might sound facetious to some, and it is not — it is deadly serious, and it is deadly earnest. It is just as serious to me, as I want to see some of the younger people look forward within our party. That is why I am so interested in the present 20-year old system, because I am from the side that we can't mention, as of yesterday's calendar, that when you hit forty you are getting old and you are starting to go downhill. Well, believe you me, I'm beyond forty and I'm not going downhill: I'm not going to go downhill until I do go down the hill and there won't be anything I can do about it. But as long as I am standing, I don't have any intention of going downhill.



If this measure does not pass — and it should pass — this should be certainly an area of a deep study to come up with something that will give the public and the people that pay the freight the proper representation, and at all levels, at all functions, including conventions.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: It just doesn't seem appropriate for me in my position in the Republican Party not to stand up and make a few remarks. I feel that there is quite a lot that came back to the State of Maine from the Miami convention that was not kept behind closed doors. I also have some reservations, in fact, quite a few, about this whole process.

I would point out to you, where you're talking of representation and having your delegates to the conventions being pledged by the primary vote, that all too often our primary votes in these states that we take to be meaningful are not very indicative of the total state vote. We don't have that many people that turn out. We're basing the premise of everything we're saying here on the fact that we've had a large turnout. I don't think this has been true in many many states all across the country in these primary votes.

I will also say that I feel, wrongly or rightly, according to some, that your Republican and Democratic Conventions have had the right to instruct a first ballot vote if they wished it for their delegates, or they have left them open. I'm not sure this should be our prerogative.

I do go along with Mr. Jalbert that this is a very serious thing and that we should do more study of it before we accept this very complicated amendment. Thank you.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: As one of the three sponsors of a presidential preference primary

bill, I have just two or three comments on it.

One of them is the fact that it was interesting that all three bills did have one concept in common, and that was the fact that the election would be held concurrent with the state primary election in June, which would create no expense to the state.

I believe that in a discussion of this type that the thing that hits me mainly about this is that if the states, individually, can come up with reasonable presidential preference primary programs, then it will do away with any attempt by the National Congress to compel a one-day national primary election, which I feel would be completely wrong. And every study that I have ever read by prominent members of both parties indicate that this would be a move in the wrong direction and would put too much of the opportunity for a person attaining the highest elective office in the country in the hands of people with extreme wealth or the ability to muster up this; and of the people that we've had who have held that office in the last forty years, at least four of them have come from families of extremely meager means and have been able to work their way up through the entire electoral system to this highest office in the country.

The comments that the gentleman from Bath, Mr. Ross, made relative to this amendment, I completely concur with, and I concur with him in the motion to indefinitely postpone this amendment. I would feel that the adoption of this might destroy the whole concept of what we're attempting to do, and elections as a general rule, have always worked on the basis of the winner-take-all program; and I would believe that this would be much more advisable than trying to prorrate the delegates among the individual candidates, and I would hope the motion does prevail.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I feel that probably what Mr. Birt has just told you might

be right, but I think the area of dissension that we had on the national level in the last year were exactly the reasons that we must adopt the amendment in order to go along with some of the dissensions that were created in both national conventions this year.

The winner-take-all, or the unit rule, as it is presently in the bill itself, without the amendment, was the entire issue before the national conventions that some of the areas were completely machine operated and gave no equal representation. Now granted, if we in Maine here adopt this kind of philosophy, and only Maine adopts it, it will be of relatively no value whatsoever unless the entire fifty states adopt some form of rules and regulations of having some minority group represented in their own individual convention. I feel that we are going to be in the wrong part of the time.

If Maine alone adopts this it will be of no value, but I think we could lead the rest of the country in adopting this form of having our delegation represented in the national convention. Where some of the minorities in the state that are going to be active and they want to participate and want to go out and do some work, we will be represented. In the bill itself this will not be so, because the present form of our own state convention gives the minority a chance to be heard.

In the original bill that was presented this morning it will go by the unit rule, one carries everything or nothing at all. So this I think is erroneous and it's wrong and we should not adopt it. Without the amendment our present form of convention is as good as any of the systems in the country; and without this amendment I feel very sure that we should not accept the bill and, as was indicated, maybe study it for the next couple years and then come back with something firmer than what we have got, and then probably go along with following what some of the other states are doing.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: I would like to point out to the members of the House that your Republican National Convention's rules, we do not have a unit rule. The Democratic National Convention does at this time, but we changed that rule at the Republican Convention.

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

Mr. ROSS: Mr. Speaker and Members of the House: I do not feel that this is a partisan amendment at all, because I stated that I thought it was a very intriguing one but I don't feel personally that it's practical. But it certainly is an important issue, and to assure a good vote by the gong sounding I am going to request that the vote be taken by the yeas and nays.

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

Mr. VINCENT: Mr. Speaker and Members of the House: At the Republican National Convention last year you had delegates for Nelson Rockefeller and Richard Nixon. At the Democratic National Convention you had delegates for McCarthy, for Humphrey, and Kennedy. This is proportionate; it is not a unit rule. What we have before us is the three different presidential primaries. Miss Watson's amendment would seek to have representation the same as we had in the last convention. If we take the winner-take-all concept all the delegates will be pledged to one candidate, whether it's Nixon, Rockefeller, Kennedy, McCarthy, or Humphrey. We're preserving what we already have.

It was emphasized that of the three bills, her's was the most complicated. Is the simplest the best? It depends on the case. And I would suggest that in this case the simplest is not the best.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: In support of the motion of the gentleman from Bath, Mr. Ross, I would like to indicate that

while the Democratic National Convention in Chicago had as one of the highlights of its television coverage, at least that I was watching here in Mane, a violent dispute over the unit rule, I think that in a presidential preference primary situation where the majority of the people of the state have indicated their preference, that there is a good deal to be said for committing the delegation to vote for that candidate so long as he remains a true contender for the presidential nomination.

As one of those who enjoyed the Democratic National Convention a great deal, in fact much more than I did the Miami convention of the Republican Party, I can tell you that I don't think that it's our responsibility to attempt to work out your internal problems.

I was on the losing side in Miami, and took that loss with considerable less grace than I probably should have, but I don't think that it's appropriate for us here to attempt to straighten out your problem. I believe that we should have a unit rule so long as the candidate remains a definite contender for that office.

The State of Wisconsin has a law, and I believe that there wasn't anybody in Miami Beach any happier than Governor Warren Knowles who was an ardent Rockefeller supporter, but whose state had directed that he vote for Nixon, and the pressure was off, and I envied him that position.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Cumberland, Mr. Richardson, said that it's not his intention to straighten out our own House with this kind of legislation, or if this does not pass. The reason I want a study committee is because I want to help straighten out the House in his own party.

As he watched the proceedings of the Democratic Convention in Chicago, I watched with very deep interest the proceedings of the Na-

tional Convention of the Republican Party in Miami.

Back in 1956, seated behind me as a member of the South Carolinian delegation—as chairman of it as a matter of fact, I happened to be vice chairman of my delegation, was a gentleman Democratic senator, a Governor at the time, by the name of Strom Thurmond. Now sisters and brothers, that is something. And at some time during the proceedings on the third night, the word got around, and he was sitting directly behind me, as my good friend from Pittsfield, Mr. Susi, is, the name of Kennedy was dropped, and I thought he would have an epileptic stroke. Naturally, when I heard of this great statesman joining the opposition party, I did not necessarily go into mourning. But what I will say, that machine politics is something that should go out the window; I will prove it.

On the evening of the day for the voting, and I am sure that the gentleman from Cumberland, Mr. Richardson would know, and could refresh my memory in fact on this better than I could because he was there, but there are those that say sometimes you can see it just as well from television as you can sitting on the fifty-yard line. A word came out all at once when there seemed to be a little logjam insofar as Governor Reagan, Governor Rockefeller, and the front runner for president, Nixon, something came out from a commentator with a pack behind his back, to the effect that Strom Thurmond, Senator Strom Thurmond, Republican of Carolina, was not too happy, and he had called a meeting later on that evening, at eleven o'clock exactly, at which time heads of delegations from many states would attend, and a message would be sent to the front runner. I am not a gambling man, but I told my lovely wife then and there, there's the gentleman, and I didn't necessarily say gentleman, but gentleman here on the record, who is going to pick the next vice present nominee, and no matter how you say and how you talk and how long you talk, that that is exactly what happened. Now you pick it up from there.

Mr. Levesque of Madawaska was granted permission to speak a third time.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I will try to be very brief this morning, although I feel this is a very important issue, although there will be chances for changes in the next few years or before the next national election. But I certainly feel that by the adoption of this amendment this morning this will give a chance or a better chance, than under the present system of having some of the minority groups represented to some extent. Now they will have to get off their haunches and do some work if they want to be represented or if they want to participate. But I fail to see where either party convention, be they Democrats, or even Republicans, I don't see anything so pure or so saintly about the Republican National Conventions, or I don't see anything so pure and saintly about the Democratic National Conventions, that they are not opened for honest changes. And I certainly don't feel that the majority of the Republicans in this House this morning want to eliminate the possibility of any minority groups being represented at their conventions. So this is why I think the amendment is good for the Democrats as well as the Republicans. And I would fail to see that the Republicans in this House this morning don't want a fair representation by minority groups as well as all other groups that are in the State of Maine.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Would I be out of order to move the previous question?

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Cottrell, moves the previous question. For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All of those who desire for the Chair to entertain a motion for the previous question will vote yes; those

opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

The SPEAKER: Obviously more than one third having given consent for the Chair to entertain a motion for the previous question, the previous question is ordered.

The question now before the House is, shall the main question be put now? All those in favor of the main question being put now will say yes; those opposed will say no.

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

The SPEAKER: The main question is on the motion of the gentleman from Bath, Mr. Ross, that House Amendment "A" be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

More than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that House Amendment "A" be indefinitely postponed. If you are in favor of indefinite postponement of House Amendment "A" you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Berman, Birt, Bragdon, Brown, Buckley, Carey, Chick, Clark, C. H.; Clark H. G.; Cote, Crosby, Cummings, Curtis, Cushing, Dam, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Good, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Hichens, Huber, Immonen, Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, MacPhail, McNally, Meisner, Millett, Mosher, Norris, Noyes, Page, Payson, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Shaw, Snow, Soulas, Stillings, Thompson, Trask, Tyndale, White, Wight, Williams, Wood.

NAY — Bedard, Bernier, Binnette, Bourgoin, Brennan, Burnham, Carrier, Carter, Casey, Coffey, Corson, Cottrell, Couture, Crommett, Croteau, Drigotas, Emery, Fecteau, Fortier, A. J.; Fraser, Giroux, Heselton, Hewes, Hunter, Jalbert, Jameson, Jutras, Keyte, Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, Lund, Marquis, Marstaller, Martin, McTeague, Mitchell, Moreshead, Morgan, Nadeau, Ouellette, Rand, Ricker, Sheltra, Starbird, Susi, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler.

ABSENT — Boudreau, Bunker, Chandler, Cox, Curran, D'Alfonso, Danton, Dennett, Eustis, Faucher, Fortier, M.; Foster, Gauthier, Gilbert, Johnston, Kelleher, Kelley, K. F.; McKinnon, Mills, Quimby, Rocheleau, Santoro, Scott, G. W.

Yes, 72; No, 55; Absent, 23.

The SPEAKER: Seventy - two having voted in the affirmative and fifty-five in the negative, the motion does prevail.

The Chair recognizes the gentleman from Bath, Miss Watson.

Miss WATSON: Mr. Speaker and Members of the House: Although I am sorry that this House did not adopt the principle of proportional representation, I would like now at this time to reiterate my support for the concept of a presidential primary, and since during my slow and sometimes painful evolution from a freshman idealist to a practical politician I have learned that sometimes half an L. D. is better than none; and I would now move that the new draft L. D. 1473 be passed to be engrossed.

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

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

Bill "An Act relating to Distribution of Malt Liquor" (S. P. 441) (L. D. 1464) (In Senate, passed to be engrossed)

Tabled — April 30, by Mr. Tanguay of Lewiston.

Pending — Passage to be engrossed.

Mr. Hichens of Eliot offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-273) was read by the Clerk and adopted and the Bill passed to be engrossed as amended in non-concurrence and sent to the Senate.

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

Bill "An Act relating to Powers of Attorney on Accounts in Banks and Associations" (H. P. 660) (L. D. 847) (Committee Amendment "A" adopted H-243)

Tabled — April 30, by Mr. Hewes of Cape Elizabeth.

Pending — Passage to be engrossed.

On motion of Mr. Berman of Houlton, retabled pending passage to be engrossed and specially assigned for Tuesday, May 6.

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

HOUSE REPORT — "Ought not to pass" — Committee on Health and Institutional Services on Bill "An Act relating to Licensing of Children Day Care Centers" (H. P. 1089) (L. D. 1406)

Tabled — May 1, by Mr. Binnette of Old Town.

Pending — Motion of Mr. Marstaller of Freeport to substitute Bill for the Report.

On motion of Mrs. White of Guilford, retabled pending the motion of Mr. Marstaller of Freeport to substitute the Bill for the Report and specially assigned for Tuesday, May 6.

Mr. Lund of Augusta presented the following Joint Order out of order and moved its passage:

WHEREAS, Sam McCall has unselfishly dedicated nearly a half-century of his life to the development of the youth of his community and State; and

WHEREAS, after forty-two years of such faithful service with the Young Men's Christian Association at Augusta he will continue to serve as its Director of Development; and

WHEREAS, the people of Maine may justly take pride in the exceptional accomplishments of Sam McCall for he has achieved the highest stature in the field of recreation and physical fitness and fair play; and

WHEREAS, Sam is a person who has never sought recognition for his long and untiring efforts; and

WHEREAS, Sam McCall has rendered a great public service to both his area and his State, worthy of recognition; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 104th Maine Legislature publicly acknowledge and thank Sam McCall, on behalf of the people of the

Augusta area and the State of Maine, for his long and distinguished service and further express their best wishes and God-speed in his new office; and be it further

ORDERED, that a duly authenticated copy of this Joint Order be immediately transmitted to Sam McCall in honor of his day. (H. P. 1169)

The Joint Order received passage and was sent up for concurrence.

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On motion of Mr. Erickson of Warren,

Adjourned until Tuesday, May 6, at ten o'clock in the morning.