

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

1959
and
SPECIAL SESSION
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Thursday, June 11, 1959

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

Prayer by the Rev. Mrs. Alice T. Hart of Hallowell.

The journal of yesterday was read and approved.

Mr. Wade of Auburn was granted unanimous consent to address the House.

Mr. WADE: Mr. Speaker and Members of the House: Yesterday we passed by unanimous consent what has sometimes been referred to as the thirty minute rule with reference to the proceedings of yesterday. I now would like to present a request making the same procedure in effect for the balance of this regular session.

Mr. Speaker, I ask unanimous consent that unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized during the remainder of this regular session to send to the Senate, thirty minutes after House action, all matters passed to be engrossed in concurrence, and all matters that require Senate concurrence; and that after such matters have been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

The SPEAKER: Does the Chair hear objection to this unanimous consent request? The Chair hears none and the request is granted.

**Papers from the Senate
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Directing a Study of Property Tax Administration" (S. P. 129) (L. D. 324) reporting that they are unable to agree.
(Signed)

ROGERSON of Aroostook
WOODCOCK of Penobscot
LESSARD of Androscoggin
— Committee on part of Senate.

EDWARDS of Raymond
SMITH of Falmouth
KENNEDY of Milbridge
— Committee on part of House.

Came from the Senate read and accepted.

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

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail" (S. P. 264) (L. D. 677) reporting that they are unable to agree; which was accepted in the House on June 9.

Came from the Senate with the Report rejected in non-concurrence and that body voting to further insist on its former action whereby the Bill was passed to be engrossed as amended by House Amendment "D" in non-concurrence, and asking for a new Committee of Conference, with the following Conferencees appointed on its part:

Mrs. LORD of Cumberland
Messrs. CHARLES of Cumberland
COFFIN of Cumberland

In the House:

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

Mr. HEALY: Mr. Speaker, Ladies and Gentlemen of the House: I move that we insist upon our Committee of Conference action whereby we failed to agree in this matter.

The SPEAKER: The Chair would inquire of the gentleman from Portland, Mr. Healy, whether or not he wishes to join in a new Committee of Conference?

Mr. HEALY: No.

The SPEAKER: The Chair understands the gentleman from Portland, Mr. Healy, to move that the House insist upon its former action and refuse to join in a new Committee of Conference.

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

Mr. HAUGHN: Mr. Speaker, I move that we recede and concur and ask for a new Committee of Conference.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves

that the House recede and join in the new Committee of Conference.

The Chair recognizes the gentleman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, may I approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum.

(Conference at rostrum)

The SPEAKER: The pending question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House recede from accepting the Conference Report and join in a new Committee of Conference.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: This matter came before this House some time ago and you to a man and woman heard the facts about them wishing to build a new jail in the County of Cumberland at a cost of \$1,350,000. To a man and woman you accepted the referendum that we wish to put on that so that this matter could be referred to the people of Cumberland County. A new Committee of Conference would serve no useful purpose. We showed every courtesy in this matter when it came back into the House here having been rejected by the other body; we insisted and we asked for a Committee of Conference. After several weeks, presumably delaying tactics wishing to get the advantage here, we finally came to the Committee of Conference, and in that Conference we insisted that the referendum be placed in this bill. They didn't want it, and one of the members said "well, that kills the matter," so we had nothing else to do but accept it; let them kill it.

I ask you ladies and gentlemen, in a matter of this magnitude where \$1,350,000 is to be handed as a blank check to build a jail that is not needed, there are so many other things that are needed, not only in Cumberland County but all over this state. Here we are endeavoring to bolster the economy of the State of Maine and I submit ladies and gentlemen we are not going to do it by building jails. In the City of Portland there are several smells.

You heard about East Deering, the sewer projects that are needed down there for one thing. One of these other members told me one time that first things came first and this is what he had in mind, we were talking about another matter about building a coliseum, and the same application should be applied to building jails; we should think of that. I ask you ladies and gentlemen to go along with us in this matter of accepting this report of the Committee of Conference and vote against the motion of the gentleman from Bridgton, Mr. Haughn. Incidentally, they haven't got much at stake up there in Bridgton on this matter, most of it is in Portland, Maine.

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

Mr. MILLER: Mr. Speaker, I would like to point out to the ladies and gentlemen of this House that in my opinion, and I have held this opinion since the inception of this bill, that this matter according to our present statutes should have gone to the people of the County. Under Chapter 89, Section 29 it states that "The County Commissioners may obtain loans of money for the use of their county and cause notes or obligations, with coupons for lawful interest, to be issued for payment thereof at such times as they deem expedient; but such loans shall not exceed \$10,000 without first obtaining the consent of the county, substantially as provided in section 27." And Section 27 says: "The said municipal officers shall present the same to the town at its next annual meeting for choice of state or town officers, and receive, sort and count the votes for and against the proposal;". Now in my opinion this is a flagrant violation of the present statute, that the County Commissioners have had ample opportunity to put this to a referendum vote of the people of our county. They evidently have deemed it necessary to avoid the voters of the county by coming down here and inserting a piece of legislation into this Legislature asking us to bypass the present statute which is contained in this piece of legislation, it specifically refers to 27 and 29, they are asking

us to bypass this present statute because they do not want this to go to the vote of the people.

Now last night another member of this House and myself conferred with a couple of the members of the Senate on this problem. Now if the County Commissioners are willing to let this go to a referendum, I am for going along with the county jail; but evidently there are some members of the Senate who disagree with this matter, so we are not going any place with another Committee of Conference, so at this time I would have to go along with the gentleman from Portland and move that we do not recede and concur with the Senate.

The SPEAKER: The pending question is the motion of the gentleman from Bridgton, Mr. Haughn, that the House recede and join in a new Committee of Conference.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I have no quarrel with the two previous speakers, the gentlemen from Portland, in regards to a referendum. They know I have been for it, and I still insist that we should have one, and it is a well known fact now that those who were opposing it before, who were opposed to it on the Committee of Conference, now have relented and will be willing to go along with the referendum within a new Committee of Conference, and if you will read the paper, the headlines of last night for the interest of the people of Portland. The officials fear the Bayside renewal plans will be hurt from the federal projects because of delay of not knowing whether the jail will be built or not built. There is delay of the renewal projects right there in Portland. And as for my good friend and colleague from Portland, Mr. Healy, we in Bridgton have no particular part in this, we are Cumberland County and I'm just as concerned with the Portland issues as I am the Bridgton issue when it becomes a County issue, and we pay our share proportionately to our size. We use it the same as they do; it is for the purpose of the county and not for Portland, and the only reason it is built in Port-

land is because of the fact it being a shire town it is compulsory that it be built there, so by this Committee of Conference being set up, I feel very confident that the results they would like to see obtained can be obtained, and the referendum which I certainly shall favor to go before the people to make a decision. I agree with their thinking in that respect for the amount of money involved, so I do hope the House will go along with me to give this new Committee a chance and if they fail, they can come back in here and reject it once again and then it is killed; but I think in fairness to the people of Portland, to Cumberland County, to the Federal Housing Project and the Bayside area that should be given that opportunity for a full hearing and complete understanding, so I hope the House will go along with my thinking.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Healy, but believes the gentleman has spoken twice.

The gentleman from Portland, Mr. Healy, was granted permission to speak a third time.

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: I am going to be very, very brief right now, and there is a very good reason for it. I am bushed like everybody else, but as far as this Bayside redevelopment is concerned that the gentleman from Bridgton, Mr. Haughn, referred to and the removal of the jail having anything to do with the government furnishing any funds for that, that is a lot of bologna. In Portland, Maine here some three or four, maybe five years ago, they cleared off one slum clearance area and displaced some eighty families, and they have left there a vacant lot of some eight acres, and that is an example of what they have done in connection with this slum clearance. I might add too, that this particular area that this Bayside Redevelopment Area there, it is no place for a development anyway. They don't get the sun there until about noon time, and I would ask you ladies and gentlemen, without any further ado, to join us in refusing the mo-

tion of the gentleman from Bridgton.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Clark.

Mr. CLARK: Mr. Speaker and Ladies and Gentlemen of the House: I am also a member of the Cumberland County delegation, and I think this entire House is sick and tired of hearing about Portland's problems. This is a one single county building that we are talking about. We have heard all sorts of plots thrown up. We have heard eminent domain. We have heard housing authorities and what have you. I think this is a county issue, and I agree with the gentleman from Bridgton, Mr. Haughn, we should have another Committee of Conference. This jail is needed, but we are sick of hearing of local problems. This is a county problem, and I certainly hope the motion of the gentleman from Bridgton prevails.

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

Mr. LINNELL: Mr. Speaker and Ladies and Gentlemen: I tend to agree somewhat with the remarks of the able gentleman from Portland, Mr. Miller. I would like to point out, however, in regards to the statement that the Commissioners are trying to circumvent the statute in avoiding a referendum, that in the section of the statutes to which the gentleman from Portland, Mr. Miller, referred, it does not set up any machinery by which a county referendum could be had because cities don't have town meetings. It does not spell out how the city would go about voting in such a referendum. Thank you.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I figure that there is too much finagling going on around here. Remarks have been made to the effect that a new Committee of Conference will accept our referendum. I have just asked a member of this body to ask the gentlewoman from the other body if she would go along with the Committee of Conference and have a referendum. She has said that

she cannot do that. In consideration of this, I don't see how far another Committee of Conference is going to get. If my memory serves me correctly, I had an amendment to a housing bill here, and that amendment would allow us to have one single referendum on the matter of public housing for our people. We passed that in the House. It went on to the other body, and it came back because they wanted several referendums. Now the jail bill comes back in non-concurrence because they don't want any referendum. Who are they trying to kid? I think if we just forget this matter right now, and go along to our other business, we will be doing a service to the public.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I concur with the previous speaker and the other speakers along the same line that we could save time by merely accepting the report and insisting on that position since the County Commissioners have made it clear that they do not want the referendum on the jail bill, and the inference seems to be that if there is a referendum and it fails, it will endanger them later on in ever getting the jail bill through again so they do not want to go along with the referendum. And I think that since we have clearly shown that this is a matter that could come under a referendum, there is no reason why we should recede and back up on our position now and have this matter go back and forth three or four more times. It is just a waste of time. I want to point out in regard to this section of the law which is being circumvented by this bill, it does require the consent of the communities involved. It is rather vague on how the consent is arrived upon and by not replacing that in the statutes, and requiring a referendum, it does give the county officials every opportunity to have the consent arrived at at a yearly time since the only other way would presumably be at town meetings, and wait until next spring, and it seems like the fair way of going about getting this consent, and since it is \$1,350,000

that is being spent of the county's money, I believe it should be subject to a referendum.

As to the local matter of slum clearance, I don't feel that the local officials and the slum clearance authority have any right to contract away the powers of the county with the federal government. I am very much concerned about the redevelopment area in Bayside, and I am very much disturbed that we should come to the point where our renewal program depends upon the action of another governmental body. We cannot guarantee that the county is going to move their jail. We simply believe that we could make them move their jail, and I believe that if this referendum is defeated or the bill does not pass, and the jail is not moved at this time, that our slum clearance program can be realized, and to take that into consideration, and we will not lose anything thereby.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, I am also from Cumberland County, and I am proud to stand here and say that I am proud of our County Commissioners. The jail which is in discussion here this morning is over one hundred years old. It is a disgrace, as I have said before the Committee hearing. I say, let us go along with our County Commissioners and build this jail because if you ladies and gentlemen were down there to see it, you would feel the same way as I do. The county jail should be built, and the quicker the better, without referendum.

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

Mr. EARLES: I am glad this matter is occurring early in the morning and on a cooler day than yesterday. I am a little bit reminded of the episode that allegedly occurred to a harassed legislator when he went out to the legislative switchboard and tried to contact his local constituency on a problem, and he got the wrong prefix number and as a consequence he got a response that he did not expect. He was very much upset and he spoke to the switchboard operator and

said: "Well, am I crazy or confused," and she said very sweetly: "We are not allowed to reveal that information." I feel a little bit in that position because I don't place myself in the position of the switchboard operator certainly, but I was on this Conference Committee, and so that I won't increase the Fahrenheit of this discussion, I will make no particular observations except that we disagreed. To coalesce the specific thinking, to boil it down to whether or not there is uniformity of thinking on this matter of accepting or rejecting the jail because of the referendum feature, is a little bit difficult to determine, but from the latest information that I have, and the way it has been going, apparently, it can change like a weather report, but the latest information I have here is that it is generally agreed by various people involved on the administrative level that they will accede to the disagreeing action of the two bodies, and for that reason, I would be disinclined to recede and concur, but would be inclined to accept the preceding motion of the gentleman from Portland, Mr. Healy.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Clark.

Mr. CLARK: Mr. Speaker, would the Chair state the motion now before the House?

The SPEAKER: It would depend on the gentleman's motion.

Mr. CLARK: I now move that we recede and concur with the Senate.

The SPEAKER: The gentleman will have to state in what he moves to recede and concur.

Mr. CLARK: I move that the House recede and concur with the Senate.

The SPEAKER: The question before the House now is the motion of the gentleman from Bridgton, Mr. Haughn, that the House recede and join in a new Committee of Conference.

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

Mr. HAUGHN: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that relative to Bill "An Act to

Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail," Senate Paper 264, Legislative Document 677, the House recede and join in a new Committee of Conference, and a division has been requested.

Will those who favor the House receding and joining in a new Committee of Conference please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seven having voted in the affirmative and one hundred two having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now is the motion of the gentleman from Portland, Mr. Healy, that the House insist and refuse to join in a new Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

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

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

An Act Amending the Maine Housing Authorities Act (H. P. 967) (L. D. 1373) which was passed to be enacted in the House on June 10, and on which the House receded and concurred in passage to be engrossed as amended by House Amendment "B" as amended by Senate Amendment "A" thereto on June 3.

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

In the House:

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

Mrs. KILROY: Mr. Speaker, I move we recede and concur.

The SPEAKER: The pending question is the motion of the gentle-

woman from Portland, Mrs. Kilroy, to recede and concur.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen: I would like to address myself I hope very briefly to the pending question, namely, that we recede and concur with the action taken in the Senate. The principal new ingredient to the merry-go-round which this Maine Housing Authorities Act has been forced into is Senate Amendment "B" which is filing 501. Senate Amendment "B", if my vision is reasonably correct, is a reproduction but entered in the other body of filing 490 which was House Amendment "C" to this act. If you will recall the other day when the gentleman from Portland, Mr. Miller, sought to table the matter, I attempted to assist him by mentioning the question of the appropriateness of time of tabling because of the complexity of the amendment. We now have, as I say, that same amendment coming from the other body. I have talked with the various people that are interested in this and now I refer specifically to the Representatives from Portland, at least two or three of them including the gentleman from Portland, Mr. Miller, and I indicated several times that I felt that this particular amendment if they wished it to be amended to apply to a proposition and a problem that related specifically to Portland, I would have no objection, but my request which I think was reasonable was apparently not heard or not given any consideration.

The reason that I objected to this particular amendment which is attempting to cure strictly a Portland situation, applies to an act which is applicable in itself to every community in the state if they wish to use this Maine Housing Act, and bear in mind that three or four communities because of the impact of military personnel have used the act with no difficulty. Portland, as I think is somewhat evident, at times has problems that are particularly current to itself, and the current has been running rather strong perhaps even this morning. So for the reasons that I have indicated, and for the purposes of of-

fering an amendment that will not prejudice their position, but simply restrict the application of this amendment to the City of Portland, I would now move that this non-concurrent matter relating to L. D. 1373 be tabled until later and specifically assigned for action later in the day pending consideration of the pending question.

The SPEAKER: The Chair now understands the pending question to be the motion of the gentleman from South Portland, Mr. Earles, that this matter be tabled and specially assigned for later in today's session pending the motion of the gentlewoman from Portland, Mrs. Kilroy, that the House recede and concur.

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

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

The following Communications:

STATE OF MAINE
SENATE CHAMBER

June 10, 1959

Hon. Harvey R. Pease
Clerk of the House of
Representatives
99th Legislature
State House
Augusta, Maine

Sir:

The President of the Senate today appointed the following members of the House in a Committee of Conference on the disagreeing action of the two branches on:

"An Act to Authorize General Fund Bond Issue in Amount of Ten Million Dollars to Provide Major Repairs, Construction and Equipment" (S. P. 200) (L. D. 539)

Senators:

ROGERSON of Aroostook
HILLMAN of Penobscot
DOW of Lincoln
STILPHEN of Knox
LESSARD of Androscoggin

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of the Senate

STATE OF MAINE
SENATE CHAMBER

June 10, 1959

Hon. Harvey R. Pease
Clerk of the House of
Representatives
99th Legislature
State House
Augusta, Maine

Sir:

The President of the Senate today appointed the following Conferees to join House members in a Committee of Conference on the disagreeing action of the two branches on:

Bill "An Act Relieving Children and Certain Relatives of Financial Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled" (H. P. 963) (L. D. 1365)

Senators:

ROSS of Sagadahoc
HILLMAN of Penobscot
DOW of Lincoln

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of the Senate

The Communications were read and placed on file.

House at Ease

Called to order by the Speaker.

Mr. Aliberti of Rumford was granted unanimous consent to address the House briefly.

Mr. ALIBERTI: Mr. Speaker and Ladies and Gentlemen of the House: During the busy, hectic closing hours of this session an opportunity to say a few parting words may escape me. I would therefore like to take this opportunity to thank each and every one of you for adding to my education. You folks have contributed so much to my knowledge of the intricate system of state government. I believe that friendship crosses party lines, and it is with a great deal of personal pleasure that I count the members of both parties as friends.

Shortly after this session is over my political career will come to an end, for I do not propose to run for political office. Lester Brown, my seatmate, the gentleman from Cape Elizabeth, has inveigled me into moving to Cape Elizabeth, and it is only for conversion of party

purposes. I wish him a lot of luck in his venture.

Thanking all of you sincerely for the privilege and the pleasure of having served with you, and that includes the members of the House, the Senate, the pages, the Clerk, the members of this staff and all of you, I want to thank you very, very much. (Applause)

On motion of Mr. Wade of Auburn,

Recessed until 2:00 o'clock this afternoon.

After Recess
2:00 P.M.

The House was called to order by the Speaker.

On motion of Mr. Wade of Auburn,

Recessed until 2:45 p.m. this afternoon.

After Recess
2:45 P.M.

The House was called to order by the Speaker.

The SPEAKER: The House is proceeding on bills on their passage to be enacted.

Passed to Be Enacted

An Act Appropriating Moneys to Effectuate Pay Plan for State Employees (S. P. 505) (L. D. 1387)

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

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker, I move that item number one be tabled unassigned.

The SPEAKER: The gentleman from Woodstock, Mr. Whitman, moves that this matter be tabled unassigned pending passage to be enacted.

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

Mr. WADE: I request a division.

The SPEAKER: A division has been requested. Will those who favor the motion to table this matter unassigned please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-six having voted in the affirmative and sixty-six having voted in the negative, the tabling motion did not prevail.

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

Enactor
Tabled

An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1960 and June 30, 1961 (H. P. 976) (L. D. 1386)

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

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

Mr. TREWORGY: Mr. Speaker, with respect to this item, item 2, item 2 in addition to other things contains provisions to finance the proposed bond issue, and since at this time we do not know what the size or the length of that bond issue will be, I move that this item lie on the table unassigned.

The SPEAKER: With respect to this matter, the gentleman from Orono, Mr. Treworgy, moves that this Bill be tabled unassigned pending passage to be enacted. Will those who favor the tabling motion, please say aye; those opposed, no.

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

An Act relating to Licensing and Safety Operation of Boats (S. P. 494) (L. D. 1374)

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.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair now lays before the House, Bill "An Act Amending the Maine Housing Authorities Act," House Paper 967, Legislative Document 1373, tabled earlier today and specially assigned for later in today's session pending the motion of the gentleman from Portland, Mrs. Kilroy, that the House recede and concur.

The Chair recognizes the gentleman from Portland, Mrs. Kilroy.

Mrs. KILROY: Mr. Speaker, I wish to withdraw my motion of this morning whereby I moved that we recede and concur.

The SPEAKER: The Chair understands the gentleman from Portland, Mrs. Kilroy, now withdraws her motion to recede and concur.

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

Mr. EARLES: Mr. Speaker, do I understand the motion of the lady from Portland has been accepted?

The SPEAKER: There is no question of acceptance, she has withdrawn her motion to recede and concur.

Mr. EARLES: Thank you, Mr. Speaker. Ladies and Gentlemen of the House: At this present time I rise for the purpose of presenting an amendment to this reasonably well-known bill, the Maine Housing Authorities Act, at least it is well-known by its title by now. The amendment which I propose to submit for your acceptance will necessitate the elimination of two amendments that now pertain to the bill, but they will not in any way invalidate the act, and from what I can gather, they will in no way hamper any municipality whether city or town and will not prejudice the rights of the City of Portland in the particular problem that they have zealously sought to protect, so now at this time I move that we recede from our action whereby the House passed to be engrossed L. D. 1373, Bill "An Act Amending the Maine Housing Authorities Act."

The SPEAKER: The question before the House is the motion of the gentleman from South Portland, Mr. Earles, that the House recede from its action whereby it passed this bill to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. EARLES: Mr. Speaker, I now move that we recede from our action whereby the House adopted House Amendment "B" and Senate Amendment "A" to House Amendment "B" to L. D. 1373.

The SPEAKER: The gentleman from South Portland, Mr. Earles, moves that the House recede from its action whereby it adopted House Amendment "B" and Senate Amendment "A" to House Amendment "B". Is this the pleasure of the House?

The motion prevailed.

Thereupon, on further motion of the same gentleman, House Amendment "B" and Senate Amendment "A" to House Amendment "B" were indefinitely postponed.

Whereupon, Mr. Earles of South Portland, offered House Amendment "D" and moved its adoption.

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

HOUSE AMENDMENT "D" to H. P. 967, L. D. 1373, Bill, "An Act Amending the Maine Housing Authorities Act."

Amend said Bill by inserting at the beginning of the first line after the enacting clause the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by adding at the end thereof the following:

"Sec. 2. R. S., c. 93, Sec. 17, amended, Section 17 of chapter 93 of the Revised Statutes, as amended by section 5 of chapter 395 of the public laws of 1957, is further amended by adding at the end 2 new paragraphs to read as follows:

'No authority of any city in excess of 60,000 population shall enter into any contract for loans, grants, contributions or other financial assistance with the Federal Government for any project unless or until a majority of the voters of such city, voting in a referendum duly held, have voted in favor of the question: "Do you favor the development of approximately dwelling units of low-rent housing for persons of low income to be constructed in the. . . . area, bounded as follows:, within the territorial boundaries of the city for which the housing authority of the city may enter into agreements or contracts with the Federal Government for loans, grants, contributions or other financial assistance?"

The number of dwelling units and the location to be inserted in the proposed question shall be deter-

mined by appropriate resolution of the authority which shall furnish the city clerk with a copy thereof. The governing body shall authorize and make the necessary provisions for the holding of said referendum on a date no later than 60 calendar days from the receipt of said resolution by the city clerk. No authority of such city shall enter into any contract for loans, grants, contributions or other financial assistance with the Federal Government unless or until the governing body of such city shall, by resolution duly adopted, have approved its application to the Federal Government for such financial assistance.’”

The SPEAKER: The Chair recognizes the same gentleman.

Mr. EARLES: Ladies and Gentlemen, I now move that L. D. 1373 as amended by House —

The SPEAKER: The Chair must advise the gentleman that the House has not yet acted on House Amendment “D”.

Mr. EARLES: I’m sorry, I didn’t mean to be presumptuous.

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

Mrs. HENDRICKS: Mr. Speaker, I am a little bit confused about this, and as I said in a previous speech I made last week, I hate to jeopardize the whole bill because I hate to lose the cut-off date, but I will repeat again that I am very confused and it looks to me that cities over 60,000 which will include Portland, are being discriminated against. I am not going to make a motion right now, but I will just sit and watch and see what happens.

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

Mr. MILLER: Mr. Speaker, I am sure that the document is all right, and I concur with the gentleman from South Portland, Mr. Earles.

The SPEAKER: The question before the House is on the adoption of House Amendment “D”. Is it the pleasure of the House that House Amendment “D” shall be adopted?

The motion prevailed.

Thereupon, on motion of Mr. Earles of South Portland, the Bill

was passed to be engrossed as amended by House Amendment “D” in non-concurrence and sent up for concurrence.

On motion of the gentleman from Auburn, Mr. Wade, the House voted to take from the table the first tabled and unassigned matter, Bill “An Act relating to Sales Tax on Motor Vehicles Traded in,” House Paper 179, Legislative Document 250, tabled on May 28 by that gentleman pending further consideration. This bill has been passed to be engrossed in the House and was indefinitely postponed in the Senate in non-concurrence.

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

Mr. WADE: Mr. Speaker, in order that this bill may move along toward a final decision which of course comes at the enactment stage, I move that the House insist and ask for a Committee of Concurrence.

The SPEAKER: The question now before the House is the motion of the gentleman from Auburn, Mr. Wade, that the House insist and request a Committee of Concurrence. Is this the pleasure of the House?

The motion prevailed.

On motion of the gentleman from Auburn, Mr. Wade, the House voted to take from the table the second tabled and unassigned matter, Bill “An Act relating to Tax on Transient Rentals,” House Paper 126, Legislative Document 180, New Draft House Paper 962, Legislative Document 1364, tabled on June 1 by that gentleman pending further consideration. In the House, indefinitely postponed and in the Senate the Majority Report accepted and the New Draft engrossed in non-concurrence.

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

Mr. WADE: Mr. Speaker, in order that this bill may move along toward the necessary concurrence in the final decision which again comes at the enactment stage, I move that the House recede and concur.

The SPEAKER: The gentleman from Auburn, Mr. Wade, moves

that the House recede and concur. Is this the pleasure of the House?

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

Mr. WADE: Mr. Speaker, I move that the House reconsider its action whereby — that we recede from our action whereby this bill was indefinitely postponed.

The SPEAKER: The gentleman from Auburn, Mr. Wade, moves that the House recede from its action whereby it previously indefinitely postponed this bill.

The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker, I rise in opposition to the motion of the gentleman from Auburn, Mr. Wade. This bill was indefinitely postponed in the House by a large majority and I believe if we are going to keep all these tax measures we will be here all summer. I hope this motion does not prevail.

The SPEAKER: Is the House ready for the question? The Chair will order a division.

Will those who favor the motion to recede from our previous action whereby this bill was indefinitely postponed, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy-one having voted in the affirmative and fifty-six having voted in the negative, the motion to recede did prevail.

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

Mr. WADE: Mr. Speaker, I move the House concur with the Senate in the acceptance of the Majority Committee Report.

The SPEAKER: The gentleman from Auburn, Mr. Wade, moves that the House now concur in the acceptance of the Majority "Ought to pass in New Draft" Report. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: Will those who favor the motion to concur in the acceptance of the Majority "Ought to pass in New Draft" Report please say aye; those opposed, no.

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

Sixty-six having voted in the affirmative and sixty-one having vot-

ed in the negative, the motion to concur in the acceptance of the Majority "Ought to pass" in New Draft Report did prevail.

Thereupon, the Bill was read twice. Under suspension of the rules the Bill was given its third reading, passed to be engrossed and sent to the Senate.

The gentleman from Friendship, Mr. Winchenpaw, was granted unanimous consent to address the House.

Mr. WINCHENPAW: Mr. Speaker, I know the bill is not before the House at this time, but we just passed L. D. 1387 to be enacted, and I was much interested in that and I am not against giving the state employees that money, but I have been trying to find some way that we could give them that money without a new tax, and it seemed to me there is some misunderstanding on this bill, because I thought a bill that would take effect July 1 must have an emergency clause on it, and I can't read any emergency clause on this bill. I am just proposing that as a parliamentary question.

The SPEAKER: The Chair regrets having to advise the gentleman that his question was not a parliamentary inquiry. If the gentleman requires information regarding the bill, he will have to acquire it himself.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relieving Children and Certain Relatives of Financial Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled" (H. P. 963) (L. D. 1365) reporting that they are unable to agree.

(Signed)

ROWE of Madawaska

RANKIN of Southport

KNAPP of Yarmouth

— Committee on part of House.

ROSS of Sagadahoc

DOW of Lincoln

HILLMAN of Penobscot

— Committee on part of Senate.

Report was read.

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

Mr. ROWE: Mr. Speaker, I am going to make a motion now, and before I do, I would like to thank the House members for their solid support of that bill, and I will move that we accept the Committee's Report.

The SPEAKER: The gentleman from Madawaska, Mr. Rowe, moves that the House accept the Report. Is this the pleasure of the House?

Thereupon the Report was accepted and sent up for concurrence.

The SPEAKER: At this time the Chair would appoint the following conferees on the part of the House on the disagreeing action of the two branches on Senate Paper 491, Legislative Document 1369, Bill "An Act Relating to Salaries of County Officials and Clerk Hire," the gentleman from South Portland, Mr. Earles, the gentlewoman from Orrington, Mrs. Baker, and the gentleman from Lewiston, Mr. Jalbert.

Out of order and under suspension of the rules:

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER

June 10, 1959

Hon. Harvey R. Pease
Clerk of the House of
Representatives
99th Legislature
State House
Augusta, Maine

Sir:

The Senate President today appointed the following members of the Senate as Conferees to join with members of the House in a Committee of Conference on the disagreeing action of the two branches on:

Bill "An Act relating to Salaries of County Officials and Clerk Hire" (S. P. 491) (L. D. 1369)

Sensors:

WYMAN of Washington
MARTIN of Kennebec
FARLEY of York

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of the Senate

Was read and ordered placed on file.

The SPEAKER: The Chair will now put the House at ease until the sounding of the gong.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Clerk will read a Conference Report that appears on Supplement number two.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Joint Resolution Memorializing Congress to Equalize Wage Rates between Boston and Kittery-Portsmouth Naval Shipyards (H. P. 913) (L. D. 1287) reporting that they are unable to agree.

(Signed)

DENNETT of Kittery
MATHEWS of Berwick
PLANTE

of Old Orchard Beach
— Committee on part of House.

BATES of Penobscot
ROSS of Sagadahoc
LEWIS of Somerset

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$24,000,000 Bonds of the State of Maine for the Financing Thereof" (H. P. 108) (L. D. 181) reporting that the House recede from passage to be engrossed, from adoption of Committee Amendment "B", indefinitely postpone Committee Amendment "B", adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from passage to be engrossed, from adoption of Committee Amendment "A", indefinitely postpone Committee Amendment "A", adopt Conference Committee Amendment "A" and pass the Bill to be engrossed

as amended by Conference Committee Amendment "A".

(Signed)

- ERVIN of Houlton
- FRAZIER of Lee
- Committee on part of House.
- DOW of Lincoln
- BATES of Penobscot
- COFFIN of Cumberland
- Committee on part of Senate.

Report was read and accepted.

The SPEAKER: Is it now the pleasure of the House that the House recede from its action whereby this bill was passed to be engrossed?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that the House recede from the adoption of Committee Amendment "B"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to indefinitely postpone Committee Amendment "B"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to adopt Conference Committee Amendment "A"? The Clerk will read Conference Committee Amendment "A".

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

CONFERENCE COMMITTEE AMENDMENT "A" to H. P. 108, L. D. 181, Bill, "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$24,000,000 Bonds of the State of Maine for the Financing Thereof."

Amend said Bill, in the Title, by striking out the figures "\$24,000,000" and inserting in place thereof the figures '\$10,000,000'

Further amend said Bill in the 5th line of section 1 by striking out the figures "\$24,000,000" and inserting in place thereof the figures '\$10,000,000'

Further amend said Bill in the 5th line of section 3 by striking out the words and figures "twenty-four million dollars (\$24,000,000)" and inserting in place thereof the words and figures 'ten million dollars (\$10,000,000)'

Further amend said Bill in the 10th line of the Referendum by striking out the figures "\$24,000,000'

and inserting in place thereof the figures '\$10,000,000'

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

Mr. TURNER: Mr. Speaker, I wonder what they are going to do with this extra two million. Are they going to build bigger houses, more of them, or what are they going to do with this extra two million?

The SPEAKER: Is the gentleman addressing a question to anyone in particular? The gentleman from Auburn, Mr. Turner, has addressed a question through the Chair to anyone who may answer.

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

Mr. ERVIN: Mr. Speaker, Members of the House: The House adopted bond issue in the sum of \$8,195,000 which we approved. The other branch adopted a \$12,000,000 bond issue. The Committee of Conference compromised on the ten. Now, the difference between the eight million, one hundred ninety-five and the ten million dollars is about, I will make it round figures so that the gentleman from Auburn may understand, I will call it a million, eight. That extra money will be used by the trustees of the University if they may reissue bonds at a better interest rate on the outstanding notes at the present time. The University has issued notes at the present time for past construction, short term notes, and if it is possible to refinance at a lower rate, they will need this extra \$1,800,000 to do this very thing. If they cannot get a better rate of interest, the money will not be used, and it will be further checked out that the reissuance or refinancing of any notes or bonds must have the approval of the Governor and Council, so that we are not promiscuously giving a blank check to any board of trustees for an extra \$1,800,000. The \$8,195,000 represents the program that they would like to have for construction of buildings for the next two years at the University of Maine. I trust that will answer the question.

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

Mr. JALBERT: Mr. Speaker, I would like to ask the Speaker two questions, if I may. One, when this comes back, if it does for enactment, will it require two-thirds? The second question is, what is now the established figure as far as two-thirds of the elected membership of the House?

The SPEAKER: The Chair will advise the gentleman in answer to his first question, this being a bond issue, it would require a vote of approval of two-thirds of the members present and voting. In answer to the second question as to the two-thirds of the entire House which an emergency requires, the Chair will read to the gentleman and to the House the opinion of the Attorney General on the subject.

"With reference to your request for an interpretation of the term 'two-thirds of the members elected to each House' as that is used in Article 4, Part 3, Section 16 of the Constitution as being the vote required to pass emergency legislation, your question arises as a result of vacancies in the House caused by death, these seats remaining unfilled. We are of the opinion, that the term 'members elected,' means the total members originally elected to the 99th Legislature."

The pending question is the adoption of Conference Committee Amendment "A." Is it the pleasure of the House that this amendment shall be adopted?

The motion prevailed.

The SPEAKER: The pending question now is on the passage to be engrossed as amended by Conference Committee Amendment "A"

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

On the part of the House, the Speaker appointed the following Conferees to the Joint Conference committee, on the disagreeing action of the two branches, on Bill, "An Act relating to Sales Tax on Motor Vehicles Traded In" (H. P. 179) (L. D. 250):

Messrs. COUSINS of Bangor
BAXTER of Bangor
BRAGDON of Perham

The SPEAKER: At this time the Chair will appoint to the Legislative Committee to Investigate Election Expenditures:

Messrs. CASWELL of New Sharon
KNIGHT of Rockland
PITTS of Harrison

The Chair will also announce at this time the appointment of the following members of the House to the Legislative Research Committee for the coming biennium:

Messrs. WADE of Auburn
EMMONS of Kennebunk
BRAGDON of Perham
Miss CORMIER of Rumford
Messrs. BROWN of Ellsworth
EARLS of South Portland
CURTIS of Bowdoinham

(Off Record Remarks)

Mr. Heald of Union was granted permission to address the House.

Mr. HEALD: Mr. Speaker and Members of the House: I have here a newspaper article, I would like to read a few lines: Rockport Girl's Grades Set a Record at the University of Maine, Orono. The best grades ever compiled at the University of Maine by a University of Maine student, that is the record of Miss Alice L. Lane of Rockport who was awarded her diploma at the State University Commencement Exercises this week. Miss Lane received straight A's during her University of Maine career, something that no other state university student has ever done, and Maine has been graduating students since 1872.

We of Union and Rockport, in the districts that I represent, are very proud of her and the delegation from Knox County is very proud of this girl. (Applause)

(Off Record Remarks)

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

Mr. Earles of South Portland was granted permission to briefly address the House.

Mr. EARLES: Mr. Speaker and Members of the House: As the House is very well aware, we have a Conference Committee on the subject of County Salaries. I have spoken to the senior officer present

of the conferring group in the other body and the suggestion is, I am speaking now for the other two members of the House conferring group, that we meet half an hour before the reconvening hour of the earliest convening body; in other words, if we reconvene this evening at seven-thirty then the conference on this subject would begin at least at seven o'clock.

The SPEAKER: To clarify the situation for the gentleman and other interested persons, when the motion to reconvene is made it will be for seven-thirty this evening.

Mr. Berman of Auburn was granted permission to approach the rostrum.

(Conference at rostrum)

On motion of Mr. Wade of Auburn.

Recessed until seven-thirty o'clock in the evening.

After Recess
7:30 P.M.

The House was called to order by the Speaker.

The SPEAKER: The Clerk will read a communication in his possession.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA

June 11, 1959

Hon. Joseph T. Edgar
Speaker of the House
99th Legislature
State House
Augusta, Maine

Dear Sir:

I hereby offer my resignation from the Conference Committee on H. P. 179, L. D. 250, "An Act relating to Sales Tax on Motor Vehicles Traded In".

Very truly yours,
(Signed) JOHN L. BAXTER, JR.
Representative

The Communication was read and accepted and ordered placed on file.

The SPEAKER: On the Committee of Conference, in place of Representative Baxter, the Chair will ap-

point the Representative from Old Orchard Beach, Mr. Plante.

House at Ease

Called to order by Speaker.

The following paper from the Senate was taken up out of order under suspension of the rules:

Non-Concurrent Matter

Bill, "An Act to Make Valid the Incorporation of School Administrative Districts Nos. 1, 2, 3, 4, 5 and 6" (S. P. 285) (L. D. 747) which was passed to be engrossed as amended by Senate Amendment "B" in non-concurrence in the House on June 10.

Came from the Senate with Senate Amendment "B" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "C" in non-concurrence.

In the House:

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

Mr. ERVIN: Mr. Speaker, I would now move that we insist on our action that we took on this bill yesterday and request a Committee of Conference.

The SPEAKER: The question now before the House is the motion of the gentleman from Houlton, Mr. Ervin, that the House insist and request a Committee of Conference.

The Chair recognizes the gentleman from Perham, Mr. Bragdon. Mr. BRAGDON: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The Chair understands the gentleman from Perham, Mr. Bragdon, now moves that the House recede and concur. The question before the House is that motion.

The Chair recognizes the same gentleman, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I assure you that I am not going to go into any debate on this bill. This is the same bill which we have thoroughly discussed twice in this House; you are all completely familiar with it. This is a vehicle that, if you go along with it, provides an opportunity for the Town of Liberty and the Town of Perham to get out of their respective school dis-

tricts; and more than that I do not think it is necessary for me to say at this time. I hope you will go along with the motion to recede and concur with the Senate in this matter.

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

Mr. ERVIN: Mr. Speaker, I would almost go along in concurrence with my good friend the gentleman from Perham, Mr. Bragdon. I think many words have been said on this subject and I think everybody is quite familiar with what we are trying to do here, and my only request is that we have a division when the vote is taken.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker, I believe this bill has been debated to a great extent in this House and now I move the previous question.

The SPEAKER: The gentleman from Eustis, Mr. Carville, has moved the previous question. For the Chair to entertain the motion for the previous question the Chair must have the approval of one-third of the members of the House. Will those who favor the Chair entertaining the previous question, please rise and remain standing un-

til the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen, the Chair is authorized to entertain the motion for the previous question.

The question before the House is, shall the main question be put now? This is debatable with a time limit of five minutes for each member who may wish to speak. Is it now the pleasure of the House that the main question shall be put now?

The motion prevailed.

The SPEAKER: The main question is the motion of the gentleman from Perham, Mr. Bragdon, that the House recede and concur. A division has been requested.

Will those who favor the motion to recede and concur, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-six having voted in the affirmative and fifty-four having voted in the negative, the motion to recede and concur prevailed.

(Off record remarks by the Speaker)

On motion of Mr. Wade of Auburn,

Adjourned until ten o'clock tomorrow morning.