

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, April 14, 1959

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

Prayer by the Rev. Mr. Dean R. Bembow of the Presbyterian Church of Starks.

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

The journal of the previous session was read and approved.

**Papers from the Senate
Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Money for Copies of Constitution of Maine (S. P. 151) (L. D. 372) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act relating to Salaries of Superintendents of Schools" (S. P. 271) (L. D. 733)

Came from the Senate read and accepted.

In the House, the Report was read.

(On motion of Mr. Pert of Bath, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.)

Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Waiver of Indictment" (S. P. 413) (L. D. 1197)

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 tomorrow assigned.

Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act re-

lating to Minimum Salaries of Secondary School Principals" (S. P. 157) (L. D. 378)

Report was signed by the following members:

Messrs. COFFIN of Cumberland
DOW of Lincoln
BATES of Penobscot
— of the Senate.

Messrs. MATHIESON of Montville
ERVIN of Houlton
FRAZIER of Lee
CLARK of Scarborough

Miss CORMIER of Rumford
Mrs. HANSON of Lebanon
— of the House.

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

Report was signed by the following member:

Mr. ROWE of Madawaska
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

On motion of Mr. Ervin of Houlton, the Majority Report "Ought not to pass" was accepted in concurrence.

Orders

On motion of Mr. Walsh of Verona, it was

ORDERED, that Mr. Maddox of Vinalhaven be excused from attendance this week because of illness.

On motion of Mr. Jones of South Portland, it was

ORDERED, that Rev. Rodney W. Roundy of Portland be invited to officiate as Chaplain of the House on Tuesday, April 21, 1959.

**House Reports of Committees
Leave to Withdraw**

Covered by Other Legislation

Mr. Cox from the Committee on Judiciary on Bill "An Act relating to Freedom of Access to Public Records and Proceedings" (H. P. 40) (L. D. 60) reported Leave to Withdraw, as it is covered by other legislation.

Report was read and accepted and sent up for concurrence.

Mr. Good from the Committee on Legal Affairs on Bill "An Act relating to the Recreation Depart-

ment for City of Lewiston" (H. P. 305) (L. D. 452) reported Leave to Withdraw.

Mr. Earles from the Committee on Veterans and Military Affairs reported same on Bill "An Act relating to Veterans under Maine State Retirement Law" (H. P. 730) (L. D. 1035)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Shepard from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act relating to Multiple Peril Fire Insurance Policies" (H. P. 855) (L. D. 1223)

Report was read and accepted and sent up for concurrence.

Tabled

Mr. Good from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Business and Recreation on Sunday" (H. P. 758) (L. D. 1076)

Report was read.

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

Mr. STANLEY: Mr. Speaker, I request that this lie on the table unassigned. On the same day that this bill was heard another bill was heard, "An Act to Prohibit the Selling of Motor Vehicles on Sunday." That bill has not as yet come out, and in order that we might discuss the two of them at the same time, I would like to have this on the table unassigned.

The SPEAKER: With respect to this Bill the gentleman from Bangor, Mr. Stanley, moves that the Report and Bill be tabled unassigned pending acceptance of the Committee Report. Is this the pleasure of the House?

The motion prevailed.

Tabled and Assigned

Mr. Kellam from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Municipal Zoning Boards of Appeal" (H. P. 444) (L. D. 650), which was recommitted.

Report was read.

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

Mr. EARLES: Mr. Speaker, with the consent of the House Chairman of the Legal Affairs Committee, I move that this item be placed on the table and specially assigned for Tuesday next.

The SPEAKER: The gentleman from South Portland, Mr. Earles, moves that this matter be tabled pending acceptance of the Committee Report and specially assigned for Tuesday, April 21. Is this the pleasure of the House?

The motion prevailed.

Mr. Cousins from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to the Licensing and Distribution of Trading Stamps" (H. P. 272) (L. D. 404)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Gentlemen of the House: I would like to table this for a week or until Thursday next would be all right. I think that it should have a little further consideration because it is something—

The SPEAKER: The gentleman is debating the tabling motion. With respect to Bill "An Act relating to the Licensing and Distribution of Trading Stamps", the gentleman from Bowdoinham, Mr. Curtis, moves that the Committee Report be tabled and specially assigned for Thursday next pending acceptance. Is this the pleasure of the House?

(Cries of "No")

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

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, would I be in order if I addressed the House on this?

The SPEAKER: The gentleman may address the House.

Mr. CURTIS: I think you are all very well acquainted with the trading stamps. Now, these trading stamps is a great business in this State. They take out millions of dollars and they do not pay any taxes to amount to anything. In fact, the largest one doing business

here pays less taxes than I do, and I think it is time that they should be used the same as everybody else is used.

Now, our insurance companies pay, every time you pay a premium on your life insurance two cents of each dollar is given to the State as a privilege tax to help pay the cost of government, and the same is true with fire insurance companies, two cents of every dollar. When you pay your premium on fire insurance the State takes two cents out of each dollar as a privilege for them to do business, and that helps pay the cost of government.

Now, these trading stamps, at the hearing there was great ado made because they do buy considerable of the goods that are manufactured in Maine for their presents or bonuses or whatever you wish to call them. That, to me, is very unreasonable. The man who I buy my automobiles from buys \$300,000 worth of automobiles in Michigan each year but nobody expects him to be exempt from taxation simply because he buys so many automobiles. And it seems unreasonable that these companies should get by without paying any taxes, so I ask that the bill might be substituted for the report.

The SPEAKER: With respect to Bill "An Act relating to the Licensing and Distribution of Trading Stamps", the gentleman from Bowdoinham, Mr. Curtis, moves that the bill be substituted for the report and requests a division.

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

Mr. COUSINS: Mr. Speaker and Ladies and Gentlemen of the House: The Taxation Committee listened to this hearing with a great deal of interest. It was a long hearing and an interesting one, and we came out of it unanimously feeling that this bill should not pass. Our reason basically was one. There was to us no difference between a trading stamp company and any other retail establishment, and if we had imposed this tax upon trading stamp companies we would, in effect, have been putting a tax upon the retailers because that is what a trading stamp company does.

These trading stamp companies

have been in business for a long time. They issue these stamps, the cost to the retailer buying them is about a quarter of a cent. When you figure out the number of stamps in a book it figures out to about three dollars. The people buying the goods get, in effect, a cash discount of just about three dollars, the average value of the goods has consistently been three dollars and there seemed no good reason why this type of a retailing company should make money. Now, you might ask where the trading stamp companies make their money. Well, they make their money in buying wholesale and selling retail just exactly the same as anybody else does.

There have been a number of studies made nationwide as to the effect of trading stamp companies. They are all fairly conclusive. People try to throw a smoke screen about them but the effect seems to have been that there is no rise in prices occasioned by the use of trading stamps, if anything, when you consider the discount that you get from a trading stamp it is probably a lessening of prices rather than a rise in prices.

There is another bill before this legislature which has to do with the regulations of trading stamp companies. I understand that that bill is being considered in the other body, it did not come before our committee, and I further understand that the trading stamp companies do not object to being regulated in some way. However, if I had anything to do with a trading stamp company I personally would object to being regulated. I don't see why they need to be regulated any more than any other retail company.

We could see no reason for the imposition of this tax. We voted unanimously against it and I hope that the motion of the gentleman from Bowdoinham, Mr. Curtis, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Members of the House: Whereas expressed by the gentleman from Bangor, Mr. Cousins, that there is another bill pending. As I under-

stand, that bill is very favorable, that that bill will be acceptable throughout the entire industry, it will bring revenue to the State, and I think that in itself would be sufficient to imposing a tax at this time and I think the present bill before us is a little excessive, so in the face of that I would move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that with respect to Bill "An Act relating to the Licensing and Distribution of Trading Stamps", the committee report be indefinitely postponed.

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: In reference to this bill which is in the other branch, all it does is to simply regulate them and it is a very small income that comes in, but it will be a help providing this one does not pass, it would be some help because this one also regulates but it does not charge much for the regulation, only fifty dollars where the other one goes as high as a thousand dollars and that is about all there is to it. The other one looks to me as unfair to the people of the State of Maine as possibly could be because it is simply, in my opinion, brought forth to kill this one because this one is a tax revenue.

Now, I am not interested in stamps. Of course, there has been a great controversy all over the states and some, I believe, have passed laws to exclude them. I have got nothing against trading stamps as a method of advertising. If a retail dealer wants to pay three per cent, and that is what he pays if he only buys one book at a time, on each dollar that he puts out a stamp that is all right with me. He might go uptown and go to work and buy a newspaper page and it will cost him as much. So I am not interested whatsoever in stamps, I am interested in that here is a chance for some \$75,000 of revenue which we so badly need and which these people can well afford to pay.

Now, the gentleman from Bangor, Mr. Cousins, has said that they

are making a tax on this particular business. I cannot see why a tax on this business is anything different than a tax on your insurance company or on your electric lights or on your railroads or any of those things, they all pay a tax as a cost of government, just simply to pay their share of the cost of government and that is all this bill provides, and I hope the motion of the gentleman from Bridgton, Mr. Haughn, does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that with respect to Bill "An Act relating to the Licensing and Distribution of Trading Stamps", House Paper 272, Legislative Document 404, the Committee Report be indefinitely postponed. A division has been requested.

Will all those who favor the motion to indefinitely postpone please rise and remain standing until the monitors have made and returned the count.

One hundred ten having voted in the affirmative and nineteen in the negative, the motion prevailed and the Bill with accompanying papers was indefinitely postponed and sent up for concurrence.

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a group of thirty students of the American History Class from Besse High School of Albion, accompanied by Miss Mitchell and Floyd Theriault.

The Chair would also recognize the presence in the gallery of the House of a group of pupils from the Central Junior High School of New Portland, Maine, accompanied by their teacher, Edna G. Taylor. On behalf of the House, the Chair extends to you ladies and gentlemen a most hearty and cordial welcome and we hope you will enjoy and profit by your visit here today. (Applause)

Mr. Cyr from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Increasing Excise Tax on Telephone Companies" (H. P. 774) (L. D. 1092)

Report was read and accepted and sent up for concurrence.

Mr. Rollins from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Sales Tax on Farm Machinery and Equipment" (H. P. 732) (L. D. 1037)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker, there are other tax bills not yet reported that may have some bearing on this bill, and I therefore move that this be tabled unassigned and I promise you I will take it off the table as soon as possible.

The SPEAKER: The gentleman from Milo, Mr. Brockway, moves that the Report be tabled unassigned pending acceptance. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: Will those who favor the tabling motion please say aye; those opposed, no.

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

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

Mr. Tardiff from the Committee on Veterans and Military Affairs reported "Ought not to pass" on Resolve to Compensate William H. Barker of Waterford for Injuries While Training with National Guard (H. P. 183) (L. D. 276)

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Cox from the Committee on Judiciary on Resolve Authorizing Flora Burrill Tibbetts to Bring Suit at Law Against the State of Maine (H. P. 442) (L. D. 648) reported same in a new draft (H. P. 919) (L. D. 1297) under same title and that it "Ought to pass"

The Report was read.

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

Mr. CALL: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from Dexter, Mr. Cox, and being not of a

legal mind, I would have to read the original resolve.

The SPEAKER: The Chair understands that the gentleman from Cumberland, Mr. Call, addresses a question through the Chair to the gentleman from Dexter, Mr. Cox, who may answer if he chooses.

Mr. CALL: Legislative Document 648 gives this person a right to sue the State of Maine, and the original Resolve: "said suit to recover damages sustained by the said Flora Burrill Tibbetts by reason of her false imprisonment and illegal confinement brought about by the superintendent of the Reformatory for Women", that's the part I want to bring out, "brought about by the superintendent of the Reformatory for Women." And in the new draft, I am asking a question, Mr. Speaker, but I want to make it clear, because I have no legal mind, and I hope you will go along with me, and in the new draft she says "who claims to have suffered damage by reason of her alleged illegal commitment and confinement to the Pownal State School, now known as the Pineland Hospital and Training Center." The reason I bring it up, is to ask the question to clarify myself so I won't have to talk any further after he answers the question, what I am afraid of is that anybody who commits anybody who are superintendents of our institutions may be sued in the future.

The SPEAKER: The gentleman from Cumberland, Mr. Call, has addressed a question through the Chair to the gentleman from Dexter, Mr. Cox, who may answer if he chooses.

Mr. COX: Mr. Speaker and Members of the House: The full facts on this matter were stated to the Committee. Flora Burrill Tibbetts was released from the Pineland Hospital on a writ of habeas corpus, so in the minds of the Committee there was little doubt that she had been legally confined. If she hadn't been the Court wouldn't have released her on a writ of habeas corpus, and since she had been deprived of some rights, we thought it only right that she should be allowed to sue the State of Maine for that imprisonment. We changed the wording around because the Committee didn't want

to be in the position of stating facts. The truth of the facts is up to the Court to determine. Does that answer the gentleman's question?

The SPEAKER: Does the gentleman consider his question answered?

Mr. CALL: Yes.

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

Mr. Emmons from the Committee on Judiciary on Bill "An Act relating to Records of State Police" (H. P. 557) (L. D. 791) reported same in a new draft (H. P. 920) (L. D. 1298) under title of "An Act relating to Records of the State Police and Certain other Agencies" and that it "Ought to pass"

On motion of the gentlewoman from Rumford, Miss Cormier, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Mr. Brown from the Committee on Legal Affairs on Bill "An Act Repealing the York Beach Village Corporation" (H. P. 864) (L. D. 1232) reported same in a new draft (H. P. 921) (L. D. 1299) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Brown from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Powers of York Beach Village Corporation" (H. P. 863) (L. D. 1231)

Report was read and accepted, the Bill read twice and tomorrow assigned.

Mr. Baxter from the Committee on Taxation reported "Ought to pass" on Bill "An Act relating to Isolated Motor Vehicle Transactions under Sales Tax Law" (H. P. 674) (L. D. 966)

Report was read.

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

Mr. STANLEY: Mr. Speaker, Ladies and Gentlemen: I wonder if Mr. Baxter, the gentleman from Pittsfield, or some member of the Taxation Committee would give us a little information on this bill?

The SPEAKER: The gentleman from Bangor, Mr. Stanley, has addressed a question through the Chair to the gentleman from Pittsfield, Mr. Baxter, who may answer if he chooses.

Mr. BAXTER: Mr. Speaker, this bill merely provides that in the case of an individual who owns automotive equipment who wishes to incorporate his business, he may transfer the motor vehicles to the business without the sales tax. Under the present law, if a contractor, for instance, owns a group of vehicles, and is operating as an individual, and incorporates his business and transfers the vehicles to the business, he must pay the sales tax.

The SPEAKER: Does the gentleman from Bangor consider his question answered?

Mr. STANLEY: Yes.

Thereupon, the Report was accepted, the Bill read twice and tomorrow assigned.

Tabled and Assigned

Mr. Cousins from the Committee on Taxation reported "Ought to pass" on Bill "An Act to Tax Highway Equipment Brought into the State after April First" (H. P. 675) (L. D. 967)

Report was read.

(On motion of Mr. Baxter of Pittsfield, tabled pending acceptance of Committee Report and specially assigned for Friday, April 17.)

Mr. Cyr from the Committee on Taxation reported "Ought to pass" on Bill "An Act relating to Taxation on Sparkling Wines" (H. P. 821) (L. D. 1159)

Report was read and accepted, the Bill read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Kennedy from the Committee on Claims on Resolve in favor of Lloyd Moore of Gouldsboro (H. P. 538) (L. D. 773) reported "Ought

to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 538, L. D. 773, Resolve, in Favor of Lloyd Moore of Gouldsboro.

Amend said Resolve by striking out the figures "\$1,000" in the 2nd line and inserting in place thereof the figure '\$500'.

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Mr. Cox from the Committee on Judiciary on Bill "An Act to Clarify the Inheritance Tax Law" (H. P. 244) (L. D. 355) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 244, L. D. 355, Bill, "An Act to Clarify the Inheritance Tax Law."

Amend said Bill by striking out the word "shall" in the 9th line and inserting the word 'may'.

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Brown from the Committee on Legal Affairs on Bill "An Act relating to Payments by Town of York to York Beach Village Corporation" (H. P. 868) (L. D. 1236) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 868, L. D. 1236, Bill, "An Act Relating to Payments by Town of York to York Beach Village Corporation."

Amend said Bill by striking out in the 3rd line from the end the underlined figure and symbol "60 per cent" and inserting in place thereof the underlined figure and symbol '45 per cent'.

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Reed from the Committee on Welfare on Bill "An Act relating to Salary and Travel of Representatives of Indian Tribes to the Legislature" (H. P. 596) (L. D. 842) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 596, L. D. 842, Bill, "An Act Relating to Salary and Travel of Representatives of Indian Tribes to the Legislature."

Amend said Bill in the Title by striking out the words "and Travel"

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"R. S., c. 10, Sec. 2, amended. The last paragraph of section 2 of chapter 10 of the Revised Statutes is amended to read as follows:

"The member of the Indian tribe elected by it to represent the tribe at the biennial assembly of the Legislature shall receive a compensation of \$200 \$250 for such attendance."

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act Defining Agricultural Labor under Employment Security Law" (H. P. 443) (L. D. 649)

Report was signed by the following members:

Messrs. BATES of Penobscot
ROSS of Sagadahoc
MacDONALD of Oxford
— of the Senate.

Messrs. TREWORY of Orono
HANCOCK of Nobleboro
HARDY of Hope
WINCHENPAW
— of Friendship
LETOURNEAU of Sanford
KARKOS of Lisbon
— of the House.

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

Report was signed by the following member:

Mr. MILLER of Portland
— of the House.

Reports were read.

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

Mr. BRAGDON: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. MILLER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to make my position clear as to why I signed the Minority Report on this bill. Two years ago in the 98th session of the Legislature we passed a piece of legislation which they are attempting to take out at this session of the Legislature.

I am going to be very brief; I think this is pretty well cut and dried, but my position is this, that I feel that this is a business and that the employees in this business should come under the unemployment security tax; that no business should be allowed the right to exploit a human being. This is just another attempt on the part of some industries in the State of Maine to buy cheap labor, so therefore, I would move for the indefinite postponement of this bill.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Miller, that both Committee Reports be indefinitely postponed. Is the House ready for the question?

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't hardly feel that I am prepared to speak on this. I think that I will merely say that the law that was enacted previously is the same law that is in effect in a great many of our other states, in fact most of them. Our original law followed that same pattern. Two years ago it was changed and many indus-

tries feel that they come under very unfair competition because of this change. That I think perhaps is all that I have to say.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Miller, that both reports be indefinitely postponed.

Will those who favor the motion to indefinitely postpone both reports please say aye; those opposed, no.

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

The SPEAKER: The question now before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the "Ought to pass" Report be accepted.

Will those who favor the acceptance of the "Ought to pass" Majority Report please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, the "Ought to pass" Report was accepted and the bill read twice.

Mr. Perry of Easton then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 443, L. D. 649, Bill, "An Act Defining Agricultural Labor Under Employment Security Law."

Amend said Bill by adding after blocked paragraph "D" a new underlined blocked paragraph "E" to read as follows:

'E. In the employ of a cooperative which assembles, markets and sells agricultural products which are produced only by the members of the cooperative.'

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

Mr. MILLER: Mr. Speaker and Ladies and Gentlemen of the House: For the record, again this is another attempt to take more employees out from under the Employment Security Act. The bill that you just passed involves about 600 people and it is a growing industry so it could very well involve many more. I don't know how many this will involve, but I do say that we should be very, very careful when we pass some of these bills here in the Legisla-

ture, because it does involve human beings. I move for the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Portland, Mr. Miller, moves the indefinite postponement of House Amendment "A".

The Chair recognizes the gentleman from Easton, Mr. Perry.

Mr. PERRY: Mr. Speaker, my concern is mostly with the potato growers of Aroostook County and other parts of the State. There is a wide difference between the amount paid by the consumers and received by the producers. The growers in several of the towns in the County have formed more cooperatives to grade, wash and ship these potatoes produced only by their own members. In order that they might reduce this difference, they have been working for several years and it is only for a few years that they have made the cost of production, and they think they should not be obliged to pay this consumers price because a good deal of the work is done by the members themselves.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I am very much concerned with the potato growers in Aroostook County, yet this is so much larger because we do have many more cooperatives. We do have large cooperatives and we have people who work for them entirely most of the time. Sometimes they do have to lay off. It only seems reasonable to me that they should pay — a working man working for them should receive the same consideration as if he was working for anybody else. I trust this amendment will be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Miller, that House Amendment "A" be indefinitely postponed.

Will those who favor the motion to indefinitely postpone please say aye; those opposed, no.

A viva voce vote being doubted, a division of the House was had.

Seventy-one having voted in the affirmative and fifty-three having voted in the negative, the motion

prevailed and House Amendment "A" was indefinitely postponed.

Thereupon, the Bill was assigned for third reading tomorrow.

The SPEAKER: At this time the Chair would request the Sergeant-at-Arms to escort the gentleman from Oakland, Mr. Morse, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Morse assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Edgar retired from the Hall.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Disqualification of Benefits under Employment Security Law" (H. P. 755) (L. D. 1073)

Report was signed by the following members:

Messrs. BATES of Penobscot
ROSS of Sagadahoc
MacDONALD of Oxford
— of the Senate.

Messrs. WINCHENPAW
— of Friendship
HANCOCK of Nobleboro
HARDY of Hope
TREWORGY of Orono
KARKOS of Lisbon
— of the House.

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

Report was signed by the following members:

Messrs. MILLER of Portland
LETOURNEAU of Sanford
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Orono, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker and Members of the House: The purpose of the present disqualification law is to cut down payments where the worker has had employment but who leaves employment because he doesn't like the work or for any other personal reason, and then seeks to have the State through its agencies compensate him for lack of work, and the present law seeks to assist those

who are involuntarily forced into idleness.

This bill, L. D. 1073, seeks to reduce in substantial amount both the time and monetary disqualifications which now exist under the present law where a person has voluntarily left his regular employment without good cause, been discharged for misconduct or fails to accept suitable work. I now move the acceptance of the "Ought not to pass" Report.

The SPEAKER pro tem: The Chair now recognizes the gentleman from Auburn, Mr. Wade.

Mr. WADE: Mr. Speaker, I would move that this bill lie on the table until Tuesday, April 21, pending acceptance of either report.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Wade, now moves that the Reports and Bill be tabled and specially assigned for Tuesday, April 21, pending the motion of the gentleman from Orono, Mr. Treworgy, that the Majority Report "Ought not to pass" be accepted. Is this the pleasure of the House?

The motion prevailed.

Divided Report Tabled and Assigned

Report "A" of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Exempting Certain Fraternal Associations from Property Taxation" (H. P. 323) (L. D. 470)

Report was signed by the following members:

Messrs. WILLEY of Hancock
WYMAN of Washington
— of the Senate.

Messrs. BAXTER of Pittsfield
ROLLINS of Belfast
MAXWELL of Jay
— of the House.

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

Report was signed by the following members:

Mr. FOURNIER of York
— of the Senate.

Messrs. CYR of Augusta
PARSONS of Hartford
COUSINS of Bangor
WALSH of Verona
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brunswick, Mr. Lowery.

Mr. LOWERY: Mr. Speaker, I would like to table this bill until Wednesday the 22nd pending acceptance of either report.

The SPEAKER pro tem: The gentleman from Brunswick, Mr. Lowery, moves that both reports be tabled and specially assigned for Wednesday, April 22.

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, I would like to discuss the tabling motion. I am made aware that the calendar for Wednesday the 22nd is quite heavy, and it would be my intent that we table it on Tuesday's calendar the 21st rather than the 22nd.

The SPEAKER pro tem: The gentleman from Old Orchard Beach, Mr. Plante, suggests tabling to April 21, Tuesday.

Mr. LOWERY: Mr. Speaker, looking over the calendar, I note that the 22nd is very light, and I would much prefer the Wednesday date.

The SPEAKER pro tem: The gentleman does not modify his motion, so the motion is to table until Wednesday, April 22, pending acceptance of either Report. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: Will those who favor the tabling motion to April 22 please say aye; those opposed, no.

A viva voce vote being taken, the motion did prevail.

Divided Report

Report "A" of the Committee on Taxation reporting "Ought to pass" on Bill "An Act relating to Taxation of Manufacturers' Inventories" (H. P. 509) (L. D. 722), which was recommitted.

Report was signed by the following members:

Mr. WILLEY of Hancock
— of the Senate.

Messrs. BAXTER of Pittsfield
CYR of Augusta
COUSINS of Bangor
WALSH of Verona
— of the House.

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

Report was signed by the following members:

Messrs. WYMAN of Washington
FOURNIER of York
— of the Senate.
Messrs. ROLLINS of Belfast
PARSONS of Hartford
MAXWELL of Jay
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Cousins.

Mr. COUSINS: Mr. Speaker, I would move that the House accept Report "A" "Ought to pass" and I would like to speak briefly to my motion.

The SPEAKER pro tem: The gentleman may proceed.

Mr. COUSINS: Mr. Speaker, Ladies and Gentlemen: This bill is a relatively minor bill. It concerns manufacturers' inventories of raw materials, unfinished and processed and as to the levy of a personal property tax on those items.

As it is right now, the manufacturers' inventories are taxed as are all personal property taxes on what you have on hand on April 1. This leads to a very confusing situation because there is no uniformity anywhere in the State. In some cities and towns the assessors have worked out a working agreement with some of the industries that they more or less average what the inventory happens to be, and that works fine. Other places they can do it with some industries and manufacturing establishments, but they can't with others. In my own particular city that happens to be the situation. A number of people are willing to go along with an average inventory, but some are not, and they have been consistently reducing their inventories on April 1 to the point where there is very little taxable property there. The State Municipal Association came in and sponsored this bill, they are very much in favor of it. The assessors are very much in favor of it. In my own particular case the officials of the City of Bangor are very much in favor of it. It is a good bill. It would get rid of any uncertainty concerning

the taxation of this type of property. What it would do is average the amount during the year and then tax upon that basis. I hope that Report "A" "Ought to pass" will prevail.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Bangor, Mr. Cousins, that the House accept Report "A" "Ought to pass".

Is it the pleasure of the House to accept Report "A"?

The motion prevailed, the Bill was read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act relating to Minimum Sick Leave for Teachers" (S. P. 399) (L. D. 1167)

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

Bill "An Act relating to Sale of Spirituous Liquor in Class A Restaurants" (S. P. 445) (L. D. 1295)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Desmarais.

Mr. DESMARAIS: Mr. Speaker, I am asking permission of the House to table this item two, An Act relating to Sale of Spirituous Liquor in Class A Restaurants, so I can get an amendment ready. I would like to table it to this coming Thursday.

The SPEAKER pro tem: The gentleman from Sanford, Mr. Desmarais, moves that this matter be tabled and specially assigned for Thursday, April 16, pending passage to be engrossed. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER pro tem: Will those who favor the tabling motion please say aye; those opposed, no.

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

The SPEAKER pro tem: The gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, out of order and under suspension of the rules, I would like to make

an announcement to the effect that tomorrow when item two comes up as an enactor, I plan to speak on it and try to take some action. I have had a great deal of correspondence regarding this bill, and for that reason I feel that I should make another attempt on it, so tomorrow when it comes in as an enactor I plan to do that.

The SPEAKER pro tem: In the regular course the bill will probably not be returned to the House until Thursday as an enactor. I am sure that Mrs. Christie could speak at that time.

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

Bill "An Act relating to Inheritance Taxation of Jointly Owned Property" (H. P. 245) (L. D. 356)

Was 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 and Assigned

Bill "An Act relating to Pauper Settlement of Patients and Employees of Central Maine Sanatorium" (H. P. 247) (L. D. 358)

Was reported by the Committee on Bills in the Third Reading.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I think that I would like to ask a question in regard to this bill. Since the Committee Report is not before us, I hardly know who to inquire of. The point that I would — possibly my point of disagreement with what I fear to see in this bill, it would seem to me that a person living in the town of Fairfield and working at the sanatorium, does not in any sense ever require a pauper settlement. It seems to me that while this particular bill only applies to the town of Fairfield, that it establishes possibly rather a dangerous precedent of a foot in the door. It seems to me that a person living the required number of years in any municipality whether they work in an institution or whether they work for some busi-

ness. I feel that the bill is dangerous and unfair. I don't know what — possibly my best bet would be to ask to have it tabled and discuss it further.

The SPEAKER pro tem: Does the gentleman so move?

Mr. BRAGDON: I will.

The SPEAKER pro tem: Does the gentleman wish to assign a date?

Mr. BRAGDON: Wednesday of this week is alright.

The SPEAKER pro tem: The gentleman from Perham, Mr. Bragdon, moves that this Bill be tabled pending third reading and specially assigned for Wednesday, April 15. Is this the pleasure of the House?

The motion prevailed.

Bill "An Act relating to Vehicle Entering Stop Intersection" (H. P. 396) (L. D. 579)

Bill "An Act relating to Powers of Community School District Trustees" (H. P. 540) (L. D. 775)

Bill "An Act relating to Mortgages for Future Advances" (H. P. 640) (L. D. 931)

Bill "An Act relating to Negotiable Notes" (H. P. 641) (L. D. 932)

Bill "An Act to Create the Bureau of Maine Archives" (H. P. 785) (L. D. 1117)

Resolve Charging Off Funds Advanced for the Purchase, Stocking and Equipping of the Blueberry Experimental Farm (H. P. 60) (L. D. 98)

Resolve Authorizing Use of Passamaquoddy Trust Funds for Housing (H. P. 233) (L. D. 344)

Resolve Appropriating Moneys for LP Gas Prover for State Sealer of Weights and Measures (H. P. 271) (L. D. 403)

Resolve in favor of Ernest S. Stone of Garland (H. P. 635) (L. D. 927)

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

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would like to thank the gentleman from Oakland, Mr. Morse, for his

excellent services as Speaker pro tem.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Oakland, Mr. Morse, to his seat on the Floor, amid the applause of the House, and Speaker Edgar resumed the Chair.

Amended Bills

Bill "An Act relating to Powers of Ricker Classical Institute and Ricker College" (S. P. 325) (L. D. 901)

Bill "An Act relating to Lights on Rear of Certain Trucks" (H. P. 228) (L. D. 318)

Bill "An Act relating to Westbrook Parking Authority" (H. P. 249) (L. D. 360)

Bill "An Act Establishing a Representative Town Government in Town of Scarborough" (H. P. 591) (L. D. 845)

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 and Assigned

Bill "An Act relating to Awarding Contracts for State Construction" (H. P. 905) (L. D. 1274)

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

(On motion of Mr. Wade of Auburn, tabled pending passage to be engrossed and specially assigned for Tuesday, April 21.)

Resolve in favor of A. R. Palmer of Litchfield (H. P. 634) (L. D. 926)

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

The SPEAKER: The Chair would like to recognize the presence in the gallery of the House of a group of pupils from Harmony High School of Harmony, Maine, accompanied by Mr. Jenkins and Mr. Chadbourne. On behalf of the House, the Chair extends to you ladies and gentlemen a most hearty

welcome and we hope that you will enjoy and profit by your visit today. (Applause)

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, An Act relating to License Fees in Fire Prevention Laws, House Paper 657, Legislative Document 949, tabled on April 7 by the gentlewoman from Rumford, Miss Cormier, pending passage to be enacted; and the Chair recognizes that gentlewoman.

Thereupon, on motion of that gentlewoman, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair now lays before the House item number two, House Report "Ought to pass" with Committee Amendment of the Committee on Education on Bill "An Act Providing Subsidy to Driver Education in Academies," House Paper 872, Legislative Document 1246, tabled on April 8 by the gentleman from Sanford, Mr. Desmarais, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. DESMARAIS: Mr. Speaker and Members of the House: I move for the acceptance of the Committee Report.

The SPEAKER: The gentleman from Sanford, Mr. Desmarais, moves that the House accept the "Ought to pass" Report.

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

Mr. BRIGGS: Mr. Speaker, with your permission I would like to ask the sponsor of this bill or any member of the Committee on Education a question through the Chair.

The SPEAKER: The gentleman from Portland, Mr. Briggs, addresses a question through the Chair to any member of the Education Committee or the sponsor of the bill who may answer if they choose. The gentleman may state his question.

Mr. BRIGGS: I would just like to know how much this will cost the State of Maine each year.

The SPEAKER: The gentleman from Portland, Mr. Briggs, has addressed a question.

The Chair recognizes the gentleman from Lee, Mr. Frazier.

Mr. FRAZIER: Mr. Speaker and Members of the House: This is a bill to clarify the laws regarding the payment of subsidies. Technically it should cost the State of Maine absolutely nothing, and I would go on further if the gentleman wants further explanation of the bill but I think it would be going beyond the call of duty.

The SPEAKER: Does the gentleman from Portland consider his question answered?

Mr. BRIGGS: Mr. Speaker, I do and I don't. In the bill it states that a ten dollar subsidy per pupil will be paid by the State to the academies for each pupil that finishes the course on the preceding year. I can't understand why this wouldn't cost the State a good deal of money.

The SPEAKER: The gentleman from Portland, Mr. Briggs, seeks further information. Would the gentleman from Lee care to answer?

Mr. FRAZIER: Yes, I would, Mr. Speaker. I will go into the history of this matter just a bit. When the driver education program was first outlined for the public high schools in the State of Maine there was a provision made that each student who completed successfully the course, the town which sponsored the course would then be reimbursed by the State to the extent of ten dollars per pupil. The academies in the State have a rather distinct situation in which they do not receive moneys from the State Department of Education directly but must receive their moneys from the towns who send their students to the academies, and this is a situation which has ultimately developed. The State was paying to the towns the ten dollars per student who successfully completed their course in driver education with the intent that this money would then be paid to the academy who offered such a course. However, due to technicalities in the law the towns found that they did not have to reimburse the academies, they then in turn kept their money for other purposes of edu-

cation within their own town, and the ultimate outcome of this was that the academies then that were offering the course in driver education refused to sponsor such a course, and this in turn will perhaps bring driver education back to some of our Maine academies.

The SPEAKER: Does the gentleman consider his question answered? The question before the House is the acceptance of the "Ought to pass" Committee Report on Bill "An Act Providing Subsidy to Driver Education in Academies", House Paper 872, Legislative Document 1246. Is this the pleasure of the House?

The motion prevailed and the Bill was given its first and second readings.

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

COMMITTEE AMENDMENT "A" to H. P. 872, L. D. 1246, Bill, "An Act Providing Subsidy to Driver Education in Academies".

Amend said Bill by striking out in the title the words "in Academies".

Further amend said Bill by striking out the underlined words "and academies" in the 18th line.

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

The SPEAKER: The Chair now lays before the House item number three, House Divided Report, Majority "Ought to pass" as amended and Minority "Ought not to pass" of the Committee on State Government on Resolve Proposing an Amendment to the Constitution as to the Number of Voters Necessary to Approve a Constitutional Amendment, House Paper 772, Legislative Document 1090, tabled on April 10 by the gentlewoman from Lebanon, Mrs. Hanson, pending acceptance of either report; and the Chair recognizes that gentlewoman.

Mrs. HANSON: Mr. Speaker, I move to accept the Majority "Ought to pass" Report on L. D. 1090 as amended by Committee Amendment "A" and would like to speak briefly on it.

The SPEAKER: The gentlewoman may proceed.

Mrs. HANSON: Mr. Speaker and Members of the House: The Constitution is the heart and soul of

the State of Maine. By it we stand or fall as a state. It is very precious or it should be to all of us.

It has been amended in the past and it will be amended in the future. However, at present there seems to be a rash of proposals to slash and delete and operate upon this instrument. I feel we need a greater check on ill considered or rash action.

My thought is to require a reasonably representative vote rather than a tiny minority of the electorate to be necessary to effect a change in the Constitution.

As a safeguard to avoid hasty changes it is now necessary that two-thirds of the elected members of both branches of our State Legislature vote on a change in our State Constitution, and three-quarters of the states to effect an amendment to the Federal Constitution after Congress has voted a two-thirds vote in both branches of Congress.

Therefore, it seems to me that a mere eleven per cent of the electorate is far too little to pass such an important matter as amending our Constitution. This was so in our past referendum vote.

By establishing a two-thirds vote of those voting on the question we get a clearer cut decision through a larger number of the electorate, thus the grass roots feeling is more evident. This seems to me a reasonable and acceptable quorum vote.

I am not against change when change strengthens but I am against hasty changes. I want to be very sure it is a wide spread demand for change, not some pet theory of a few when changes are made. The few can study and suggest but it after all should be the most of the people who will be affected by these changes who have the final say if we are to hold true to the fundamental precepts of our form of government. Therefore, I hope that the Majority "Ought to pass" Report will prevail.

The SPEAKER: The question before the House is the motion of the gentlewoman from Lebanon, Mrs. Hanson, that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: At present it is far too easy to change the Constitution. As most of you know, that was done by a vote of eleven per cent in the last election, according to the reports we hear. That is far too small a percentage to change a document as important to us as the Constitution of our State, and so I feel that we ought to have a safeguard which will not permit such a small number of people to change the Constitution in the future, and I am very much in favor of this bill which would require, I believe now with the amendment, it would be two-thirds of those who vote, to be voting for the change, before it could become effective. I feel that this would be a reasonable amount as it is the number required by us in the Legislature, as has been said before, and I hope this bill is passed.

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

Mr. PLANTE: Mr. Speaker and Members of the House: No constitution can be so well planned and drafted that it will not, in the course of time, require change. Experience will prove certain features undesirable, others will be rendered obsolete by social and economic developments. The problem is how to provide for change that will not be so easy as to impair the Constitution's usefulness as a stabilizing force in government and at the same time not so difficult as to block progress.

The real difference between a flexible and rigid constitution lies in the actual ability of the political system under a constitution to adapt and change to meet new conditions.

This Resolve from all accountable sources would make it almost impossible to ever amend our Constitution. After having studied tabulations regarding our eighty-four amendments to the Constitution, it is evident that if this limitation had been in effect, absentee voting would not have been granted in 1921; regardless of the population increase, two additional Sen-

ators, as a result of the 1931 vote, could not have been sworn into office; in 1934 prohibition would not have been repealed even though the total vote on the question was 247,000 votes with 161,000 people as against 85,000 people favoring it; the proposed change in the qualifications of citizenship of the governor, adopted as recently as 1955, could not have taken effect; the four-year term for Governor and the change of the election date could not have become law. These are but a few examples.

It would not be expected that 49 constitutions, dating from widely separated periods, for states which vary widely in wealth, population and resources, would be in agreement on the vote required for the ratification of their constitutions. However, they are, but with two minor variations, in total agreement that a majority of their voters must ratify their constitutions. Simply, Maine would be the first state in the Union, I repeat, the first state in the Union requiring wholly and specifically two-thirds approval by its voters on any constitutional amendment.

In eighteen states, only a simple majority of the members of each house is required for submission and thirteen states have popular constitutional initiative. Therefore, it is evident that our Constitution is not dangerously flexible.

There are two basic philosophical differences between those who support this document and those who oppose it. The first is an underlying problem of determining how far and in what way the rules of the old order are to be altered to meet new conditions and the second is the difference in accepting the decision of a people.

From the study which I have made, I cannot help but appraise this legislative limitation as a step backward and a loss of faith and contact with the Maine electorate. I now move that both reports and all accompanying papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that both reports be indefinitely postponed.

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I wish to challenge the statement of my good friend from Old Orchard Beach, Mr. Plante. It is merely a presumption on his part that what he referred to would not have been passed had we had such legislation at that time. Because had we had such legislation and the people had known of it, undoubtedly more people would have got out and voted.

Now, it is a fact that the last two or three times that we changed the Constitution we have had only twelve or fifteen per cent of the people that got out and voted. It is also a fact that those who want a change will get out and work for it, and those who don't want it will stay home and talk about it but won't do anything about it, won't even get out and vote. Now, if they knew that there had to be two-thirds, undoubtedly more people would get out and vote. Undoubtedly all of these changes that have been made, as referred to by the gentleman from Old Orchard Beach, Mr. Plante, undoubtedly they would have been made just the same except more people would have got out and voted. This is simply a measure that more of the people would take an interest in the government and do something about it.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Auburn, Mr. Wade.

Mr. WADE: Mr. Speaker and Members of the House: As House Chairman of the Committee on State Government, I wish to state that the members of that Committee who signed the Majority Report felt that the two-thirds rule as proposed in the Committee Amendment is a reasonable quorum rule. We recognize that as the first sentence of Section 4 of Article 10 states, the Legislature, whenever two-thirds of both houses shall deem it necessary to make proposed amendment. We recognize that the primary responsibility for starting a proposal for an amendment to the Constitution does rest with the Legislature but, as I say,

we of the Committee felt that two-thirds of those voting is a reasonable quorum rule for a matter as important as this is.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I speak as a signer of the Majority "Ought to pass" Report of the Committee. During the course of this Legislature we have heard frequent allusion to the word "progress." I honestly believe that this is a progressive piece of legislation. There is no business, there is hardly any legislative body that does not require two-thirds before passing any measure, particularly a measure that so concerns the whole state as their Constitution, which certainly is a sacred instrument, even this Nation itself could not have come into being if two-thirds of the states had not ratified the Constitution. If I recall correctly, in 1788 New Hampshire was the ninth state and brought the Constitution of the United States into being.

I am going to be brief, I am not going to elucidate on this at any length but I truly think that this is a progressive piece of legislation and I certainly hope that the motion to indefinitely postpone will not prevail.

The SPEAKER: The Chair recognizes the gentleman from South portland, Mr. Earles.

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: I cannot agree with the remarks of the gentleman from Kittery, Mr. Dennett, that this is a progressive piece of legislation. As far as I am concerned, it is retrogressive. It is interesting, in all the years since 1820 the number of amendments that we have to our Constitution. It has been done by permitting the majority voting to decide the issue. And now because apparently some measures have been evoked into law by the citizens of the State, maybe I am being cynical, but it seems to me that some feel that they want to tighten the guard around the Constitution and remove it from the majority will of the people.

It has been previously stated that thirty-eight states make their

constitutional amendments by a majority of the people voting on the proposition. I think that this type of legislation, although I realize and feel that the sponsors are sincere in their efforts, nevertheless, I feel that the public at large will regard it as a thumbing of the nose at their common sense and intelligence. I even question the phrasing of the constitutional amendment that will be submitted to the people. It is a bit of semantic obscurity. Shall the Constitution be amended as proposed by a resolution of the Legislature as to the number of voters necessary to approve a constitutional amendment? They don't know whether it is upgrading or downgrading.

I realize that I am in somewhat diversified company judging from the variety and complexion of the previous speakers, but I personally cannot approve of this measure and therefore, I will vote for the indefinite postponement of this legislative document and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: As I look at this bill and think of the past election, we have been electing most of our people by about a fifty-two per cent vote, fifty-two per cent of the enrolled voters. When you take a majority of that, you are amending the constitution with somewhere around a quarter of the voters in the State. Well, figuring that we go along on the same basis of around a fifty-two per cent vote of the registered voters at an election, and this calls for two-thirds of those, it would only mean about one-third of the registered voters in the State would change the Constitution. If that change should ever come that each man and woman that had a franchise exercised it, why I would be perfectly willing to abide by the majority vote. But that day seems to be a long way off, and much of our elections are handled by minorities. I hope the motion of the gentleman from Old Orchard Beach, Mr. Plante does not prevail.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: There are a couple of points that need to be clarified. It has been said that there are no bodies who do not require a two-thirds vote. In my original remarks I stated, and I quote: "In 18 states only a simple majority of the members of each house is required for submission and 13 states have popular constitutional initiative."

In addition, the proponents have not by facts nor figures indicated that the vote will be larger if we make a two-thirds requirement. I have the feeling that it would be less because the proponents of any measure would be disturbed, because if this were passed automatically, the opponents of any constitutional change would be at a distinct advantage and this would not be fair for any citizens who were proponents of any constitutional change. I certainly hope that the motion to indefinitely postpone does prevail.

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

Mr. KNIGHT: Mr. Speaker and Members of the House: I feel that our Constitution is not an instrument to lie dormant and never be used. Our founding fathers, I believe, meant it to be used and should be used after careful thought and consideration. I believe that there are safeguards there now and that this bill here would practically preclude any future constitutional amendments passing, and for that reason I feel that I must go along with the motion to indefinitely postpone.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that both reports be indefinitely postponed.

The Chair recognizes the gentleman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, when the vote is taken I ask for a division.

The SPEAKER: A division has been requested. The question be-

fore the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that both reports be indefinitely postponed on Resolve Proposing an Amendment to the Constitution as to the Number of Voters Necessary to Approve a Constitutional Amendment, House Paper 772, Legislative Document 1090.

Will those who favor the motion to indefinitely postpone both Reports please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Sixty-six having voted in the affirmative and sixty-one having voted in the negative, the motion prevailed and the Resolve with accompanying papers was indefinitely postponed and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day.

Mr. Haughn of Bridgton was granted unanimous consent to address the House.

Mr. HAUGHN: Mr. Speaker and Members of the House: This morning I was asked what happened to a joint order passed roughly eight or ten weeks ago in regards to the salary books for state employees. I don't know myself what has happened but I am certainly going to make it my business today or tomorrow to find out. I have heard the rumor in the hallways that we are going to be blockaded from the fact of receiving it. Now I don't see where a legislative body can be denied or will be denied but I am going to find out if these rumors are false or true and also with the possibility of your budget coming up, I can't see any action taken in this House on a budget until such time as we do have that, and I certainly will make my effort today to find out what has happened.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, I would like to ask a question through the Chair if L. D. 1147, Act relating to Budgets of School Ad-

ministrative Districts, is still in possession of the House?

The SPEAKER: The Chair would advise the gentleman that that document is in possession of the House.

Mr. WINCHENPAW: I would like to move that we reconsider our action whereby we accepted the "Ought not to pass" Report on Friday.

The SPEAKER: With respect to Bill "An Act relating to Budgets of School Administrative Districts," House Paper 808, Legislative Document 1147, the gentleman from Friendship, Mr. Winchenpaw, moves that the House reconsider its action whereby it accepted the "Ought not to pass" Committee Report on Friday, April 10. Is it the pleasure of the House to reconsider its action?

(Cries of "No")

The SPEAKER: Will those who favor the motion to reconsider please say aye; those opposed, no.

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

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, I would like to ask one more question through the Chair. Would the Speaker have the Clerk explain Rule 14 on page 101 of the joint rules.

The SPEAKER: The Chair will not undertake to explain Rule 14, and the Chair is advised that the Clerk does not explain rules during sessions of the House, the Clerk not being a member of the House. The gentleman will have to consult either the Clerk or the Speaker after the session in the Clerk's or Speaker's office, unless the gentleman wishes to direct a parliamentary question to the Chair.

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

Mr. CALL: Mr. Speaker and Ladies and Gentlemen of the House: out of deference to our good friend, the gentleman from Friendship, Mr. Winchenpaw, I now request that the House hold onto the bill. That request can be granted, can't it, for this clarification?

The SPEAKER: The Chair is advised that under the rules the Clerk is able to hold a document for one day for reconsideration, but no longer. That has been done and the Clerk advises the Chair that he can no longer hold the document.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion of Mr. Bacon of Sidney,

Adjourned until ten o'clock tomorrow morning.