

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, June 6, 1969

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

Prayer by the Rev. Mr. David Dunn of Augusta.

The journal of yesterday was read and approved.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Bids for Contractual Services under the Auburn City Charter" (H. P. 963) (L. D. 1243) the Speaker appointed the following Conferees on the part of the House:

Messrs. FINEMORE
of Bridgewater
EMERY of Auburn
CASEY of Baileyville

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Damage to Private Water Supplies Resulting from Alteration of Highways" (H. P. 445) (L. D. 569) the Speaker appointed the following Conferees on the part of the House:

Messrs. FOSTER
of Mechanic Falls
MARSTALLER
of Freeport
COTE of Lewiston

On the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for a Presidential Preference Primary" (H. P. 516) (L. D. 687) the Speaker appointed the following Conferees on the part of the House:

Messrs. BIRT
of East Millinocket
PORTER of Lincoln
STARBIRD
of Kingman Township

**Papers from the Senate
Reports of Committees
Ought to Pass**

Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Excepting Water and Air Pollution Control Facilities from Sales and Use Taxes" (S. P. 117) (L. D. 326)

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

In the House, the Report was read and accepted in concurrence, the Bill read twice and assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Qualifications of Savings Bank Trustees and other Officers" (S. P. 406) (L. D. 1370)

Report was signed by the following members:

Messrs. BERRY of Cumberland
LOGAN of York
— of the Senate.
Messrs. SCOTT of Presque Isle
TRASK of Milo
SCOTT of Wilton
CLARK of Jefferson
HARRIMAN of Hollis
— of the House.

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

Report was signed by the following members:

Mr. LEVINE of Kennebec
— of the Senate.
Messrs. GAUTHIER of Sanford
PECTEAU of Biddeford
— of the House.

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

In the House: Reports were read.

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

Mr. SCOTT: Mr. Speaker, I move indefinite postponement of both Reports and this Bill.

The SPEAKER: The gentleman from Wilton, Mr. Scott moves indefinite postponement of both Reports and Bill.

Whereupon, Mr. Gauthier of Sanford requested a vote on the motion.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: One of the reasons, and there are various reasons why that I signed the Minority Report, it

was brought out before the Committee that there were directors on different banks and if a person went in to get a loan at one bank and when he tried to go to the second bank to get a loan and this same gentleman was the director of the bank, he was refused a loan because he had been refused in the first place, and for that reason I hope that you go against the indefinite postponement.

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

Mr. SCOTT: Mr. Speaker and Members of the House: This original bill evidently was introduced as sort of a grudge situation in the local community. At the hearing there was absolutely no evidence presented that the legislation was necessary. And the situation that Mr. Gauthier refers to I don't think exists at all. At least there was no evidence presented at the hearing to bring this out. There were several very respectable men whom I think you all respect opposed to the bill, George Peabody of Bangor who is a director of the Bangor Savings Bank and also he is a director of the Merrill Trust Company. Mr. Withee, the Bank Commissioner, testified at the hearing and he said that if such legislation is enacted there certainly should be a grandfather clause. Harold Mason of the Bangor Savings Bank said he had two directors who were also on national banks and hopes that if the law is changed that there will be a grandfather clause.

Ladies and gentlemen, I hope you will support the indefinite postponement motion. Thank you, you.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Mr. Scott. There were only two or three bankers that did appear, but quite a few people got in contact with me and told me that they needed some of these protections and I think that we are not here only to protect certain individuals. I think we

are here to protect our people back home. And I hope that you will go along with passing this and go against the indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Wilton, Mr. Scott that both Reports and Bill be indefinitely postponed. If you are in favor of this motion you will vote yes; if you are opposed you will vote no. And the Chair opens the vote.

A vote of the House was taken. 67 having voted in the affirmative and 38 having voted in the negative, the motion did prevail in non-concurrence.

Sent up for concurrence.

Final Report

Final Report of the following Joint Standing Committee:

Labor

Came from the Senate read and accepted.

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

Non-Concurrent Matter Tabled and Assigned

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Control of Riots" (S. P. 141) (L. D. 423) which was accepted in non-concurrence in the House on June 4.

Came from the Senate with that body voting to insist on its former action whereby the Bill was substituted for the Report and passed to be engrossed.

In the House: On motion of Mr. Berman of Houlton, tabled pending further consideration and specially assigned for Monday, June 9.

Non-Concurrent Matter Tabled Until Later in Today's Session

Bill "An Act to Clarify the State Museum Law" (H. P. 296) (L. D. 372) on which the House substituted the Bill for the Report and passed the Bill to be engrossed as amended by House Amendment "A" on June 4.

Came from the Senate with the "Ought not to pass" Report of the Committee on State Government accepted in non-concurrence.

In the House:

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

Mr. BIRT: Mr. Speaker, I move we insist.

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

Mr. RIDEOUT: Mr. Speaker, I move we recede and concur.

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

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

Mr. BIRT: Mr. Speaker and Members of the House: Last week — earlier this week there was an amendment presented to this bill to remove the most objectionable part of the bill, the establishment of the State Archaeologist. At that time — and this leaves three, not two, problem sections of the bill in. I believe that if this bill is allowed to go over to the other body, a particular member of that body who was interested in this was not available at the time it was considered yesterday, if this is allowed to go over to the body at the other end of the hall I think the situation can be corrected and I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, the important part of this bill is to allow the museum to accept federal funds. They are already working on three projects, one of which has been accepted by the federal government and wholly financed by the federal government. This includes a group of scholarships for young people which has gone into effect and these young people will be going to school under this program this summer.

Now if this House wants to have word sent to these young people that they can't go to school because we decided we don't want to use federal money to pay for their schooling, why that is one thing, but I think this motion to recede and concur should be re-

jected and the motion to insist go along.

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

Mr. RIDEOUT: Mr. Speaker, a point of parliamentary inquiry, please.

The SPEAKER: The gentleman may pose his inquiry.

Mr. RIDEOUT: Mr. Speaker, would you inform me as to the outcome of a motion to insist? Is that mandatory that there be a Committee of Conference or just that it goes over to the other body?

The SPEAKER: The Chair would inform the gentleman that if the motion is to just insist and not request a Committee of Conference, it would go over to the other body and they would take action in that body relative to insisting and requesting a Committee of Conference.

Mr. RIDEOUT: Mr. Speaker, may I withdraw my motion to recede and concur?

The SPEAKER: The gentleman from Manchester withdraws his motion to recede and concur. The pending motion is the motion of the gentleman from East Millinocket, Mr. Birt, that the House insist on its former action.

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

Mr. JALBERT: Mr. Speaker, I would like a division on the last motion, please.

The SPEAKER: Would the gentleman restate his motion.

Mr. JALBERT: I didn't make a motion; I just asked for a division on this. Mr. Speaker, I would like to have this item lie on the table until later on in the day's session.

Thereupon, tabled until later in today's session pending the motion of Mr. Birt of East Millinocket to insist.

Non-Concurrent Matter Tabled Until Later in Today's Session

Bill "An Act relating to Governmental Immunity in Civil Actions" (H. P. 557) (L. D. 738) which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 23.

Came from the Senate with Committee Amendment "A" indefinitely postponed and the Bill

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

In the House:

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

Mr. BERMAN: Mr. Speaker, I move that we concur with the Senate.

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending the motion of Mr. Berman of Houlton to recede and concur and later today assigned.

Non-Concurrent Matter

Bill "An Act to Regulate Home Solicitation Sales" (H. P. 758) (L. D. 978) which was passed to be engrossed in the House on May 26.

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

In the House: On motion of Mr. Berman of Houlton, the House voted to recede and concur.

Non-Concurrent Matter Tabled Until Later in Today's Session

Bill "An Act relating to Mandatory Discharge of Chattel Mortgages and Notes" (H. P. 929) (L. D. 1190) which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 22.

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

In the House:

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

Mr. COX: Mr. Speaker, I move that we recede and concur with the Senate.

Whereupon, on motion of Mr. Rideout of Manchester, tabled pending the motion of Mr. Cox of Bangor to recede and concur and later today assigned.

Non-Concurrent Matter Tabled Until Later in Today's Session

Bill "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens"

(H. P. 1017) (L. D. 1325) which was indefinitely postponed in the House on May 28.

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

In the House: On motion of Miss Watson of Bath, tabled pending further consideration and assigned for later in today's session.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Prohibiting the Conducting of Contests and Games by Retail Sellers" (H. P. 1207) (L. D. 1534) which was passed to be engrossed as amended by House Amendment "A" in the House on June 3.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mr. COTE: Mr. Speaker, I move that we adhere.

Whereupon, Mr. McTeague of Brunswick requested that the matter be tabled until Monday, June 9.

Mr. Rideout of Manchester asked for a vote on the tabling motion.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague moves that item nine, L. D. 1534, be tabled until the next legislative day pending the motion of the gentleman from Lewiston, Mr. Cote that the House adhere. A vote has been requested on the tabling motion. All members who desire that this matter be tabled until Monday, June 9, will vote yes; those opposed will will vote no. The Chair opens the vote.

A vote of the House was taken.

58 having voted in the affirmative and 54 having voted in the negative, the motion to table did prevail.

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

Mr. BENSON: Mr. Speaker and Members of the House: In caucuses by both parties we have had agreement that there would be tabling in the morning until later in

the day's session. In the afternoon obviously tabling would be proper until the next morning, and I just would like to remind you of this and ask that you would abide by this general agreement by both parties.

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

Mr. RIDEOUT: Mr. Speaker, I would ask for a roll call on the tabling motion.

The SPEAKER: A roll call has been requested on the tabling motion.

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

Mr. LEVESQUE: Mr. Speaker, may I request a recess of thirty seconds, please?

Thereupon, the House recessed until the sound of the gong.

After Recess

Called to order by the Speaker.

Thereupon, Mr. Rideout of Manchester withdrew his motion.

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, June 9, at 3 o'clock in the afternoon. (S. P. 492)

Came from the Senate read and passed.

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

Messages and Documents

The following Communication:

THE SENATE OF MAINE
Augusta

June 5, 1969

Honorable Bertha W. Johnson
Clerk of the House of Representatives

104th Legislature

Dear Madam Clerk:

The Senate has 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 Mediation Authority of State Employees Appeal Board. HP 1035-LD 1345.

The Senate has concurred with the House in rejecting the Com-

mittee of Conference report and has further Insisted and joined in a second Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Providing for a Presidential Preference Primary. HP 516-LD 687.

Respectfully,
(Signed) Jerrold B. Speers
Secretary of the Senate
The Communication was read and ordered placed on file.

Orders

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I hope it is appropriate to just briefly remind or inform the House that twenty-five years ago today one of the members of this House was wading through the water toward Utah Beach. His name is Representative Philip Jutras.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Rocheleau.

Mr. ROCHELEAU: Mr. Speaker, I would inquire if the House has in its possession L.D. 1583?

The SPEAKER: The Chair would inform the gentleman in the affirmative.

Mr. ROCHELEAU: I now move that the rules be suspended for reconsideration.

The SPEAKER: The Chair understands that the gentleman from Auburn, Mr. Rocheleau moves that the House reconsider its action of yesterday whereby it accepted the Majority "Ought not to pass" Report on Bill "An Act Relating to Civil Service Commission in the City of Auburn," House Paper 1000, L.D. 1302, and the Minority Report, reporting same in a new draft, House Paper 1248, L.D. 1583 under the same title and that it "ought to pass." Is it the pleasure of the House to reconsider?

Mr. ROCHELEAU: Mr. Speaker, may I speak to my motion?

The SPEAKER: The gentleman may proceed.

Mr. ROCHELEAU: Mr. Speaker, Members of the House: This morn-

ing I would like to speak to you on L.D. 1583, a new draft to L.D. 1302. The new draft simply adds a referendum clause to the bill. At the hearing which was well attended by the proponents and opponents it was asked by the Chairman if there would be any objection to a referendum clause added to the bill, both the proponents and opponents agreeing. I do remember and I believe that the members that were on the same Committee in the 103rd will remember that the Chairman of the upper body at that time made note that the opponents of the new charter changes, at that time the Auburn firefighters, could bring back this Civil Service matter if they believed that it would not be workable under the new changes.

This is the reason for the L. D. this morning. The old Civil Service Commission which was in the City Charter for some fifty-three years must have been good to last that long. That is the reason why the firefighters of Auburn ask for your support. As it stands now the firefighters of the City of Auburn have no job security. A man who has been in the department for as long as eighteen to twenty-three years can be dismissed for any petty infraction of the rules and regulations at the discretion of the City Manager or the Fire Chief. They have no job protection. The Civil Service rules presented by the City which are in effect at this time can be changed in any manner the City sees fit at any time it chooses. Men of the department are now in a position to be discharged regardless of how many years they have been in the department and would lose all benefits without recourse. Not only would the men of the department suffer but their families as well, dependents totalling 220 in this department alone.

I earnestly solicit your support of this bill in order to give the firefighters of the City of Auburn the job security they have earned and deserve. I move the acceptance of the Minority "Ought to pass" Report in its new draft.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: This bill is designed to assist the firemen of my city in securing their job security. It does not entail one penny of cost to our taxpayers over what we appropriated before the new '67 charter went into effect. This department deserves our support. These men are the reason why we have the number two department in this state. Many times these valiant gentlemen have saved many lives and property.

A certain group in the majority in our city have harassed these fire department laddies for several years. As a Councilman from Auburn I assure you that the majority of the citizens of my city are aware that a mistake was made when this Civil Service protection was left out of the '67 charter. At that time I believe that the Chairman of the Legal Affairs Committee left it open for these firemen to come back to the Legislature if they didn't agree that the Civil Service deletion was good for them.

I therefore back my fellow legislator from Auburn, Mr. Rocheleau and ask a favorable passage of the bill 1583.

Mrs. Baker of Orrington requested a vote on the reconsideration motion.

The SPEAKER: The gentleman from Auburn, Mr. Rocheleau moves that the House reconsider its action of yesterday whereby it accepted the Majority "Ought not to pass" Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: There is a short dividing line between the two communities of Lewiston and Auburn and I frequently visit with some of the people involved here, the people who are being heralded as the number two in the state as far as firefighting is concerned. I think this would be a moral detriment if we didn't go along in my humble opinion with the gentleman from Auburn, Mr. Rocheleau. It is a home rule problem and it is difficult naturally for anyone to step in when there is a problem of division and sometimes particularly among the members of the

Legislature within your own county.

For that reason I hope the House will go along and allow this to go to referendum and let it be settled by the citizens of Auburn. I support Mr. Rocheleau.

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

Mr. TEMPLE: Mr. Speaker, Ladies and Gentlemen of the House: You probably realize this being a firefighters problem in the State of Maine I am seriously concerned. I will go on record as saying the City Manager of Auburn I have known for a good many years. Mr. Brackett is a very notable City Manager, he has received recognition over the country as such and as was stated yesterday as a past president of the City Managers Association, but all of us I think sometimes get a little over active especially if we are concerned with public affairs and Mr. Brackett has very seriously harassed the members of the Auburn Fire Department. That is why this legislation is before you today.

Now, let's picture if you was a firefighter for the City of Auburn and you had given faithful and honest service for a good many years, and you was up to where you were reaching the retirement stage and you had a City Manager and a Fire Chief that was harassing you day in and day out and threatening to throw you out of your job and put a call fire force into the City of Auburn, I hope you appreciate this situation.

Another thing, Mr. Brackett at one time even wanted to underwrite the insurance for the City of Auburn and throw the National Board of Fire Underwriters out. Now he does these things in the spirit of progress, but then I think later on he realizes his mistake and he will realize his mistake in this instance. And I hope you will support the gentleman from Auburn, Mr. Rocheleau and allow this to go back to the voters of the City of Auburn where it belongs. Thank you.

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

Mr. COX: Mr. Speaker and Members of the House: We had quite a lengthy hearing in the Legal Affairs Committee on this bill, and it did seem as the bills that we heard yesterday, that it was a local issue that should never have been brought to the Legislature. I would remind this Legislature that the charter of the City of Auburn is about a year and a half old and if I recall correctly we have had four bills from the firefighters in this Legislature this session. It seems that we have a disgruntled element in Auburn, consisting of the Fire Department, and that they can't seem to get anywhere with their local government so they come up here to try to get their special legislation through. I hope that you would vote to support the Committee on this matter. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: Two years ago when we passed this Auburn charter, our chairman then Senator Good mentioned that if they didn't include provisions for Civil Service tuition that they could come back and have it put in the charter. But as I understand it, under ordinance, they are establishing a Civil Service Commission and it will be taken care of there, and it is unnecessary to go into the charter.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Auburn, Mr. Rocheleau that the House reconsider its action of yesterday whereby it accepted the Majority "Ought not to pass" Report on Bill "An Act relating to Civil Service Commission in City of Auburn," House Paper 1000, L. D. 1302. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

61 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

The SPEAKER: The pending question is, shall the House ac-

cept the Majority "Ought not to pass" Report. All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, the "Ought to pass" Report in new draft was accepted. The New Draft was given its two several readings and assigned for third reading the next legislative day.

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

Mr. CAREY: Mr. Speaker, is the House in possession of Senate Paper 156, L. D. 474, An Act Providing Notice or Severance Pay by Employers?

The SPEAKER: The answer is in the affirmative.

Mr. CAREY: Mr. Speaker, having voted on the prevailing side yesterday, I now move reconsideration of our action.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the House reconsider its action of yesterday whereby Report and Bill were indefinitely postponed on L. D. 474, reporting "Ought to pass" as amended by Committee Amendment "A".

The Chair recognizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker and Ladies and Gentlemen of the House: This bill has been around for a long while. I ask for a division on the reconsideration motion.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: If my recollection is correct, about one third of us were not in our seats here late yesterday afternoon when this matter came up and I would ask the members, regardless of their position on the bill, considering the importance of it to the people involved and maybe laid off go along with reconsideration so that every member will have a chance to be recorded on this bill.

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

Mr. BENSON: Mr. Speaker and Members of the House: Just one word, we have difficulty enough with the bills that are constitutional that we turn out of the legislature and when we knowingly act on a bill that has been ruled unconstitutional, I think that we should maintain our vote of yesterday and not reconsider this matter again today.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I seriously am in favor of the reconsideration motion this morning in view of the importance of the legislation, and there may be an area that can be arrived at that will be acceptable to the Legislature after its complete and full review. I think a lot of these things sometimes just go through, and it could be quite possible that the question of constitutionality was in question.

There are some serious reservations as to whether the opinion rendered is necessarily unconstitutional as far as the bill is concerned. If there could be an area that these gray areas would be eliminated, I think we should stand in support of the reconsideration motion this morning.

The SPEAKER: Is the House ready for the question? All in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

53 voted in the affirmative and 58 voted in the negative.

Mr. Jalbert of Lewiston then asked for a roll call vote.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests that the vote be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members 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 Waterville, Mr. Carey, that the House reconsider its action of yesterday whereby it indefinitely postponed this Bill in non-concurrence. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Bedard, Berman, Bernier, Binnette, Birt, Bourgoin, Bunker, Burnham, Carey, Carter, Casey, Coffey, Cote, Couture, Cox, Crommett, Croteau, Curran, Cushing, Dam, Drigotas, Emery, Fecteau, Fortier, A. J.; Fortier, M.; Gauthier, Giroux, Jalboux, Kelleher, Kelley, R. P.; Keyte, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lewis, MacPhail, Marquis, Martin, McKinnon, McTeague, Meisner, Mills, Mitchell, Morgan, Nadeau, Porter, Ricker, Rocheleau, Santoro, Sheltra, Snow, Starbird, Tanguay, Temple, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler.

NAY — Allen, Baker, Barnes, Benson, Bragdon, Buckley, Chandler, Chick, Clark, C. H.; Crosby, Curtis, Donaghy, Dudley, Durgin, Dyar, Evans, Farnham, Finemore, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Hunter, Immonen, Johnston, Kelley, K. F.; Lee, Lincoln, Lund, McNally, Millett, Moreshead, Mosher, Page, Payson, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, G. W.; Shaw, Stillings, Thompson, White, Wight, Williams, Wood.

ABSENT — Boudreau, Brennan, Brown, Carrier, Clark, H. G.; Corson, Cottrell, Cummings, D'Alfonso, Danton, Dennett, Erickson, Eustis, Faucher, Foster, Fraser, Gilbert, Good, Harriman, Jameson, Jutras, Kilroy, Lewin, Marsteller, Norris, Noyes, Ouellette, Ross, Scott, C. F.; Soulas, Susi.

Yes, 63; No, 56; Absent, 31.

The SPEAKER: Sixty-three having voted in the affirmative and fifty-six in the negative, the matter is reconsidered.

The pending question is indefinite postponement. As many as

are in favor of indefinite postponement will vote yes; those opposed will vote no.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I am opposed to this legislation and I intend to vote in favor of the motion to indefinitely postpone and I think that it is important that we recognize that the bill in its present form makes, in my opinion, an arbitrary, unreasonable and capricious distinction between classes of employers. It is not based on any rational difference in status.

Now the Constitution of this state and the United States and the laws of this state require or permit the Legislature to make a distinction between various classes of persons or property, but in making that distinction the Legislature must act on something other than an arbitrary and capricious selection of one figure as opposed to another. The Attorney General of this state has given a clear and unequivocal opinion indicating that in his judgment the bill is unconstitutional and illegal in its present form.

The gentleman from Brunswick, Mr. McTeague, yesterday, I think sounded the alarm bell when he said, "Well, we just happened to pick this figure, we could have picked any other figure." And this, I think, exposes this bill for what it is, an arbitrary, unreasonable, and capricious classification of employers without any reference to the business enterprise involved, without any finding of fact that indicates that one particular industry's closing out might have a more adverse effect on the laboring people than another. It is for this reason and for this reason alone that I cannot in good conscience support this bill, and I ask you to very seriously consider the action you are taking. It isn't a question of being against severance pay per se. It is a question of responsibly putting out a product from the Legislature that we can be proud of and that we can take home with us and say that we have done the right thing in view of the facts that we had before us.

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

Mr. HASKELL: Mr. Speaker and Members of the House: This legislation was considered by the Labor Committee and it shortly was very obvious that it was an attempt to cure an isolated incidence by legislation that would have application to all of the employers of the state. For this reason it had a stormy passage and finally was defeated here and survived in the other body with an amendment that restricted it to employers of more than a hundred, but basically this is a method that I think all of us object to, attempting to devise legislation to cover what in reality is an unusual and an isolated incidence. That is the dismissal of a large number of workers in the Brewer-Lincoln situation without adequate notice.

In the hearing we questioned representatives of the Department of Labor if this was a widespread problem in the state and it was admitted that it was not, and we questioned whether it was wise to attempt to write legislation covering all the employers of the state to take care of an isolated situation. As far as I am concerned, I think it is a ridiculous piece of legislation and is not needed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Respectfully I might state that any piece of legislation that is thought of could possibly get a little better rating than being ridiculous. However, in this particular instance this very obviously is a discussion between attorneys, not an argument because they never argue.

Now I would like this morning to go along and ask you people to keep this bill alive to have the courts finally decide this. And I am sure that the gentleman from Cumberland, Mr. Richardson would have to join me in this because in his plea yesterday, and I went along with him for several reasons, but one of the reasons also that I went along with him in his plea, of course, of yesterday,

he was also going to ask the courts to decide as to one phase of the package. So I mean there is nothing different today than there was yesterday, so if this thing is kept alive, we could finally decide on its constitutionality so that if it is kept alive I would ask the decision of the court and I am sure the gentleman from Cumberland in his fairness, Mr. Richardson, would join me in this thinking.

The SPEAKER: The Chair recognizes the gentlemen from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I think the experience of Representative Jalbert is doing very good service to the Legislature in suggesting an opinion be received from the court on this matter, and when you think of it the matter really isn't simple. We have to classify by numbers in many cases. For example, when we are talking about the voting age and the age of adult rights, we let a person 21 years of age buy liquor, but a person who is 20 years and 364 days of age cannot buy liquor. The problem is, you have to draw a line somewhere, but I certainly would go along with the suggestion of the gentleman from Lewiston in having the court decide.

I noticed Representative Richardson was very careful to say yesterday that he did not oppose this legislation, he did not address himself to the merits or the lack of them, he talked only about the legal problems. And I know that it is not uncommon that two lawyers disagree on things and when they disagree we should go the primary source, which is the court, and get an opinion.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Members of the House: I am not going to speak for the merits nor the demerits of this bill. I simply have been asked to explain the situation as it occurred a year ago last March in Lincoln and Brewer.

As you will remember, Standard Packaging owned those two mills. During the month of February, there were rumors in both

communities taking three forms. First there was a rumor that the mills were going to be sold. Then there was a rumor that there was going to be an expansion and then in the background there was a slight rumor that the mills were going to be closed. Nobody would accept the latter.

On March 4, the town officials and the Lincoln Development Association and officials in the mill were called to Bangor for a meeting at eleven o'clock. Out of the blue came the announcement that the mills were going to be closed. The town officials had not been notified. The Governor of our state had not been notified. The workers had not been notified. We felt that we were unjustly done by. However, after the mill was closed, severance pay was provided.

The SPEAKER: Is the House ready for the question? The pending question is the indefinite postponement of Bill "An Act Providing Notice or Severance Pay by Employers," Senate Paper 156, L. D. 474. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

61 voted in the affirmative and 57 voted in the negative.

Mr. Jalbert of Lewiston then requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion to indefinitely postpone. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Bragdon, Buckley, Chandler, Chick, Clark, C. H.; Crosby,

Curtis, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K.F.; Kelley, R.P.; Lee, Lincoln, Lund, MacPhail, McNally, Meisner, Millert, Moreshead, Mosher, Page, Payson, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H.L.; Rideout, Sahagian, Scott, C.F.; Scott, G. W.; Shaw, Snow, Stillings, Thompson, Trask, White, Wight, Williams, Wood.

NAY—Bedard, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bunker, Burnham, Carey, Carter, Casey, Coffey, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Curran, Cushing, Dam, Drigotas, Emery, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Hunter, Jalbert, Jutras, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Porter, Ricker, Rocheleau, Santoro, Sheltra, Starbird, Tanguay, Temple, Tyndale, Vincent, Watson, Waxman, Wheeler.

ABSENT — Brennan, Brown, Carrier, Clark, H. G.; Corson, Cummings, D'Alfonso, Danton, Dennett, Eustis, Faucher, Foster, Gilbert, Good, Harriman, Jameson, Lewin, Lewis, Marstaller, Norris, Noyes, Ouellette, Ross, Soulas, Susi.

Yes, 62; No, 63; Absent, 25.

The SPEAKER: Sixty-two having voted in the affirmative and sixty-three having voted in the negative, the indefinite postponement motion does not prevail.

Thereupon, the "Ought to pass" Report was accepted in concurrence and the Bill read twice.

Committee Amendment "A" (S-184) was read by the Clerk and adopted in concurrence and the Bill was assigned for third reading the next legislative day.

House Reports of Committees Ought to Pass with Committee Amendment

Mr. Martin from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for the Construction and Improvement of Airports throughout the

State; for a Tourist Information Building at Kittery; a State Office Building; the Repair and Improvement of Certain State-owned Buildings; and Provide for other Essential Improvements to Facilitates for the Departments of Adjutant General, Finance and Administration, Civil Defense and Public Safety, Health and Welfare, Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$11,140,000" (H. P. 307) (L. D. 394) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-487) was read by the Clerk.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentleman of the House: In this amendment there is one part that I would like to explain a little bit because it is a somewhat different approach than has been previously taken.

There is \$300,000 in here for planning. This is something that has been discussed for many years but has never been properly done. The Legislature has been continually presented with projects that had no prior planning, we had no information as to future costs, what the costs of development, the costs of operation, the number of employees who would be involved in this, none of these things have ever been presented to the Legislature.

This has \$300,000 in for the BPI to develop projects and planning of buildings, and on pages 4 and 5 there is a list of what the Appropriations Committee felt were top priority projects that should have plans developed and then these program plans can be presented to the 105th Legislature and it will give both the Appropriations Committee and the Legislature some idea of what is going to be involved in the developing of these buildings and give them an opportunity to make a better judgment as to whether these projects should be continued.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Keeping in line with the gentleman from East Millinocket, as already indicated to you, I would only add one other thing before someone climbs down my back or the back of the other members of the Appropriations Committee. I would ask you to look at the amendment which has been distributed under filing number 487 and you will find that the \$11,140,000 is now \$1,940,000 and if someone says that this is not a major cut, I don't know what is.

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Indefinitely Postponed

Mr. Allen from the Committee on Education on Bill "An Act Restoring the School Construction Aid Percentages to the Average Percentages of the Original 1957 Act" (H. P. 548) (L. D. 727) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

Mr. RICHARDSON: Mr. Speaker, I would move that this Bill and all its accompanying papers be indefinitely postponed and I would speak briefly to the motion.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the Report and Bill be indefinitely postponed.

The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Members of the House: The Education Committee in studying this bill found that there were many things that should be studied and there has been an order introduced which would refer this and several other matters to the Education Council for further study. Therefore, we decided that it would far better to indefinitely postpone this bill and have the Education Council report back to the next special session or the next session of the Legislature. Thank you.

Thereupon, both Report and Bill were indefinitely postponed and sent up for concurrence.

Mr. Allen from the Committee on Education on Bill "An Act relating to Lease of School Facilities by School Administrative Units" (H. P. 1109) (L. D. 1430) reported "Ought to pass" as amended by Committee Amendment "A" (H-489) submitted therewith.

Mr. Cox from the Committee on Legal Affairs on Bill "An Act relating to Credit Card Crimes" (H. P. 563) (L. D. 744) reported "Ought to pass" as amended by Committee Amendment "A" (H-490) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and the Bills assigned for third reading the next legislative day.

Divided Report Tabled and Assigned

Report "A" of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Salaries of Legislative Research Committee Officials" (H. P. 43) (L. D. 44)

Report was signed by the following members:

Messrs. WYMAN of Washington
LETOURNEAU of York
BELIVEAU of Oxford
—of the Senate.

Messrs. DONAGHY of Lubec
STARBIRD
of Kingman Township
—of the House.

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

Report was signed by the following members:

Messrs. DENNETT of Kittery
RIDEOUT of Manchester
Miss WATSON of Bath
Messrs. MARSTALLER

of Freeport
D'ALFONSO of Portland
—of the House.

Reports were read.

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

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

Whereupon, on motion of Mr. Starbird of Kingman Township, tabled pending the motion of Mr.

Rideout of Manchester to accept Report "B" "Ought to pass" and specially assigned for Monday, June 9.

Passed to Be Engrossed

Bill "An Act Creating Oxford County Commissioner Districts" (S. P. 462) (L. D. 1525)

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

The SPEAKER: The Chair recognizes the gentlewoman from Topsham, Mrs. Coffey.

Mrs. COFFEY: Mr. Speaker, I now move the indefinite postponement of this bill and request a division.

The SPEAKER: The gentlewoman from Topsham, Mrs. Coffey moves that L. D. 1525 be indefinitely postponed.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: I certainly hope you people will not go along with the indefinite postponement of this bill.

The SPEAKER: Is the House ready for the question? All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

44 having voted in the affirmative and 50 having voted in the negative, the motion to table did not prevail.

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

Bill "An Act relating to Hospitalization for Mental Illness of Inmates of County Jails and During the Pendency of Criminal Proceedings" (H. P. 1239) (L. D. 1574)

Bill "An Act to Incorporate the Town of Flagstaff" (H. P. 1241) (L. D. 1576)

Bill "An Act Placing All Unclassified State Forestry Department Employees in the Classified System" (H. P. 1243) (L. D. 1578)

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (H. P. 1244) (L. D. 1579)

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

Third Reader

Tabled Until Later in Today's Session

Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and their Confirmation (H. P. 1016) (L. D. 1324)

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

(On motion of Mr. Donaghy of Lubec, tabled pending passage to be engrossed and assigned for later in today's session.)

Resolve Authorizing Louis Nadeau to Bring Civil Action Against the State of Maine (H. P. 1240) (L. D. 1575)

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

Amended Bills

Bill "An Act relating to School Construction Aid" (S. P. 124) (L. D. 386)

Bill "An Act relating to Town's Matching Funds for Reconstructing State Aid Highways" (S. P. 128) (L. D. 390)

Bill "An Act relating to Expenses of the Clerk of the House of Representatives" (H. P. 44) (L. D. 45)

Bill "An Act Amending the Charter of the City of Portland Relating to Recall" (H. P. 1040) (L. D. 1365)

Bill "An Act Revising the Maine State Personnel Laws" (H. P. 1048) (L. D. 1376)

Bill "An Act to Permit Savings Banks to Engage in Debtor Counseling Services" (H. P. 1076) (L. D. 1399)

Bill "An Act Establishing the Boundary Line Between the City of Bath and the Town of Woolwich" (H. P. 1079) (L. D. 1402)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee

Amendment "A" and sent to the Senate.

Third Reader Tabled Until Later in Today's Session

Bill "An Act relating to Comparative Negligence in Civil Actions" (S. P. 89) (L. D. 251)

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

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and assigned for later in today's session.)

Bill "An Act to Revise the Credit Union Law" (S. P. 200) (L. D. 609)

Bill "An Act relating to Time of Filing Security Interests under the Uniform Commercial Code" (S. P. 377) (L. D. 1287)

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

Third Reader Tabled Until Later in Today's Session

Bill "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine" (S. P. 338) (L. D. 1136)

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

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

Mr. TEMPLE: Mr. Speaker, I am preparing an amendment for this bill but I could not get it ready for the session today and I would appreciate it if somebody would ask that this be tabled for one legislative day.

Whereupon, on motion of Mr. Rideout of Manchester, tabled pending passage to be engrossed and assigned for later in today's session.

Finally Passed Constitutional Amendment

Resolve Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service En-

terprises and for Preservation of Certain Business Enterprises (S. P. 391) (L. D. 1316)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 102 voted in favor of same and 9 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate

Passed to Be Enacted

An Act Concerning Admissibility of Hospital Records and Copies of Records as Evidence (S. P. 104) (L. D. 317)

An Act relating to Communications Between Physicians and Patients (S. P. 224) (L. D. 664)

An Act to Amend the Credit Union Law (S. P. 402) (L. D. 1354)

An Act Revising the Law Regulating the Alteration of Wetlands (S. P. 470) (L. D. 1528)

An Act to Establish Revised Boundaries for the Master Plan of the Capitol Complex Area at Augusta (H. P. 577) (L. D. 758)

An Act to Amend the Charter of the City of Saco (H. P. 695) (L. D. 895)

An Act to Authorize Lincoln County to Raise Money for Court House Capital Improvement (H. P. 750) (L. D. 968)

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

Enactor Tabled and Assigned

An Act relating to Excise Tax on Motor Vehicles (H. P. 841) (L. D. 1079)

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

(On motion of Mr. Binnette of Old Town, tabled pending passage to be enacted and specially assigned for Monday, June 9.)

An Act Revising the Charter of the City of Biddeford (H. P. 996) (L. D. 1298)

Was reported by the Committee on Engrossed Bills as truly and

strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Authorizing Municipalities to Voluntarily Consolidate (H. P. 1068) (L. D. 1397)

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

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Ladies and Gentleman of the House: I don't think this is necessary legislation. We already have two methods of consolidating. We can consolidate by coming to the Legislature and have the Legislature consolidate the towns or under the enabling act a group of towns can get together and join as a Town Manager and operate as a unit if they so see fit to do so.

Now I think that the City of Portland and South Portland are talking of consolidating and I think that the fact that they are consolidating is entirely as much as a matter for consideration of this Legislature as the time of catching mink in Penobscot County. These municipalities are supposed to be creatures of the Legislature or the State and under this setup they are allowed to make up their own charters without coming to the Legislature for confirmation. If we do have a home rule provision which is going out to allow towns to change their charters after they are granted and in the Legal Affairs Committee under the legislation that will be put in later it was specifically brought up that all charters should be brought to the Legislature originally for consideration, and under this bill they would not be. So I move indefinite postponement of this bill.

The SPEAKER: The gentleman from Chelsea, Mr. Shaw moves the indefinite postponement of L. D. 1397.

The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, Members of the House: I regret I have to rise to oppose the motion of the gentleman from Chelsea,

Mr. Shaw on the bill which was heard before the Legal Affairs Committee and which had the support of the majority of the Committee. At the hearing it had the support of many communities within the State and the Maine Municipal Association.

The advantage that it presents is two-fold. It allows municipalities to go about their business to attempt to carry out the economies that can be carried out by joining municipalities. Now as many of us are aware we have sometimes small municipalities that can gain advantage by joining together, sometimes we have a large municipality which may wish to join with the consent of a smaller one and thereby carry out its municipal service more effectively.

This bill would allow this to be carried out without having to trouble the Legislature with the procedure. It does provide for alternative procedures for consolidation. One involves the establishment of a committee representing each of the municipalities. The other procedure involves the municipal officers of each community meeting together and preparing a consolidated charter, but in each instance the consolidated charter is subject to the approval, the separate approval of each of the two communities involved.

As I listened to the debate of the gentleman from Chelsea, Mr. Shaw, I wasn't sure for a moment whether he was debating in favor of the bill or against it. It seems to me that we have many matters in this legislature of state-wide importance. It is not that the local issues aren't important; it is simply that I think they are of less importance to us who should be concerned primarily with state-wide problems. I do think this bill which has had no difficulty up to this point, which had support at the hearing and the support of the majority of the Committee, is worthy of passage. I feel it would enable our towns to carry out their functions more effectively and to do so without cluttering up the Legislature with unnecessary legislation which is not of state-wide concern.

So I hope you will vote against the motion to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from Chelsea, Mr. Shaw that L. D. 1397 be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 31 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

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

An Act relating to Running Horse Races on Sunday (H. P. 1069) (L. D. 1398)

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

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

Mr. HICHENS: Mr. Speaker, Ladies and Gentlemen of the House, The other day a gentleman on the Floor of the House presented an eloquent speech advocating Sunday as a day of pleasure and then revealed that his speech was one given in the 84th Legislature in defense of Sunday baseball. This gentleman inadvertently gave us the key that unlocked the door to the transformation of Sunday as a day of worship and rest to its present status. Each year the rules have been relaxed and even during this session Sunday sales of liquor have been approved and now legalized gambling on Sunday.

In contrast the real significance of Sunday as our parents and grandparents observed it has decreased. The Catholic Sunday once ended at noon and Protestant churches held Sunday evening services. Now most Protestant churches hold only one Sunday service and several are held early so parishioners can have a long day of pleasure. Recently the Catholic church approved Saturday evening masses so the parishioners could have the whole day Sunday for pleasure.

On Christmas Eve, our astronauts looked in awe at the sphere called earth and read "In the beginning — God." This same God named one day as the Sabbath and designated it as a day of rest. Possibly Saturday as observed by the Jews and Seventh Day Adventists is the Sabbath, but with seven days of pleasure, seven days of liquor, and now as is proposed seven days of gambling — where is any Sabbath?

Yesterday the same gentleman gave an impassioned plea for 45,000 hungry school children in Maine. Yet his voting record seems to belie his statements. He voted for Sunday liquor and more liberalized drinking laws for Maine. He voted for Sunday gambling. I submit to you, ladies and gentlemen, that there wouldn't be so many hungry children in our state if their fathers didn't spend so much money on booze and lose it at the race tracks. One more day merely adds to the problem.

I fully realize that I shall probably change not one vote of you who voted in favor of Sunday racing and gambling the other day, but I hope you will think a moment on the words I have said this morning.

I ask for indefinite postponement and request the yeas and nays.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I will be very brief. One of the things that I agree with with Mr. Hichens is that I hope he doesn't change one vote and I would ask you to stand firm and vote for this bill as you have done three times. I do not want to get into the morality of Sunday because I don't think it is cogent at the moment. I would ask you to stand firm and vote against the indefinite postponement on this bill.

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

Mr. HICHENS: Mr. Speaker and Members of the House: I would make one correction of the statement of the gentleman from Manchester. The first time this bill came before us we refused it

and then the Senate sent it back to us.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Eliot, Mr. Hichens that L. D. 1398 be indefinitely postponed. He further moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members 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, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Eliot, Mr. Hichens that L. D. 1398 be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Berman, Bernier, Bragdon, Buckley, Carter, Casey, Chick, Clark, C. H.; Cote, Crosby, Curran, Curtis, Dam, Donaghy, Emery, Farnham, Finemore, Fortier, A. J.; Foster, Gauthier, Hall, Hanson, Hawkens, Hichens, Immonen, Kelleher, Larry, Lebel, Lee, Lincoln, McNally, Meisner, Millett, Mosher, Page, Payson, Porter, Quimby, Rocheleau, Shaw, Snow, Starbird, White, Wight, Wood.

NAY — Bedard, Benson, Binnette, Boudreau, Bourgoin, Burnham, Carey, Chandler, Coffey, Cottrell, Couture, Cox, Crommett, Croteau, Cushing, Drigotas, Dudley, Dyar, Erickson, Fecteau, Fortier, M.; Fraser, Giroux, Hardy, Haskell, Henley, Heselton, Hewes, Huber, Jalbert, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Leibowitz, LePage, Levesque, Lewis, MacPhail, Marquis, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Pratt, Rand, Richardson, H. L.; Rideout, Santoro, Sheltra, Stillings, Temple Thompson, Vincent; Watson, Wheeler.

ABSENT—Birt, Brennan, Brown, Bunker Carrier, Clark, H. G.; Corson, Cummings, D'Alfonso, Danton, Dennett, Durgin, Eustis, Evans, Faucher, Gilbert, Good, Jarriman, Hunter, Jameson, Johnston, Lewin, Lund, Marstaller, Moreshead, Norris, Noyes, Ouellette, Richardson, G. A.; Ricker, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Soulas, Susi, Tanguay, Trask, Tyndale, Waxman, Williams.

Yes, 48; No, 61; Absent, 41.

The **SPEAKER**: Forty-eight having voted in the affirmative and sixty-one in the negative, the motion to indefinitely postpone does not prevail.

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

Mr. **RIDEOUT**: Mr. Speaker, I have never done this before but I will do it this time. I would ask for a vote on reconsideration and ask you to vote against me.

The **SPEAKER**: The gentleman from Manchester, Mr. Rideout moves that the House reconsider its action whereby the motion for indefinite postponement failed. All in favor will say yes; those opposed will say no.

A viva voce being taken, the motion did not prevail.

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

An Act Transferring Arson Investigation Authority from Insurance Department to the Department of the Attorney General (H. P. 1190) (L. D. 1509)

An Act relating to Regional Planning and Establishing Regional Councils of Governments (H. P. 1210) (L. D. 1539)

Finally Passed

Resolve Proposing the Acceptance of a Master Plan Prepared by the Capitol Planning Commission (H. P. 578) (L. D. 763)

Resolve Reimbursing Town of Orono for Support of Nonsettled Cases (H. P. 762) (L. D. 982)

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

Orders of the Day

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

HOUSE REPORT — Committee on Labor on Bill "An Act Establishing the Policemen's Arbitration Law and Amending the Fire Fighters Arbitration Law" (H. P. 604) (L. D. 785) reporting "Ought not to pass", covered by other legislation.

Tabled—June 4, by Mr. Temple of Portland.

Pending—Acceptance.

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

Cr. **COTE**: Mr. Speaker and Ladies and Gentlemen of the House: This is the second of two bills that I presented at this session. The life or death of this bill depends upon item 5 on page 9, and because of this I would very reluctantly ask some kind person in this House this morning to table this bill for one legislative day.

Whereupon, on motion of Mr. Emery of Auburn, retabled pending acceptance of the Committee Report and specially assigned for Monday, June 9.

Mr. Henley of Norway was granted unanimous consent to address the House.

Mr. **HENLEY**: Mr. Speaker and Ladies and Gentlemen of the House: Twenty-five years ago this morning a communique was received from the late General Eisenhower worded: "Under the command of General Eisenhower Allied Naval Forces supported by strong air forces began landing allied armies this morning on the northern coast of France." There followed probably one of the most decisive and toughest battles of military history. This is a day of commemoration of that battle. Several of the people within the sound of my voice were either not born at that time or were too small to know much about it. Of course then was much rejoicing that we had started a drive on Fortress Europe at that time.

I would like to just say a few words and to read a commemorative letter into the record in me-

moriam of that battle. In quoting one paragraph of an editorial today sizes the thing up very succinctly and very truthfully. "On D-Day plus twenty-five we are reminded that tyranny under any banner is unendurable and nothing is more costly than the preservation of liberty and nothing is more insidious than a national creeping complacency that disregards the lessons of the past at the risk of greater sacrifice in the future."

I was asked by a friend, a man whom I consider along with many others, if not a great American, a very fine American, I am glad to call him a friend and associate, he is wonderful on Americanism and is considered one of the leading proponents of Americanism today in the State of Maine, Daniel E. Lambert, Commander of the State American Legion who asked me to read this commemorative letter, and I will read it.

"Department of Maine. The American Legion, Office of the Commander, **D-DAY PLUS A QUARTER-CENTURY**, Daniel E. Lambert, Department Commander, American Legion.

There probably is no more significant single day in the history of modern warfare than June 6, 1944, when Allied forces more than two and three quarter million strong, stormed the beaches of Normandy and southern France to launch the Crusade in Europe.

As we note the 25th anniversary of this momentous event our thoughts go back to yesteryear, to gallant men whose life's blood was spilled on the soil they struggled to liberate from the grasp of the tyrant, and both very tender and very terrifying experiences crowd the memory.

The veterans of the nation also very sadly note the recent loss of the brilliant Supreme Allied Commander to whom the leadership was entrusted on D-Day, General of the Army, Dwight D. Eisenhower.

All the hell that is warfare was unleashed that day—and in the next eleven months it spread all across Europe. In less than a year it was all over, but in that

short span of time the door to eternity opened to receive millions of God's children, friend and foe alike. The world was gravely wounded, but when it was over we worked to bind up the wounds, to heal humanity as quickly as possible, to start over as best we could.

The toll was staggering, but the world survived. A tyrannical force was obliterated and men who had labored under its yoke were once more privileged to breathe the sweet air of freedom. Even today, a quarter of a century later, men continue to try to assess the cost and to determine if it was worth it.

When we consider what the condition of mankind and of humanity might be today, had the victory not been ours, there should be little question as to whether or not it was worthwhile.

It is always our fondest hope and our most fervent prayers that man shall never wreak such havoc upon himself and such destruction upon God's earth.

And of those who fought along side of us in the battle for freedom; what shall we say of them? We shall never see their like again in our time—nor their courage and conviction. Theirs was the light that did not fail—and their courage an example which will live forever.

Let us have the courage to build a greater nation—and a better world—as a tribute to our gallant comrades in arms.

D-Day plus a quarter-Century—and time is running out. Can we do less than build for the future?"

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

Majority Report (9)—Committee on Labor on Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees" (H. P. 24) (L. D. 27) reporting same in a new draft (H. P. 1235) (L. D. 1567) under same title and that it "Ought to pass" and Minority Report (1) reporting "Ought not to pass"

Tabled—June 4, by Mr. Huber of Rockland.

Pending—Motion of Mr. Pratt of Parsonsfield to indefinitely postpone Reports and Bill.

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

Mr. HUBER: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 1567 is a redraft of L. D. 27, and it is covered in the Workmen's Compensation section of the law. What we are talking about is action to recover damages for personal injuries sustained by an employee by accident arising out of and in the course of his employment or for death resulting from such injuries.

Now this law retains the present exemptions under the Workmen's Compensation law, the domestic and casual and seasonal agricultural employees remain in the exempt status. The employer under this law with three or less employees has the option of electing to use either Workmen's Compensation or employer's liability insurance. I ask that you vote no on the pending motion.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Unfortunately I was hoping to get up before the gentleman from Rockland, Mr. Huber. I was going to point out that this bill was introduced by the gentleman from Bath, Mr. Ross, and that he has been called home because of sickness in the family, and I was hoping that someone would table this until the next legislative day.

Whereupon, on motion of Mr. Finemore of Bridgewater, retabled pending the motion of Mr. Pratt of Parsonsfield to indefinitely postpone Reports and Bill and specially assigned for Monday, June 9.

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

Bill "An Act relating to Salaries of County Officers in the Several Counties of the State" (H. P. 1230) (L. D. 1563)

Tabled—June 4, by Mr. Kelley of Machias.

Pending — Passage to be engrossed.

On motion of Mr. Dyar of Strong, the rules were suspended for the purpose of reconsideration.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, I now move that we reconsider our action whereby on May 29 we accepted the Majority Report.

Whereupon, Mr. Wight of Presque Isle requested a vote on the motion.

The SPEAKER: A vote has been requested on the reconsideration motion. All in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

49 having voted in the affirmative and 44 having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The pending question now is the acceptance of the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker, would I be in order to present an amendment?

The SPEAKER: The Chair would advise the gentleman that an amendment to the original bill that was accepted is in order. The pending question is the acceptance of the "Ought to pass" Report.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: At the risk of alienating the members of the Towns and Counties Committee, and I know that I run the very substantial risk of doing so, I would ask you to vote against the acceptance of Committee Report "A", and I say this for the following reasons.

The Towns and Counties Committee, working on a proposal that had been submitted by the various delegations for these county salaries, prepared a resume and made a detailed and comprehensive analysis of the salary structure in the various counties. In doing this I think that they took a novel and very progressive step. And I mean that sincerely. Now when the

Towns and Counties Report "A" was first released or being discussed it was brought to my attention that there had been no real interplay through discussion between the various delegations which had already reviewed and approved county budgets, frequently through a process of very painful compromise, and that as a result, because they had done this and had not been consulted about the Towns and Counties Report "A", we ran the very serious risk of having happen exactly what has happened today.

Across your desks there has been a veritable parade of amendments to Committee Report "A", which various counties are dissatisfied for one reason or another. In some cases the amendments go beyond the recommendations that the delegations originally arrived at. In other instances the amendments have simply returned the delegation recommendation in the form of an amendment. Now I want the gentleman, the House Chairman of this Committee, Mr. Wight, to know that my sole concern here is about orderly legislative procedure. If we offer all these amendments we are going to get into a great big long harangue in this House about it.

I am suggesting to you that perhaps the best thing to do is to at this time vote against the acceptance of Report "A", accept Report "B", which was the Report made up of all the delegation recommendations, and reserve until the next legislature a change in our method of approving county budgets. I think we should have a change.

I think that the Towns and Counties Committee in conjunction with the delegations should be working together, but this situation that we have today is going to add a tremendous amount of time to our deliberations here, and I suggest to you that every one of you in your delegations have thrashed these things out, and perhaps the best thing to do—and I make this in the form of a suggestion—is to accept Report "B", and that would involve at this point voting against Report "A".

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

Mr. JALBERT: Mr. Speaker and Members of the House: As one of those who has kept in close touch with the House Chairman of the Towns and Counties Committee in recognizing that he and others on the committee have done a fine job, one however could not have listened to the remarks of the gentleman from Cumberland, Mr. Richardson and disagree with him. And going back a few years, I might say that unless we do go along with his suggestion, we could well spend at least three days of legislative procedure untangling the situation we are in now. And incidently I might say that I was part and parcel of putting us inadvertently into this position. I concur with the gentleman from Cumberland, Mr. Richardson.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentleman of the House: I would like to concur with Mr. Richardson and Mr. Jalbert, and I would like also to state on the Floor of the House that I feel that the Committee has done a tremendous job. I am not at variance completely with the principle. I feel, as Mr. Richardson does and Mr. Jalbert, that this is something that should be perhaps done that way that apparently has not been.

I also feel that we can perhaps lay the groundwork for this to be done in this manner for the next Legislature. At the next Legislature, let the delegations and the Committee, with reasonable hearings and conferences, work this thing out. I agree that there should be more uniformity perhaps. But this year, at this late part of the session, it has stirred up a veritable hornet's nest and after the tremendous amount of work that the delegations did—I know they all did, as well as ours—a good many hours in concerted effort, both parties, bipartisan. We kind of thought that we had established, and of course the recipients of the budget back home thought it was settled, and this

was rather an upsetting influence. And I feel that if it can be worked out so that it can be done in conjunction through the Committee in the next session it will be a very forward step in handling the situation. I would agree that it would be well for us to refuse Report "A" and then accept Report "B".

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

Mr. WIGHT: Mr. Speaker and Members of the House: As Chairman of the House Committee, I could get rather stirred up about the changing in our salaries. I have sat on this Committee for a number of years and it seems to be that the delegation along with the county commissioners will set the salaries and put them in the budget and they are approved by the Legislature. They can increase them in any amount, and I wonder sometimes if this isn't going to price the cost of country government out along with the other expenses we have.

The salary raises in this year's budget varied in many ways up to 30%. There are some budgets that have nothing in them, and I don't think that was fair. It was the prerogative of the Committee to hear these salary bills. Now it means nothing if we are going to have these bills entered in and simply rubber stamp what the delegations and what the commissioners recommend.

Now some of them get sadly out of line I feel. Some counties are very conservative and some are very liberal. I will only tell you a few facts on this. The Report "A" raised salaries \$21,000 for the state. Report "B" is going to raise them \$55,000. I hope if you accept Report "B" that you will scrutinize the salaries very carefully. Now Report "B" was made up by three members of the Committee all representing one county. The raises in that county were not satisfactory, simply because the report had gotten back that the salaries were set by the budget and that was the end of it.

I will only give you one example as to what I feel is of outstanding concern. Let me take two counties. One is Aroostook County, paying

the two County Commissioners \$1,500. In Cumberland County they are paying the county commissioners \$4,750, and they are asking for \$5,225 for the county commissioners. Now the county commissioners in Aroostook County have a good deal more work I feel because of the townships, the unorganized towns, the county roads, and the county bridges, and many more duties in Aroostook County than the county commissioners have to oversee than the county commissioners in Cumberland.

Now with a raise to \$5,225—this is only one, there are others that are numerous. They are required to meet at least once a month. Now it doesn't say that three of them have to be there. Two county commissioners can operate in case one is out of town or wants to play golf. But figure this back. I will allow you to have two meetings a month. Now that is \$200 per day per meeting. That is getting out of line I feel.

I will also say Cumberland County is very strong for Report "B" because every salary is increased 10%. Now these salaries were increased 10% two years ago—that is 20%. There were increases that were carried into Cumberland that exceeded many of our other counties. I feel that it was the duty of the committee to justify some of these salaries and to equalize them in regard to area, in regard to population and what we could find in work load. You have had studies on county government. You have had surveys made, and you have had reports made. But nothing seems to become of any changes outside of line budgeting.

Now the county commissioners propose a budget, and you know it is very difficult for anyone to break that down and change it. The delegation has trouble and sometimes these amendments that I see coming in are amendments that the county commissioners want for their help and for themselves.

I feel that the Legislature should take a better look at the county government both in salaries and in the budgets. You have talked about salary raises through the state. We have talked about sal-

ary cuts through the state, but not enough. And I feel that if you accept Report "A", this gives everybody everything they want and will give them a \$55,000 increase over the \$21,000.

I have talked to many on these salary raises. I probably talked to at least a third or 20% of this House and with the comparisons that I have had, the analysis that we have made on it, I have found more support than I have opposition. I might also mention that these amendments that are coming in I don't feel were requested or presented by the taxpayers of the county. These are being pushed and crowded by the commissioners and the county salaried people, and if you want to accept Report "B", I think that there are adjustments that must be made in it to be fair, and if you don't I think some of these salaries and some of these amendments are getting out of line because they are exceeding even the Report "B" budget.

Now for a moment of truth in this, I will challenge the first amendment that comes on, if Report "B" is not accepted. There must be a lot of discontent with sixteen amendments on this. And it is simply for five hundred to a thousand dollars that is being asked for, and it is not very much but it does satisfy your probate judge or Mrs. Smith or someone else that you feel should be compensated further.

Let me say that most of these jobs are part-time jobs. They are listed as part-time jobs, but many of them are making them full-time jobs because they stay in the office or they keep office hours much longer. Now whether they have help, they could do otherwise, or whether they need to be there, I don't know. You each have your own problems. I think Aroostook County has not had any increases except one in the sheriff, and I have been strongly in favor of most sheriffs' raises. I consider law enforcement very important to county government. But when others have nothing and others have 10% at least, and I feel I can show you salaries in here that because he has been a hard worker

and he is a friend of mine—and personalities get into this, that there have been increases up to 30% on this budget.

That is supposed to be the county business. But you know, I begin to feel that if the Legislature doesn't take a hand in this that it may spoil county government. I will ask you to support Report "A". I will challenge with figures that I have the first amendment that is put on Report "A", and if the House feels that these amendments are justified I will be satisfied to let them all go by. Because if you don't approve of any cuts or adjustments in salaries as presented by your delegations and supervise your raises, in some areas being too much, and perhaps in others not being enough, I see no reason in the next session to present any salary bills because you simply want the committee to be a rubber stamp for the county commissioners and the delegations.

Now there should be some rhyme and reason to these raises and these defaults in not raising. So I leave it to your judgment whether you want this to be changed or whether you want to give them all they want and raise the county taxes, because I feel it isn't the taxpayers that are speaking on these amendments. 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: Initially there has been an order introduced into the Research Committee to study—and this was a very extensive order, to study county estimates and finances and make recommendations to the next Legislature. I have always been somewhat disturbed as to just exactly how far our responsibilities extend in the—the Legislature's rights extend in reviewing county budgets. Many counties this year have made extensive cuts. In our own County of Penobscot over \$200,000 was taken out of the county recommendations made by the county commissioners, which I feel was quite an extensive cut, it amounted to about 25% of the overall budget. I believe that

other counties have done the same thing. In reviewing these at that time we also reviewed the salaries and the Report "A" makes changes from what we initially had recommended.

I would oppose the motion to accept Report "A" and would hope then that Report "B" would be accepted and I would ask for a division on the motion.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: With all due respect to the House Chairman for the Committee on Towns and Counties and the signers of the Majority Report, I would like to point out a few fallacies as I see them. It is my feeling that the salary bill should have precedence over the passing the budget. We passed the county budgets as presented in this House and the Governor signed them into law. In this budget were the amounts of money to cover the salary bill. I did not feel as a member of this Committee that I was efficient on knowing what a county officer in Washington County, for example, did and what he was worth. I felt that the people of the Washington County delegation were far more aware whether he was over paid or under paid.

I think in the future, if we want to make progressive reforms, we should consider the county salary bills prior to passing out the county budgets. After the budget was passed there was no hearing held wherein the people affected by these salary cuts could be heard. This I feel is not just.

The Amendment "B" which has been spoken on contains the salaries as presented in the county budgets and approved by a majority of the county delegations. I certainly hope that you realize also that the chairman did not bring out the fact that the majority of the budgets were cut. There was only one county out of the sixteen whose budget was accepted as turned in. The little County of Franklin which he referred to indirectly, with three members on the Committee, we had a \$47,000 cut in Franklin County, which I

feel is fairly substantial. The salaries in the salary bill now for this particular county are below what was asked. When the vote is taken, I hope that you will vote in opposition to the "A" Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Some sixteen years ago I presented a bill wherein Androscoggin County would fall in the category of line budgeting. A short time later York County came into the same category and eventually a bill was presented which placed the whole state on line budgeting.

I have looked over very carefully all of the budgets as filed in this session of the Legislature, and I have seen in the budgets, as filed, errors that a fifteen-ton Mack truck could drive through. When I see in one county an item of some \$300 for meals for the county delegation and the county office holders, it makes me sick to the bottom of my stomach.

I think the time has come when the county delegations will look over their budgets as seriously, all county delegations, as seriously and carefully as some of the other delegations have done so. I think for those who read our papers within our area that cover a good section of the state, the Lewiston Daily Sun and Lewiston Evening Journal, will attest to the fact that a great deal of time has been spent on our budget. I assure you that some of the politically minded office holders in the county building are still remembering and smarting from the fact that I opposed giving all departmental heads \$500 each year to go to conventions whereas no other county delegation enjoyed those pleasantries and some of them are dear friends of mine, but I guarantee you that I told them from the beginning and I tell them now that if they are going to attend conventions, they are going on their own freight and their own paid vacation money that we give them.

Also I worked hard and long to cut out of our budget such items as trading in an 18,000 mile car,

such items as a walk-in cooler for non-existing meats and produce in our county building and I could go on and on. However, in this present situation here I will say this, I think that at least our delegation met. This is one area where we agreed. I am fully aware of the work that has been done by the Towns and Counties Committee. I personally wanted, as Chairman of the County Government Committee of the Research Committee, changes that I wanted made and I think the people at home should be made aware of the fact that this is where it belongs, within the county delegation itself. I think they all are too prone to say, "Well, it will take care of itself eventually in the legislature."

As far as I am concerned here, I am going for Report "A" because the vast majority, at the beginning, of the delegation wanted the present increases in salary that we gave them and speaking as the chairman, I wound up with a delegation as a whole made up of both parties. I shall go against Report "A" and shall support Report "B" I will say in closing that I think a great deal more time should be spent in many other areas. The blank check is given and the rubber stamp is given in many other areas such as miscellaneous items, such as travel and such as the many things that I have mentioned here.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I will take very little time, but I would like to straighten the record on two or three points. The Chairman of the Committee states that probably these amendments are brought about by agitation of the back-home officials involved. That may be in some counties, but I truthfully know of no agitation back home to get us in our delegation to do anything about it. As far as I know, most of the officials don't know anything about it. I definitely have not been contacted by county commissioners or any of the officials involved.

Secondly when the delegation of our county received the budget one of the comments that I made, and I think I made it two or three times during our meetings, was that if the county commissioners and some of the officials involved wanted to do away with county government, they were certainly going about it in a good way because the budget was tremendous; but we did endeavor, after a lot of bipartisan work, to really cut it down and I mean cut it down. We were criticized in the papers, we were criticized by individuals and by groups but we certainly used the axe on it. We certainly did not give them what they asked for, anywhere near.

We did give increases in salaries. We did give greater increases in areas where we decided it was called for. Possibly in some future time with proper investigation and checkup, it might be decided majority wise by the committees and delegations at some future legislative process that these department heads might not warrant quite the increases that we did allow, even though in all cases I think it was less than half of what they asked for.

Those were two points that I wanted to bring out, that we did tremendously cut our budget. We did not get any urging in this since this report to do anything about it. Whatever these amendments are, in my county anyway, as far as I know, is brought about by the delegation itself or members of the delegation to more or less back up their opinions and the opinions of the delegation. So I still insist that until such time as we arrive at a completely new concept of planning our county budgets to include salaries, that we should refuse Report "A" and accept Report "B".

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

Mr. CROMMETT: Mr. Speaker and Ladies and Gentlemen of the House: I want to concur wholeheartedly with the gentleman from Presque Isle, Mr. Wight, Chairman of the Towns and Counties Committee, and in reference to the re-

marks of my friend from Norway, Mr. Henley, he confirms my belief that the people back home are not insisting on their delegation bringing in these reports. I feel there are only three counties that have brought this about and the chairman of the various delegations feel that they have to fall in line. So I would hope that you would support Report "A".

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to make a little word regarding Piscataquis County. Though the Chairman of Towns and Counties is a very dear friend of mine and we worked together in the 103rd on this Towns and Counties Committee, I can appreciate the problems of that Committee, they are very many and they are heart-searching sometimes. But in Piscataquis County this year, we went over the budget very thoroughly and both from the public standpoint and the county commissioners several times. Then the delegation met and the last time we met over here in the corner and we decided to make several cuts but we did make some raises in salaries. Now for some reason or other, I don't know what, maybe it was ignorance on our part, it is true we did not put in a bill on salaries. We understood we didn't have to so long as we had it in the budget. We were sure that we had it in the budget, but somehow they couldn't seem to find it; so in Piscataquis County we are coming up without any raises at the present moment.

Now we feel that some raises are justified, necessary, and that we should make them, and I hope that I shall have an opportunity to present my amendment here so that we can get some raises for our officials.

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

Mrs. WHEELER: Mr. Speaker and Ladies and Gentlemen of the House: I rise as a member of the Cumberland County delegation and we have given this bill serious

consideration and support Report "B".

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: I rise in defense of the amendment, if it has to be offered, from Somerset County. This money has been included in our budget. At the time our budget was approved by the county commissioners back in Skowhegan, we had quite a delegation of the citizenry there because at the same time we were discussing the issue of surplus food, so quite a few people showed up. There was no opposition at all to the increases which we put into our county budget because we felt that they were justified and they are in line with what the raises are all over the state today.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: Quite a bit has been said about how the people didn't have anything to say about this. It seems to me that we were sent here by the people to represent them and we did go through the procedure of meeting with our County Commissioners and through the delegation and then with the Committee. The Committee approved all these salaries and they went to the Governor, as has been previously stated, and just to point out one of the things that Report "A" does and one of the reasons I could not support that and must support Report "B", much has been said about this line back budget which probably is very fine but it requires a great deal more work on the part of the county treasurer or hiring someone else to do the work, and as far as our county is concerned and I think all the others, there has been very little consideration given to the fact that the treasurer is going to have a great deal more work under line budgeting.

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

Mr. WIGHT: Mr. Speaker and Members of the House: I would just like to straighten that matter

on the treasurer having more work. Now in some counties I allow for some of the work that is made by the treasurer. In some counties the treasurer has a staff or help on his line budgeting and many — I won't say many — but I know of some that simply sign the checks. Now there are increases due for him. I know he has been doing this, this is the system that works in that county. Now each county is different and we have tried to consider in talking with the delegations and with the people in the county to what extent the work is in these different departments. We have many of them that function so differently. And I agree. But when you say the treasurer is bogged down with extra work because of line budgeting, in some counties this may be true. But in others it is not. And there are counties where the treasurer simply signs the checks because the work is made up by his staff or the line budgeting should be handled by each department.

Now I don't see that this gets to be such a problem with any particular official. It should have been done in the past in each department, but they are making a big job and the county commissioners that oppose line budgeting have made a lot of problems. I think it is good and I think it is going to work out. I think there are bugs in it. This bill is not perfect, but I think that it is a better bill than Report "B". And if you don't think so you read over Report "B". I wonder how many of you have studied Report "B" and know what it does contain?

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

Mr. FORTIER: Mr. Speaker and Members of the House: I rise in hearty support of the Chairman of the Towns and Counties Committee. Mr. Wight from Presque Isle. I want to say that I was faithful and attended all the meetings and worked many hours on Report "A". And one of the designers of Report "B" missed all the meetings. So I am sure that I and Mr. Wight and the members of the Towns and Counties

Committee are qualified to speak of these reports and Mr. Wight has just called your attention to Report "B", and if you haven't look at Report "B" I can point out so many glaring imperfections in it that it would be safer and saner if we accepted Report "A" and forgot all about Report "B".

In Report "B" there are three counties, namely, Aroostook, Piscataquis and York, which have no raises. Now the delegations in these counties were frugal and careful in preparing their budgets and decided that the work of the officers in the counties is not of too great a consequence and decided that they were getting enough money.

There are raises in Report "B" as large as \$1800 for one year. If this is a responsible document, how do the sponsors of this document justify that type of an increase?

Now this is probably an exercise in futility because I know some of the practical aspects of getting anything done in Towns and Counties. I know what pressures you are under. I know that the designers of Report "B" were committed to their people in Franklin County before we even sat down to have one meeting. Now if you are going to let these people usurp your prerogative — and your prerogative is that of a legislator, this is your responsibility, it is not the responsibility of the county commissioners, and I submit to you that every bit of this Report "B" comes directly from the county commissioners originally. They have had a very active lobbyist. I don't know where they get the money to support him, but he has been here regularly since the first of the session. He has been working diligently on this report. He has been working diligently to get it passed. As I said before, I know what a problem you have. Many of you rely very heavily on the county organization for your election to this office, but I would like to urge you to please consider the members of the Towns and Counties Committee who worked so hard and so diligently, especially

Mr. Wight, who spent many days until midnight working on Report "A". I would like to have you consider them as well as a Minority Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Very mildly and with my usual diplomacy, I would inform the gentleman from Waterville, Mr. Fortier, that I do not depend on the county building for my election and I assure you that if I depended on the departmental heads these days in the county building for my election, I would be exterminated just like this. I would make comment that if you talk about pressure, I wonder if the gentleman from Waterville, Mr. Fortier, has ever had a sister of his put the steam on him. I have a brother-in-law who happens to be a deputy sheriff. I had a bill in the budget, and the money is in the budget, for \$2 per diem. I accepted the \$1 per diem. And every time I go home I go up the back steps and I have got to go up before I go up on the second floor, unless I exercise my prerogative as a leap frog, I have got to get through them, and believe it, at times it is not too pleasant.

Now I am a mild mannered man but there is nothing that I get a little disturbed about any more than somebody that will get on his feet and say that I am being pressured into anything. There is only three things I am afraid of: the guy upstairs, a little lady on the corner of Elm Street, and the ballot box, and the ballot box is not too receptive at times to high expenditures of county government. Now if the gentleman from Waterville would care to spend a little time with me and if he will procure himself with a copy of the county budget of Kennebec County, I will show him glaring errors of expenditures that don't belong in there other than salaries that you could drive a 15-ton Mack truck through. I am no neophyte in county government. I saw the expenditures going way up in county gov-

ernment 16 years ago when I put line budgeting in.

Now I have asked the gentleman from Waterville, Mr. Fortier, fifteen times where his order was to make the study of county government for the purpose of calling it out. It is perfectly all right with me. I am still waiting for it.

Now no amount of pressure is being put on me. The salaries for my county were not set by the county commissioners. They were proposed in our county budget and we debated them and discussed them loud and long. The monies in our budget, the budget estimates were heard, they were reported out by the Towns and Counties Committee, and now they actually are a matter of law, and as far as I am concerned I am going with the Report — I was a little chicken about the report a second ago — but you had better believe that I am going with Report "B".

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker and Members of the House: I just want to emphasize again — I think the gentleman from Waterville is giving the delegation from Piscataquis credit for something they do not deserve. We were frugal when we went over the total budget and we did make cuts and we made cuts that brought howls from very many, but personally I wasn't interested in coming back again, and there is another gentleman on the delegation who doesn't have to worry about Piscataquis County and I don't believe the other two worry very much either. But we did on our own increase salaries and we think these salaries should be. The people deserve them. They work for them. So I just want to go along with Report "B".

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: At the time of the Washington County budget, the delegation, both Democrat and Republican, was invited to attend and go over the budget by a Republican county commissioner, another Republican commissioner, and a

Democrat commissioner. Now if you don't call this a bipartisan effort on the Washington County budget, I don't know how you would describe it.

On the report that I gave to Representative Wight, I told him that Washington County delegation was in agreement with the county commissioners on what we requested down there for a budget. Under Report "B" there are raises given, and under Report "A" some of them remain the same. You will notice if you want to look at this bill that the county attorney does not receive an increase through this budget thing. The reason for that is that we had to increase the county attorney down there from five thousand to eight thousand, which went through here in a bill recently that has been signed into law. The reason for the increase for a county attorney to \$8,000, we couldn't get a county attorney down there to serve or take the job for \$5,000. Now, it is safe to assume in Washington County with all the transferring of land that has been going on in the last three years that every one of these county people have had an added burden of work. Now under Report "B" a county commissioner gets \$1800 and the chairman gets \$2100. The clerk of courts gets \$4700 under "Report "B". The county attorney, who is listed at \$5,000, which will be \$8000 by law here. County treasurer, \$4200; a sheriff \$5750; register of deeds \$4700. Judge of probate \$4600, and there again we had a problem for several years to get somebody to take this position of Judge of Probate. Register of Probate \$4700. Now you divide that by 52 weeks in the year, ladies and gentlemen, and I don't call that an unreasonable budget. I call it very very reasonable, and I will support Report "B".

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: I move for the previous question.

The SPEAKER: The gentleman from Belgrade, Mr. Sahagian moves the previous question. For the Chair to entertain a motion

for the previous question it must have the consent of one third of the members present. All members desiring the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

A sufficient number having arisen, the previous question was entertained.

The SPEAKER: The pending question now is, shall the main question be put now? All in favor 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 the acceptance of the Majority "Ought to pass" Report in new draft on Bill "An Act relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County," House Paper 1231, L. D. 1564. The Chair will order a vote. All in favor of accepting the Majority "Ought to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

53 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

Thereupon, the Minority Report was accepted, the New Draft read twice and assigned the next legislative day.

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

Resolve Proposing an Amendment to the Constitution to Provide for Direct Initiative to Amend the Constitution (S. P. 239) (L. D. 714)

Tabled—June 4, by Mr. Martin of Eagle Lake.

Pending—Final passage.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: You will note for the last four days or so this item has been tabled and retabled by me. For one reason: I have been wrestling with myself as to whether or not this bill should become a part of the Constitution of the State of

Maine. I have been wrestling for the following reasons:

As you well know, I am a graduate of the University of Maine in the Department of History and Government and I have worked on my Master's thesis in Political Science. I wrestled with myself also because I am trying to upset a unanimous report from the State Government Committee. Luckily some members are not here today and this perhaps gives me an added advantage. But I have serious reservations about the possible enacting of this bill and having it become a part of the Constitution of the State of Maine.

Last night I went as far as to talk to professors that I had during my college years and say, "Would I be abandoning the ship of political science if I were to oppose this document?" I felt quite strongly that the State of Maine has what I consider and what most people consider to be a real good Constitution. It has been well written, well done.

The proponents will argue that I am scared of the will of the people; I will argue to you that this is not so. The constitutional initiative procedure is now in 14 states: Arizona, Arkansas, California, Colorado, Idaho, Massachusetts, Michigan, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, and Oregon. These states, mostly in the middle and far west, permit this change by popular initiative.

Now there are two types of initiative, direct and indirect. Some people will argue that this is the indirect method which means this: that the people can petition that they want a change in the Constitution and at that point, it goes to the Legislature where the Legislature can make changes in it and then send it back to the people in its amended form.

Fortunately or unfortunately for me, this bill says that it shall be made a part of Article IV. Section 18 of the Constitution of the State of Maine, which as you know allows at this time for statutory initiative by the people of this state. However, if you read further down that very same section, you will find that if the Legislature amends,

it must put both the amended form and the original form out to the people for ratification or rejection on both or on one — approval of one or rejection of both.

Now why do I feel this to be a problem? I feel it to be a problem for the following reasons. Number one, you are tampering with a document, the Constitution of the State of Maine, which very few people know anything about, much less us as Legislators, who have to get the opinion of the Attorney General every time we want to amend because we don't know the proper wording that has to go in. How do we expect — and it is not a question of not trusting the people of this state, but how do we expect the citizens who get a very simple question on the ballot and it says: are you willing to amend the Constitution to provide for initiative? Let us assume that this goes through and they have a question like let us amend the Constitution to provide for the Liberty Amendment. How can the people who do not see the wording of the constitutional amendment or the arguments for and against really make a decision? It is very difficult as you well know.

Now why do I fear it? You have such groups and they could be good-meaning groups, but you have all types. You have all types of special interest groups. They may be interest groups such as the commercial interests, the teachers' organizations — and I happen to be a teacher — senior citizens' organizations, organized labor, or you might have such operations as the SDS, the Liberty Amendment supporters. Let us assume that this became a part of the Constitution. What then? At that point they would draw up a petition of 10 per cent of the people and it would land in our lap, that they wanted to outlaw or to make a part of the Constitution a prohibition against, for example, the income and corporate taxes. It came to us. We amended it and said something entirely different. We would have to put both issues out to the people. Now there is no question in anyone's mind here, is there, as to what the people would do? They would accept it because it

is the popular thing to do — to accept rejection of taxes.

And so in effect what we are doing is bypassing the judgment of a Legislature because we, one hundred fifty-one here and thirty-two in the other body, are the ones who must decide the taxation of this state and do something about it. If we have limitations in the Constitution of this State that implies and prohibits us from acting, then we are in a serious quandary. If you think this has never been used for this purpose, then all you have to do is go back and look at the states that have used and that have it and you will find such things as Sunday sale of liquor, entire states being dry, a limitation of bonds, a limitation of taxes not being able to be imposed by the Legislature, and you even find sillier things than that. And so what I am saying to you is not a question of my not trusting the people. But it seems to me that we are simply abandoning our responsibility if this is to become a part of the Constitution of the State of Maine.

And so I would hope that you would vote against the enacting of this resolve this morning. It is very hard for me to get up here and speak this way I suppose because I am fighting, as I said already, a unanimous report of the State Government Committee. I know that I have so-called "liberal" younger friends that will get up to oppose me, and I am a student of political science, but I cannot go along with this this morning and I hope that you will vote with me.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I don't know whether the gentleman from Eagle Lake meant to call me a liberal younger friend or not. However, I assume that I am still his friend.

As he stated this was a unanimous report of your Committee on State Government and within our group you will find persons I think of very mature and sound judgment as well as those, like myself, who have often been accused of

being rash and probably with some justification.

The gentleman from Eagle Lake has repeatedly said through his argument that he did trust the people. And I think in his conscious mind he does. But probably in his subconscious he has the fear of what might happen, and he has given many probably very good reasons of dangers to our Constitution that could happen, that could happen, if this were adopted.

Professors in our colleges, students of government, have various theories, and various ideas of what is good and what is bad of government, but professors can be wrong. I submit to you in these fourteen states that have been and have had the direct initiative to amend their Constitutions, no terrible catastrophe has taken place. The skies have not fallen. The Constitution has had perhaps certain restrictions written into it, restrictions that the people wanted, and I also submit to you that if the people want a restriction in the Constitution they should have that restriction. If the Legislature in submitting the initiative version and their amended version to the people cannot argue their case well enough, then perhaps their amended version is wrong and the initiative version is right. With our mass media today, the pros and cons can certainly present their arguments before the people in a very lucid manner so that no one before the election has any doubt where he might stand if they want to listen. If the people of this State do not know what is contained in their Constitution, it is sad. However, I think that in a general way they are quite conscious of what is contained in the Constitution. They know the basic setup of the government, the average rank and file, and they may not know parliamentary procedure, but I think the basic setup of their government is well known to them.

In 1911 we gave the initiative by constitutional amendment to the people and I think that today we should grant the other half of what we granted then.

Our constitution, since we are a child of Massachusetts, resembles them. In Massachusetts they have

the direct initiative to amend the constitution. In Massachusetts it only requires three per cent of the gubernatorial vote to amend that document on a petition to initiate an amendment and yet only three times in the last fifty years has that document been amended in that manner. In our document, as has been stated by the gentleman from Eagle Lake, has a greater safeguard than Massachusetts, for we require a ten per cent of the gubernatorial vote to amend our Constitution.

I myself feel that when the people know the facts that the great heart of the people can never be wrong. They may be in error one time, but if they are in error, the error soon is discovered and the error can be corrected. I do not think that the error would ever go to the extent of some of the absurd things that the gentleman from Eagle Lake has stated. It could; there is no question but what it could. There is no question but what the proponents of the Liberty Amendment could try to have their arguments, to have their doctrines written into our Constitution. There is no question but what the SDS could try, but do you think that the great majority of the people of the State of Maine would accept some of the half-baked ideas of the SDS? I don't think so. I trust them too greatly for that.

I don't know what others in this room may think, but I firmly believe myself that the collective will of the people is the only sure safeguard we will ever have against any form of tyranny, against any form of radicalism, and, therefore, I say that it boils down to whether we do or we do not trust them, and I myself do. And I therefore ask that when the vote is taken, it be taken by the yeas and nays and I also request that you vote with me and with the unanimous report of the State Government Committee and pass this resolve and send it to the people.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I stand

this morning in support of my good friend from Eagle Lake, Mr. Martin. I must apologize to the House that the workload of the Committee to which I was assigned this session and the welfare of my constituents have taken a good many hours, so I have not had a chance to attend any hearings other than those conducted by my own Committee. Like many in this House, I am very much concerned about our basic document, our organic document, the Constitution of Maine.

Now in the Preamble, our predecessors very wisely said, "We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defence, promote our common welfare and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and imploring His aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine, and do ordain and establish the following Constitution for the government of the same."

Now ladies and gentlemen, I am not concerned this morning with the thinking of psychologists and I am not greatly concerned this morning with theoreticians in the field of political science, but I am greatly concerned in good, sound, practical judgment and common sense, and common sense tells me that my friend from Eagle Lake is right. This document which seeks enactment this morning will need two thirds of your vote. So I hope at least one third of you ladies and gentlemen will vote with the gentleman from Eagle Lake, Mr. Martin, against enactment. This document, in my humble opinion, will not insure tranquility. As a matter of fact, it can do quite the reverse. It can help create chaos and chaos is certainly one thing we don't need in the State of Maine.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I sure did not have any intention of getting into this. However, I feel called upon to make a few remarks. In my opinion, the Legislature of 1911, when they passed the direct initiative, showed good judgment that they did not include in that the amending of the constitution. It is refreshing to me to listen to the remarks, such remarks as were made by the gentleman from Eagle Lake, Mr. Martin. I feel that it is an indication that the future of the Legislature is in good hands. I feel that this bill is an eroding of the legislative prerogative. I have always opposed such measures. I think that this Legislature will do well to listen to the remarks of the gentleman from Eagle Lake and that they continue in the same course as that of the Legislature of 1911, when they refused to include the amending of the constitution in the direct initiative.

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

Mr. VINCENT: Mr. Speaker and Members of the House: I am not a lawyer and I am not a government teacher, but have taken quite a few courses in this area. I have had an opportunity the last few weeks to speak before some government classes and talk to some government teachers. I recently talked to a government teacher in a fine school who told me that he supported the election of George Wallace. I also talked to some government teachers who told me they supported some of the various other candidates in political philosophies.

I think we are all familiar with the quote that "all men are created equal." This Country lived under that the first seventy years of its history and we had slavery. What this whole thing boils down to is two schools of thought. Are we to dictate down to the people, or are the people to dictate up to us? It was suggested that if they don't like the way we run things they can always remove us from office. If it was that simple, why did we end up in a civil war, prob-

ably the most bloody war in this nation's history?

It was suggested that it was mostly western countries that adopted this in their constitutions. I would remind you that these were the last states to come into the Union and hence had time to reflect on the constitutions of the eastern seaboard. The state that initially adopted this was Oregon in 1902 with ten percent signatures needed. They have had no massive abuse of this. Also, we have changed our national constitution several times. We have abolished slavery. We have provided for the popular election of the United States Senators. We have provided the vote for females. We repealed prohibition in 1933. We have had continuous changes from the top and from the bottom.

I want to reemphasize, to keep the present method is to dictate down. To give the people a voice and a will is to allow the direction of the people to come from the bottom up. It is for this reason that I would support this measure and ask that you vote in favor of it.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: I think we have witnessed today one of the most eloquent speeches of many many a session in this Legislature through Mr. Martin from Eagle Lake, and I hope that we, in the majority, will support his motion.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Bernier.

Mr. BERNIER: Mr. Speaker and Ladies and Gentlemen of the House: I have heard all the arguments and of course I am especially taken by the arguments of my good friend, Mr. Martin, from Eagle Lake, and I suppose I should probably congratulate him. If I am to oppose him, then I can consider myself one of the young progressives, but I assure him that I am anything but a progressive, I am decidedly a conservative in all ways. I am still for the principle upon which this

government was built way back originally which says that it has to be "for the people, by the people and of the people" and this is all that this legislation calls for, because who will benefit by this legislation if not the people? Who will be doing the work to this direct initiative if not the people themselves? And who will start it, who will originate it? All of the people, naturally, the electorate themselves.

Now as I have heard the arguments this morning, I could see the people getting further and further away from the original idea, the principle upon which our very Constitution was built. Why is it now all of a sudden that we do not trust the people? I believe the people who made this Constitution, who are responsible for having this Constitution originated in the first place, knew what they were doing, and the people of today still know what they are doing. I will go by what the people say, what they want. They placed me here and they placed Mr. Martin from Eagle Lake where he is today and I do not question their good judgment; therefore, I hope you will go along and pass this bill.

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

Mr. WAXMAN: Mr. Speaker and Ladies and Gentlemen of the House: As I listened to Representative Martin's talk and heard him allude to the fact that he was a government major, I felt compelled to rise because I too was a government major in college. I don't claim to be an expert on government or know entirely what is the best procedure for any state to follow, but I think if anything stands out in discussing this issue, it is the fact that there are people on both sides of the issue with extremely rational reasons for supporting their position.

My reason for supporting this particular resolve is that I feel and I have the feeling that others might join with me in this, that people in general today have somewhat of a loss of faith in government. The people in general today have a feeling that government is not

as responsive to their needs as it should be. Perhaps I am wrong in my perception, but I feel this. I think if you search your minds you can recall examples of this very very easily. And I submit if that if we are going to restore confidence in our government, we must have confidence in the people who elect us. I would hope that you would support this resolve and vote favorably upon it.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Earlier in the day I talked to one of the members who is active and interested in the passage of this and he asked me what I thought and I told him I thought I could go along with him and vote for it. But listening to the debate, particularly the statements of Representative Martin, I have changed my mind for this reason. It seems to me that a constitution has two functions. Number one, it sets out the structure of government and number two, it contains a Bill of Rights. A Bill of Rights is extremely important. These are rights that we all possess and they did not come to us from any government or even from all the people. These are rights that are given to us by our Creator and this is why they are called inalienable rights. I feel it would be hasty and perhaps irrational to authorize any number of people, ten per cent or ninety per cent, to allow them to amend the constitution, particularly those parts that affect our Bill of Rights, freedom of religion, freedom of speech, and so on. To my mind, those rights were given to us by God and no majority can take them away.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: A few things came to mind as debate was progressing. One is that the western states adopted this after they saw what was going on on the eastern sea coast. Let me point this out to you that the reason that these states in the west

adopted this particular portion in their constitution was not because of what the east coast was doing, but because of the progressive movement that was going on in the west at that time.

Again very briefly, the constitution should be brief as the gentleman from Brunswick, Mr. McTeague, has pointed out to you. It should be fundamental and it should be to the point.

When I first came here in 1965, I was told that, or I thought that I knew a great deal about government because supposedly I had had three years of it. Let me put it this way, I have learned more in the five years that I have been here than I ever dreamed of learning from any textbook that I had while I was taking the courses in political science.

As far as the abuses that have been going on, let me just read off a few of them if you don't believe me. And this comes from a study that was done, of all places, the State of California. Now these things that I am reading off to you are not necessarily wrong, but what I want to point out to you is that they should be a part of the statute books of the state and not the Constitution, and we have a method today in this state that we can amend statutes directly by the people, if the people so choose. So if anyone says that I fear the people, I do not.

In 1964, made a part of the Constitution of the State of California, sales and rental of residential property. Made a part of the Constitution in 1962 or sub-missive activities, the right to work in 1958, taxation of school property in 1958; in 1954, aid to the needy; in 1952, public school funds; in 1950, public housing projects; in 1950, personal property taxation; in 1949, repeal of the aged and blind amendment, and go right on down the line. It is not that these were wrong, but such things as the ones that I have read off to you do not belong in a constitution. A constitution should be one, fundamental and two, brief. The Constitution of the state is this way and I hope you agree and keep it that way.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: One of the joys of serving in the House as opposed, I would think, although I have never been here, to service in the other branch is that while we are reputed to be a little more unruly than they we do debate matters here and we do have an opportunity to examine questions of course at great length.

I am persuaded by the gentleman from Eagle Lake, Mr. Martin, not because I am as he is a government major or was in college, not because I am a member of what some of the conservative members of my party have described as the moderate lunatic fringe of the Republican Party, not because I am concerned that the kind of racist backlash that led to the amendment of the California Constitution by direct initiative which was subsequently declared itself unconstitutional by the California Supreme Court, not out of fear that that could happen today, but because on the evidence that I have seen in the limited experience I have had as a member of this House in three sessions, I am just not convinced that this Legislature is unresponsive to a genuinely motivated, carefully thought out responsible change in the Constitution of this State. And it is for this reason — because I think the proponents of this legislation failed to make out what we call in law a prima facie case necessitating this change — that I am not going to vote to pass this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: We speak of not being afraid. In 1945 I came to this Legislature. I had one bill. The five other measures that I had were — in those days it was the style, if you came to the Legislature from my area — to tap away at our charter. So from a charter committee I had five bills from them. I spent a great deal of time on one measure, a constitutional amendment on a change of the

election date. And in passing I might say that that measure was the beginning of my major course in government — right here. And I might say in passing that I got my college degree at the age of 40 while I was a member of the Legislature and I had no courses in government. I didn't need them. I was taking them right here, getting my ears pinned back right and left. But I learned.

We talk of fear or not fearing the public, we in the Legislature. While in the process of trying to get the amendment to the Constitution changed to have the people vote on whether or not we should change the Constitution so that we would change our date from September to November, in conformity with the rest of the nation, I sent out two things. I sent out a card to every town and city clerk asking them would they support a change, one; two, would they support the bill presently before the Legislature, which asked that there be a referendum as there must be according to our Constitution. The result of that poll — and the record will show itself — was overwhelmingly over 90 per cent favoring this change.

I did one other thing. I sent out to areas all over the State of Maine, and to proof of the pudding, I have these petitions and these cards in my files in the cellar of my home. I asked the people the same question, to sign those petitions, and return them to me. Now we all know that on the average the return is about 15 per cent. The return was overwhelmingly for this change. I received the signatures of over 100,000 citizens of the State of Maine who wanted this change, and I shall never forget when I debated the bill. I had the cards stacked up this high and the petitions stacked up this high. The result of the vote was 127 to 17. I managed to corral four of the opposition. In those days we really could hold our caucuses in a phone booth.

Now as far as I am concerned, I not only have no fear of the people but I have faith in the people, and I assure you of one thing here, that if there is an amend-

ment for the SDS to try to crawl into our Constitution, I have faith enough in the people of this state to say that they would overwhelmingly defeat any amendment or any attempt of that nature.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I realize how late the hour is but it seems as though this must go along a little bit further, especially since the self-styled member of the lunatic fringe says no case has been made for the bill.

I must congratulate the gentleman from Eagle Lake for his very articulate speech, but as a member of the State Government Committee, I can assure you that no one has been down there any more this year to ask for constitutional changes than the gentleman from Eagle Lake nor has there been any more urgent appeals to do just that. And yet he says that he trusts the people.

I am not going to make a long speech on this. It isn't necessary. It was pointed out to begin with that the State Government Committee didn't have too much common sense, but I would like to remind you at least who the House members are: Mr. Dennett of Kittery, Mr. Rideout of Manchester, the flaming Liberal from Lubec, Donaghy, Mr. Marstaller of Freeport, Mr. Starbird of Kingman Township, the gentlewoman from Bath, Miss Watson, and Mr. D'Alfonso of Portland. I might add that this is the only committee in the House that is evenly divided as far as political parties and yet it was a unanimous report, "Ought to pass".

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

Mr. VINCENT: Mr. Speaker and Members of the House: I had many opportunities to talk with the gentleman from Eagle Lake on political philosophies in different discussions and in the course of our conversation he emphasized his great desire one day to see the abolishment of county government. I wholeheartedly agree with him.

I think that the form of county government has outlived its usefulness in today's society. It should be consolidated.

I also recognize the fact that we need some sort of change in the state level. How many state government bills are we sending out for changes in the Constitution to the people in the next general election in the area of governmental restructure? We are sending out changes in the area of bonding and other areas not pertaining to the mechanics that we are faced with here on the floor. One of the persons that signed this "Ought to pass" Report, Mr. D'Alfonso from Portland, holds a degree in political science — not in government, not in history, but political science, Syracuse University.

Not too many of the people in this room bother to read the roll call votes after they are taken, but I would ask you to look at this roll call after it is taken because it appears that this bill will be defeated, and you will find in the column opposed to this bill, it will read like a "Who's Who" on people who wish to concentrate the power right here in this chamber. Read it and read it well. And you can pick them out. You know who they are. These people want to keep the power here; they don't want to distribute it. They say there is not enough of a cry for a change. We have witnessed enough riots and demonstrations and unrest in the last four years in this country—you can't attribute it all to the war. There is discomfort and the people are fed up. There is a report sitting in the Portland library that was drawn up in 1952 of a private concern. It is a survey to find out why people don't participate in local and state government. That report is seventeen years old, and I don't think more than a half dozen people have read it. What this survey remarks on is that the people, right, wrong or indifferent, are convinced that there is an elite power structure on all levels that control and dictate the policies, and that it is fruitless for them to petition, protest, or come up here and make their feelings known. This

is one of the reasons that we are not getting more people up here on vital bills concerning governmental change. We do get quite a few people up here on bills such as gun control, fluoridation, abortion — how many of these are constitutional items?

I hope you people will vote in favor of this passage; if not I hope you will take a look at the roll call afterwards and tell me if I am right or wrong.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: While I don't think that this body or the other body is unresponsive, I do not personally think that this body or the other body is unresponsive to the wishes of the people, because they themselves are elected by the people. They are reflections of the people. But each of us comes here with a certain personality, a certain set of ideas, feelings, that is part of us, that is part of the way we were raised, it is part of the way we were taught, and as each family differs and as each person's background differs, so differ the ideas and the thoughts that are expressed here in this chamber. The majority thoughts of this Legislature sometimes are not the majority thoughts of the people that elected them. The people that elected them may want something, and it may be a very valid thing. But embalmed in our Constitution is a prohibition for them to take a direct action.

I do not think that if this Legislature is responsive as over the long run it probably will be, it will just take a little longer to the wishes of the people, I don't think there will be any use of the initiative. History has shown that where the government was responsive to the people, the people had no recourse to other means. When the government was totally unresponsive to the people, the people had only one means—violent revolution. I do not think we are approaching that state here.

I will not prolong the debate any more but I would like to repeat

some of the words that the gentleman from Houlton read from the Constitution of this state. In the first line, in the first sentence, it provides for a number of things, and I wish you to note that the first words of that sentence are "We, the People" — not We the Legislature — but "We, the People." The people that delegated us to have their wishes put into law in this state. The people should have a recourse if we do not do as they wish us to. We have half that recourse now, we have the initiative as far as statutory law is concerned.

The second phrase says: "In order to establish Justice." Tranquility is one thing that they want but Justice is the first thing, and Justice is what we ask for now. I do not distrust the people. I trust them implicitly. Whatever mistakes they do today, whatever mistakes they may commit today, they will undo tomorrow. Whatever errors are written into our Constitution can be unwritten and I say to you that the great heart of the people is the only sure guarantee that we have to insure tranquility.

The SPEAKER: This Resolve having had its two several readings in the House and having been passed to be engrossed, having had its two several readings in the Senate and having been passed to be engrossed, having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it receive final passage? Under the Constitution, this requires a two-thirds affirmative vote. The gentleman from Kingman Township, Mr. Starbird has moved that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present. All members 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 and more than one fifth having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert. For what purpose does he rise?

Mr. JALBERT: Mr. Speaker, now that the roll call has been ordered, is the measure still debatable?

The SPEAKER: The gentleman has spoken twice, does he request permission to speak a third time?

Mr. JALBERT: I do.

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

Mr. JALBERT: Mr. Speaker, my remarks now are in the form of a question, and this goes in a question to any champion of not being afraid of the people. If you are not afraid of the people, why are you then voting against letting this go to the people to decide?

Mr. Martin of Eagle Lake was granted permission to speak a third time.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Over and over again this morning and afternoon we have heard the phrase "being afraid" or "not being afraid" of the people. I emphasized when I first spoke that I as an individual was not opposed to the will of the people. But what I tried to tell you, and I hope I did it fairly well, that when a Constitution, whether it be the Constitution of the State of Maine, or the Constitution of any other state, can be tampered with at the whim or at the wishes of a small special interest group, this is not serving the will of the majority but the wishes of the minority. Let me point out to you the lack of people that vote at special elections or at general elections, and yet some people in this House would have you believe that because it is going to the people that the people — that I am scared of them. If a special interest group wants to spend the time and the money to convince and to bring people to the polls, it can happen.

Let me also point out that if people want to change laws of this state, I would point out to the gentleman from Lewiston, Mr. Jalbert, that changes in the laws of this state can be made by statutory initiative that is presently on the law books of the State of Maine and on the Constitution.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert, who having spoken three times requests permission to speak again. Is there objection?

(Cries of "Yes")

The SPEAKER: The Chair hears objection. The pending question is the final passage of this bill.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: Very very briefly this morning, I think probably for only one reason, that because there is a question in our minds as to whether we are serving the wishes of the people or whether the ballot box is not an effective way of eliminating some of the members that may not be wishing or may not be voting as the wishes of the people, I think this may be a good time to send this type of legislation to the people to find out if there are areas that we are not serving the people the way they would wish us to serve and that the ballot box is not effective. I think if for no other reason this morning I will support this bill to see if the people themselves will be interested enough to go and vote to see if they want this type of initiative to be able to change the Constitution and not only the statutes. So therefore I would like to ask you to support this document this morning to find out if for no other reason that we want to find out what the wishes of the people are or will be in the future.

The SPEAKER: The pending question is the final passage of Resolve Proposing an Amendment to the Constitution to Provide for Direct Initiative to Amend the Constitution, Senate Paper 239, L.D. 714. A roll call has been ordered. All in favor of final passage will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA—Allen, Bernier, Bourgoin, Buckley, Burnham, Casey, Chick, Coffey, Cottrell, Crommett, Dam, Donaghy, Drigotas, Durgin,

Farnham, Fecteau, Gauthier, Hardy, Hewes, Jalbert, Johnston, Kelleher, Lawry, Label, Lee, Leibowitz, LePage, Levesque, Marquis, Millett, Mitchell, Moreshead, Rideout, Snow, Starbird, Temple, Tyndale, Vincent, Watson, Waxman, Wheeler, Wood.

NAY—Baker, Barnes, Bedard, Benson, Berman, Binnette, Birt, Boudreau, Bragdon, Bunker, Carey, Carter, Chandler, Clark, C. H.; Cox, Crosby, Croteau, Curran, Curtis, Cushing, Danton, Dudley, Dyar, Emery, Erickson, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Giroux, Hall, Hanson, Haskell, Hawkens, Henley, Heselton, Hichens, Huber, Hunter, Immonen, Jutras, Kelley, R. P.; Keyte, Kilroy, Laberge, Lewis, Lincoln, Lund, MacPhail, Martin, McNally, McTeague, Meisner, Mills, Morgan, Mosher, Nadeau, Page, Payson, Pratt, Richardson, G. A.; Richardson, H. L.; Rocheleau, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Stillings, Thompson, Trask, White, Williams.

ABSENT—Brennan, Brown, Carrier, Clark, H. G.; Corson, Cote, Couture, Cummings, D'Alfonso, Dennett, Eustis, Evans, Faucher, Foster, Gilbert, Good, Harriman, Jameson, Kelley, K. F.; Lewin, Marstaller, McKinnon, Norris, Noyes, Ouellette, Porter, Quimby, Rand, Ricker, Ross, Santoro, Soulas, Susi, Tanguay, Wight.

Yes, 42; No, 73; Absent, 35.

The SPEAKER: Forty-two having voted in the affirmative and seventy-three in the negative, the Resolve fails of final passage. It will be sent to the Senate.

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

Mr. BERMAN: Mr. Speaker, having voted on the prevailing side, whereby this Resolve failed of enactment, I would now move for reconsideration and hope you will vote against the motion.

The SPEAKER: The gentleman from Houlton, Mr. Berman, having voted on the prevailing side, now moves for reconsideration.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am fully

aware that the hour is late; it is just as late for me as it is for anybody else. And never have I or never will I ever stop anyone from speaking five, six or seven times on any measure, regardless of the fact that they yell out loud to stop me or anybody else from speaking. I wasn't brought up that way.

I only wanted to get on my feet to answer the young man from Eagle Lake, Mr. Martin, when he concluded into it—you know any young people who will get up long enough will finally do it. When he finally closed his remarks the last time — and I sent him a note the first time telling him he had done a very splendid job — and I mean it couldn't stay there. He made the statement that by statutory law that the people did have the right to initiate legislation. Then he added "in the Constitution." This is true, if we give them the right here, and when we do this now, we are stopping the people from saying — whether the gentleman from Eagle Lake nods no, that is exactly what he said. Now we are now stopping the people from deciding for themselves whether they want to make this change or not, so when we do that we are afraid of the people.

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

Mr. LEVESQUE: Mr. Speaker, I now move that this lie upon the table until later in today's session pending reconsideration.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque

moves that this reconsideration motion be tabled until later in today's session.

Whereupon, Mr. Martin of Eagle Lake requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. If you are in favor of tabling you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

37 having voted in the affirmative and 67 having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The Chair will order a vote on the motion of reconsideration. All in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

38 having voted in the affirmative and 68 having voted in the negative, the motion to reconsider did not prevail.

The SPEAKER: The Chair now lays before the House the Order requesting Opinion of the Justices re enactment of a tax on income derived from certain intangibles, which was tabled under the rules yesterday pending passage. Is it the pleasure of the House that this Order receive passage?

Thereupon, the Order received passage.

On motion of Mr. Richardson of Cumberland,

Adjourned until Monday, June 9, at three o'clock in the afternoon.