

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

Monday, January 25, 1960

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

Prayer by the Rev. Mr. Roger Blinn of Gardiner.

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 Ought to Pass

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act to Reconstitute School Administrative District No. 9" (S. P. 523) (L. D. 1430)

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.

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act to Reconstitute School Administrative District No. 5" (S. P. 524) (L. D. 1431)

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 and the Bill read twice.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: I am much in favor of this bill, but I would like to inquire through the Chair if the purpose of this bill and the other similar bills is to simply validate the Districts already in operation rather than to create something new. Maybe somebody on the Judiciary Committee or the Education Committee could answer that question for me.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, has addressed a question through the Chair to anyone who may care to answer.

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

Mr. ERVIN: Mr. Speaker and Members of the House: It is my understanding that all we are doing is validating the school districts that are already in operation.

The SPEAKER: Does the gentleman consider his question answered? (No response)

Thereupon, the Bill was assigned for third reading tomorrow.

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act to Ratify and Make Valid the Incorporation of the Wiscasset School District" (S. P. 532) (L. D. 1439)

Report of same Committee reporting same on Bill "An Act Increasing the Indebtedness of the Town of Palmyra School District" (S. P. 533) (L. D. 1440)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Orders

Mr. Wade of Auburn presented the following Order and moved its passage:

ORDERED, the Senate concurring, that free telephone service be provided after final adjournment of this First Special Session of the 99th Legislature, during the remainder of the calendar year 1960, for each member of the Senate and House of Representatives, to the number of 25 calls of reasonable duration from and to the State House at Augusta (in addition to the 25 calls provided for in H. P. No. 974, approved in the House May 28, 1959 and in the Senate June 2, 1959) and that each member of the Senate and House be provided with a card to be certified by the Secretary of the Senate and Clerk of the House, respectively, the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (H. P. 1028)

The Order received passage.

Tabled and Assigned

Mr. Dennison of East Machias presented the following Order and moved its passage:

ORDERED, that the Department of Education prepare a tabulation showing amount of increase in subsidies to all towns and cities whose 1959 subsidies were in excess of the subsidies received by them in 1958, together with the total increase, and that it be placed on the desks of all legislators at the next legislative day.

The SPEAKER: Does the gentleman wish to speak to his order?

Mr. DENNISON: I do.

The SPEAKER: The gentleman may proceed.

Mr. DENNISON: Mr. Speaker and Members of the House: I have a real reason for presenting this. Now when the school committees met with their Superintendent of Schools, probably in January, to formulate their budget for the ensuing year 1959, it is very evident that we went by the old rule and took the valuations of 1956. Now we had already changed those in our last regular session of this Legislature. And it made a tremendous difference to these small towns. And that is why we have the document before us, Legislative Document 1397, which calls for reimbursement of these towns of \$271,074. Now on the other hand I have looked over ten of these larger cities, ten of the largest cities in the State, and I find that those ten cities have benefited by this change, to the amount of \$319,787.

Now if this order and the list of these other towns, three hundred and fifty towns and cities put on our desks, that would be an addition to the \$319,000 and it will make a staggering amount perhaps. Now we have already paid that, nothing coming back on it. Now we are asked, and which is right, to raise this \$271,000 to reimburse the towns that lost, because the law hadn't even been passed when they made the budgets.

The SPEAKER: The question before the House is the motion of the gentleman from East Machias, Mr. Dennison, that this order receive passage.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, I move this lie on the table and be specially assigned for tomorrow.

The SPEAKER: The question now before the House is the motion of the gentleman from Rumford, Miss Cormier, that this order lie upon the table and be specially assigned for tomorrow. Will those who favor the tabling motion please say aye; those opposed, no.

A viva voce vote being taken, the Order was so tabled.

House Reports of Committees Ought to Pass Printed Bills

Mr. Edwards from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve Appropriating Moneys for Spruce Budworm Control (H. P. 989) (L. D. 1398)

Same gentleman from same Committee reported same on Resolve in favor of the Town of Danforth for School Construction Aid (H. P. 990) (L. D. 1399)

Mr. Rollins from the Committee on Taxation reported same on Bill "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control" (H. P. 1002) (L. D. 1411)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

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

Third Reader Tabled and Assigned

Bill "An Act relating to Identification Numbers and Disposition of Fines under Boating Law" (S. P. 525) (L. D. 1432)

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

Mr. Briggs of Portland presented House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Assistant Clerk as follows:

HOUSE AMENDMENT "A" to S. P. 525, L. D. 1432, Bill, "An Act Relating to Identification Numbers and Disposition of Fines Under Boating Law."

Amend said Bill by striking out all of "Sec. 3."

Further amend said Bill in the 9th and 10th lines of "Sec. 4." by striking out the stricken out words "number plates issued on" and the underlined words "the number assigned to" and inserting in place thereof the words "number plates issued on"

Further amend said Bill by renumbering "Sec. 4." and "Sec. 5." to be "Sec. 3." and "Sec. 4."

(On motion of Mr. Call of Cumberland, tabled pending adoption of amendment and specially assigned for tomorrow.)

Passed to Be Engrossed Amended Bill

Bill "An Act Regulating Certain Rockets" (H. P. 1015) (L. D. 1444)

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

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

Mr. MAYO: Mr. Speaker and Members of the House: I would like to ask through the Speaker a question of the sponsor of this bill, the gentleman from Kennebunk, Mr. Emmons. I wish he would explain to the House just what the — not so much the amendment, but the amendment and the bill, as to what the future possibilities are going to be for any amateur rocketing in the State.

The SPEAKER: The gentleman from Bath, Mr. Mayo, has addressed a question through the Chair to the gentleman from Kennebunk, Mr. Emmons, who may answer if he chooses.

Mr. EMMONS: Mr. Speaker, just how much background to give, I am a little uncertain. At the hearing on the bill it was brought out that there were no regulations covering this matter of rocketry at the moment. The Insurance Department came out very strongly in favor of the bill and two members of the Aeronautics Commission also. Now the point about — that

they made was that as this is now, if this bill is not passed, there would be no control of rocketry at all in the State of Maine. The Insurance Department, and the Aeronautics Commission agreed, proposes to study this matter and bring a bill into the regular session next winter, which would give the necessary safety control, and control of rocketry; and they also further stated that they hoped to do all they could in that bill to promote experimental rocketry under control conditions. They further said that if the Federal Government should wish to make any experiment we have no control over that so we are not stymying the Federal Government if it should desire to make any rocketry experiment.

In other words, what this does is at the moment control it until they can get a proper bill which they feel would tend to advance the matter of rocketry but under control conditions. And they said very definitely that they would bring a bill into the House next winter for that purpose.

The SPEAKER: Does the gentleman consider his question answered? (No response)

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

Orders of the Day

The SPEAKER: At this time the Chair would inform the House that the Clerk of the House, the Chair has been given to understand, is a patient in the hospital, and for that reason we are having the very excellent services of the Assistant Clerk, Mrs. Chapman. I know the House extends its best wishes to the Clerk in his illness.

The SPEAKER: Under Orders of the Day, the Chair by virtue of the authority granted to it by House Order, removes from the table the first House Joint Order amending Joint Rules to add Rule 19A, re advance filing Bills and Resolves, which was tabled on the last legislative day.

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

Mr. ERVIN: Mr. Speaker and Members of the House: I would like to read first a report of your interim committee on legislative procedure. This committee has become convinced of a real desire of the present and former legislators for improvements in the rules under which the Legislature operates, to the end that efficiency and proper expedition of its business may be accomplished without sacrificing our democratic principles. Immediate gains can be secured by acting now on certain proposed changes in the rules to become operative for the next regular session. This would provide the mechanics for pre-session filing of bills by members-elect and department heads, establish an earlier and final closure date, eliminate the standing committee of the House on County Estimates, and require the reproduction of amendments offered in the Senate. Separate orders, Senate and House, and/or concurrent as appropriate will be presented covering each recommendation of the committee.

It seems particularly fitting that they be considered now by the Legislature, consisting almost wholly of experienced members whose familiarity with the procedures will supply the emphasis necessary to effective use of these new rules. The Committee is unanimous in urging favorable action. It wishes to emphasize that this is only a partial report and that a further full report will be made to the 100th Legislature. This report is signed by Senator Roswell P. Bates, Chairman; Senator Frank Pierce, Representative Howard W. Mayo, Representative Lafayette Ervin, Representative Louis Jalbert, Secretary, the Honorable Earl M. Hillman, ex-officio and the Honorable Joseph Edgar, ex-officio. It is our purpose today to explain each one of these proposed changes.

As a preliminary remark, Mr. Speaker, I don't wish to be presuming or taking over for the gentleman from Lewiston, Mr. Jalbert. He was to introduce this first order, but due to some laryngitis and throat trouble, he would rather remain quietly on the sidelines and say amen if he needs to be

called upon, so I am pinch-hitting for him.

The first order is the one — I will read it: "Any member-elect of the Legislature may file bills and resolves with the Clerk of the House for introduction within forty-five days prior to the convening of any regular session of the Legislature. The Clerk shall number and print such measures in advance after which they become the property of the Legislature and may not be withdrawn by the sponsor. The Clerk shall deliver them to the appropriate branch of the Legislature immediately upon its convening."

I might mention one or two points here. You might ask one question, why is it given to the Clerk, because there would be members from the other branch who would be pre-filing. The Clerk is the only officer that follows over in office or is what is called the interim officer. The Secretary of the Senate is not a carry-over or continuing officer, and according to the law I believe it is two days a week in November the Clerk's office must be open for legislative matters. If I am wrong in this statement, I stand corrected by somebody else.

The question might be asked here, what happens supposing I file a bill and it becomes numbered and printed before the Legislature opens up and I decide I want to withdraw it. As it says here, it becomes the property of the Legislature and may not be withdrawn by its sponsor. You may withdraw it, but you would have to withdraw it under normal procedures which I believe is that you have to ask the committee for leave to withdraw. If there are any other questions, I am sure that Representative Mayo can answer as well as myself, and I think also the Speaker.

The SPEAKER: Is there any discussion on the order presently before the House? The Chair recognizes the gentleman from Montville, Mr. Mathieson.

Mr. MATHIESON: Mr. Speaker, I would just like to ask the gentleman from Houlton, Mr. Ervin, through the Chair if it is very

definite that you have that right to withdraw through the committee?

The SPEAKER: The gentleman from Montville, Mr. Mathieson, has addressed a question through the Chair to the gentleman from Houlton, Mr. Ervin, who may answer if he chooses.

Mr. ERVIN: That is my understanding, that you still have the privilege and the right to ask for leave to withdraw, that is correct.

The SPEAKER: Are there further questions or discussions on this order? The question before the House is on the passage of this order. Is it the pleasure of the House that this order shall receive passage?

The motion prevailed and House Joint Order amending Joint Rules to add Rule 19A, House Paper 1024, received passage.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, House Joint Order amending Joint Rules to add Rule 19B, re filing Recommendations by Departments, House Paper 1025, tabled the last legislative day pending passage.

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

Mr. ERVIN: Mr. Speaker, I would ask that the Representative from Bath, Mr. Mayo, take the second order please.

The SPEAKER: The Chair will recognize the gentleman from Bath, Mr. Mayo.

Mr. MAYO: Mr. Speaker and Members of the House: I will refer to the joint rules to be amended by adding thereto a new rule 19C — I don't know whether that would be in the — wait a minute, we had better go back and get these in order, 19B: "The head of a department, commission or agency of the executive branch of state government may file recommendations for legislation which shall include therein drafts of such legislation. Such recommendations may be filed with the Clerk of the House within forty-five days prior to the convening of any regular session of the Legislature and if so filed shall be treated the same as a bill or resolve. Such recommendations shall be considered by the Committee on Reference of Bills and referred to the appropriate committee. Such

committee may hold hearings thereon and report by bill, resolve or otherwise."

Now the thinking behind this change in our joint rules is that there are many small pieces of legislation which the departments have to put into every regular session of the Legislature. They are routine types of legislation, they are not controversial, they have more or less interdepartmental problems and by letting the department heads themselves file this piece of legislation instead of trying to get a sponsor from either the House or the Senate, we feel that this will definitely speed up legislation in that we as legislators have our own personal bills which we are most primarily interested in and therefore do not put in the time that might be necessary to sponsor some of these department legislative laws.

There was a meeting held of the nine or ten department heads with Miss Hary. They discussed it completely, they are definitely in favor of it, the department heads. We were assured that they never would overstep their bounds because they know that if they did that we, as legislators, will be here to stop them, and I do not think that they will overstep their bounds or in any way try to do things that we do not want them to do as far as introducing legislation. I feel that this is another step in the right direction towards hurrying up and speeding up our legislative procedure. Again I would welcome any questions.

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

Mr. CALL: Mr. Speaker, I would like to ask the gentleman from Bath, Mr. Mayo, if this is made possible as a law to speed up, who is goin to argue these bills on the Floor for these heads of departments?

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

Mr. MAYO: Well, I will have to answer that more or less personally, I can't answer for the Committee, but I would say that nobody would have to argue these

resolves or bills which the department heads would put before the Committee because they will be noncontroversial to start with. For instance, the Highway Department every year has eight or ten bills which have to do with nothing more than changing the congressional number of the monies that are allotted from federal funds to the highways on the ninety-ten or the sixty-forty basis. The money has been allocated the previous years, but each year a new number is added to that. Now Mr. Stevens has to get a sponsor for every one of those individual types of department legislation. I do not think that we would reach the point where we would have to argue on any of those, Mr. Call.

The SPEAKER: Does the gentleman consider his question answered? (No response)

The Chair recognizes the gentleman from Greenville, Mr. Harris.

Mr. HARRIS: Mr. Speaker, I cannot help but interject into the discussion about remarks made by the gentleman from Bath, Mr. Mayo, about bills being noncontroversial. Apparently he is forgetting some of those fish and game bills we had last year, amongst them the three zone deer bill, that was a department bill, and there were several others. I thought they were quite controversial.

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

Mr. MAYO: I would answer the gentleman from Greenville, Mr. Harris, by saying that that is the type of legislation which the heads of departments would not introduce, that is definitely the type of legislation which they would find a sponsor for as they have done in the past. I do not anticipate any trouble from that angle at all.

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

Mr. WADE: Mr. Speaker, I would like to address a minor question through the Chair. I wonder what would determine whether these bills and resolves would become House or Senate documents or would they be sort of alternated?

The SPEAKER: The gentleman from Auburn, Mr. Wade, has ad-

ressed a question through the Chair, the Chair assumes to the gentleman from Bath, Mr. Mayo, who may answer.

Mr. MAYO: There again I would have to answer for my own, we did not discuss that in the actual committee I do not think. I would say the discretion would be left up to the department head as to just whether he wants it to start as a Senate bill or as a House bill. I would assume probably it would start as a House bill where it is going to be filed with the Clerk of the House.

(Off records remarks by the Speaker)

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

Mr. KNIGHT: Mr. Speaker, I am in no way attempting to limit debate or questions on this matter, but I would request when the vote is taken it be taken by a division.

The SPEAKER: A division has been requested. The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Members of the House: It appears to me in this type of legislation we are transferring the legislative prerogative away from ourselves, once again opening the door whereby other departments — it is pretty broad in scope what department heads might mean. It could involve their county. There are several things in this and I hope this piece of legislation will not be accepted by this body.

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

Mr. ERVIN: I would have to take exception to the remarks just made when he says we are transferring authority to department heads and taking something away from this Legislature and giving it to somebody else. How are you taking away any authority, you still have to have a hearing on every bill whether it has a sponsor from this department or not, and that hearing — they must report, the committee must report to this Legislature what they are going to do with that bill, department or otherwise. You are not giving away anything, and that bill is also going to

be debated in this House and also in the other branch, so I would question, what are we giving away?

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

Mr. HAUGHN: Mr. Speaker, I consider this not a second time to speak with the permission of the Chair, but in answer to the question which was related to me, what are we giving away? When you start delegating authority to department heads which we have done over the years and it has become so broad in scope, that there are departmental regulations and interpretations against the legislative intent, I think it is about time we stop and take notice and go into this piece of legislation a little more deeply and see what it means. I think that is about the only type of answer I can give at this time, but I am sincere in saying that we had better hold within our own ranks so we can control the bill within the House as to what comes in and what goes out although you can under this procedure, but as our worthy Speaker has stated that they will be assigned to various committees, what if somebody decides they want to refer it to another committee other than the reference of bills committee, there is no legislator's name attached to it except the committee to defend the bill. How then could we in this House or the particular person who is interested in this bill have it transferred to another committee other than to which it has been assigned? I would like a reply as to what basis we have then or what foundation we would have to do so.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I, too, think this would be dangerous and unorthodox. We back home in all of our districts, we hear all the time about them fellows up to Augusta and what they are doing, and we sometimes ask them what they mean, well, the latest one I have asked is what about this insurance bill. You fellows passed a law saying that the Insurance Commissioner could set up such rules and

regulations as he saw fit, and he is setting up rules and regulations that you fellows don't know anything about and they are so — they are adopting the fire code rules entirely and are just about going to put a lot of us people out of business, and it is giving us just a limited time, so I think in behalf of the people back home we should — this Legislature should hold all the powers that it had and we should not delegate any of our powers to the heads of departments.

I remember before I became a legislator I came up and I asked the legislative research men what I could do to get a bill, and he wanted to know, are you a member of the legislature, and I said I am not. He said the only way you can get a bill in this Legislature is to take it to a Legislator. I think that was a good rule and I think we should maintain that rule.

The SPEAKER: The Chair recognizes the gentleman from Montville, Mr. Mathieson.

Mr. MATHIESON: Mr. Speaker, I think there is a way to enter a bill in this House regardless of any representative or under all circumstances. I think the law allows a person on the outside to have a bill entered in this House regardless of whether a member of the House wants it entered or not.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think the last speaker explained it properly, request at any time on any subject one can have a bill introduced by whatever. This order merely wants to speed up legislation. I think if you will notice, when the leadership met of both parties and decided as to which bills were going to be introduced and which were not, if you looked over the list that was mailed to you or the list that appeared on your desk when we first convened, you will find that at least two-thirds of them did not have any sponsor until we got here. I think some of us have been here long enough that several, several times here when we have come in here there have been a

hundred and fifty or two hundred routine bills that were all ready but the name of the sponsor was not on them. Now this merely is to expedite matters of a routine nature wherein the various departments that have such legislation wish to introduce them. I think that would answer Representative Wade's question. Once the bill hits the committee then the committee reports it out. As the Speaker explained, if it is a House member that reports it out it becomes a House bill, if it is a Senate member it becomes a Senate bill. This would give us a start on having our hearings after the second or third week when we convene and not have to wait six or seven weeks and meet here as we did for several weeks for twelve or thirteen or fourteen minutes. It is your committee that has worked out on these things and being where I was the only member of my party on the committee I assure you that I consulted with my leadership on it and was given the green light on these orders. It is merely to be helpful. No committee, nobody is going to usurp any of our powers, we are supreme, and we will have the last word, and I am sure that Mr. Haughn has also been here long enough to know that he intends the last word, but I wonder if I can ask him a question on a measure that he presented. Did he draw it up himself or did he have help from the department, was his name placed on there or did he request it?

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

Mr. MAYO: I would just like to say, Mr. Speaker and Members of the House, that we have done a lot of research on this particular question. All states who now do have pre-filing of legislative matters as we have already passed the order of pre-filing, do allow department heads to file — to pre-file also, and the reasoning is to speed up the legislation. As the gentleman from Lewiston, Mr. Jalbert, said, what it will do, it will allow the department heads to present that bill anytime forty-five days before the convening of the Legislature, the bill will be printed and ready for

hearing most anytime after we do convene. It is feasible to look ahead and see where we will start certain committee hearings within the first week of our Legislature, and if that isn't a big stride forward, I don't know of anything that would be. I certainly hope that this order will be passed.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, may I ask a question through the Chair? What would prevent the department heads, they now have to find a sponsor for these bills, what would prevent them from finding a sponsor forty-five days before the Legislature and let the sponsor put them in. Personally I am afraid of this order.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, has addressed a question through the Chair we assume to the gentleman from Bath, Mr. Mayo, who may answer if he chooses.

Mr. MAYO: I would rather have the Speaker use his prerogative of addressing the House once more, I think he is much more versed in that situation than I am.

The SPEAKER: The Chair would advise the gentleman that the Chair has no prerogatives as Speaker of the House.

(Off record remarks by the Speaker)

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: What was being intimated, at least I thought was being intimated, was that we would hold up legislation because this legislation couldn't be in previous to our convening. Now apparently none of us wish to prevent the legislation from coming in but I am very skeptical of allowing department heads of getting into this area which to me is not exactly black or white, because we don't know what the department heads — nothing defines what is routine, in fact it doesn't even say routine business in this order, so it would seem as though it might be smarter to let them find their sponsor to put it in because they don't seem to have any difficulty in doing that.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, I don't know whether this is important or not but in the two terms that I have been here I know that there have been bills introduced and various members have said, was that a department bill or not? Now certainly if the departments can introduce a bill without a sponsor, it tells you very definitely that it is a department bill and I know that a good many of the members in the past have wanted to know whether bills were department bills or not. I am just suggesting that as one area where you would know definitely that it was a department bill.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, at the present time since I have been here the Legislature has enjoyed harmonious relations with the department heads, who represent the executive branch. I doubt if very many bills have been introduced by a department head without first consulting some member of the Legislature. At the present time, and I presume since Maine first became a State, the Legislature representing the voice of the people, has acted upon legislation by Legislatures. New Rule 19B proposes the start of legislation by the executive branch. I think that is something we should not go into. I therefore move that new Rule 19B be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Southport, Mr. Rankin, that this House Joint Order be indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker, I would hope that you would not move the indefinite postponement of this order. As we stated before, this committee is merely your agent and words are being battered about as to what we should do. I think possibly if we did not vote to indefinitely postpone the order, I would move to table the order after such a move and amend it and it could well be possible that the or-

der could be amended to read along the line, by request of certain departments, and put a name on it that way. By killing the whole order we are precluding the various departments who worked hard and long to help us and we go seek their advice, and they could file the bills ahead of time and the bills would be ready when the committee of reference is named, then names possibly could be put on bills. I would hope that you would vote against the indefinite postponement of the order, then as I stated I would table the order and we could possibly work out some language that would be acceptable generally.

The SPEAKER: Does the Chair understand the gentleman moves to table this order?

Mr. JALBERT: No, I said I hope they vote against the indefinite postponement of the order and then I will move to table.

The SPEAKER: The question before the House is the motion of the gentleman from Southport, Mr. Rankin, that this order be indefinitely postponed.

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

Mr. ERVIN: Mr. Speaker, to perhaps give a little more information on this particular order, the question might be raised, how many bills would be involved. In our research trying to find out some of the answers to this, we found that there were perhaps ten to twelve bills per department that come in under the heading you might say as department bills. So we are going to have approximately a hundred bills involved in this particular order, and as mentioned before, all we are trying to do is expedite to get the Legislature moving, and we will have a hundred bills in the hopper on the first day that are department bills, and as was mentioned here it is very possible that hearings could start on those bills immediately the first week. In proceeding in previous years, we have had no bills and we didn't get at them until the middle of February. You remember the purpose of this interim committee is to expedite to get the legislation moving faster and to make use of the time while we are here. It seems to me that

this order is most important and most valuable to us.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Southport, Mr. Rankin, that this particular order be indefinitely postponed.

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

Mr. CURTIS: Mr. Speaker, would I be in order to move the tabling of this for one day?

The SPEAKER: A tabling motion would be in order and would take precedence over the motion to indefinitely postpone.

Mr. CURTIS: I move that this be tabled.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, now moves that this order be tabled and specially assigned for tomorrow.

The Chair will order a division on the motion. Will those who favor the motion to table this order until tomorrow please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and four having voted in the affirmative and eighteen having voted in the negative, the motion prevailed and House Joint Order amending Joint Rules to add Rule 19B, House Paper 1025, was tabled until tomorrow pending passage.

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, House Joint Order amending Joint Rules to add Rule 19C, re cloture, House Paper 1026, tabled the last legislative day pending passage.

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

Mr. ERVIN: Mr. Speaker and Members of the House: The third order that we have for your information and discussion comes under the new rule called 19C which reads as follows: "During any regular session all bills for private or special legislation and all resolves, in complete final form, shall be introduced in either house of the Legislature not later than 1 P.M. of the third Friday of January; and all other legislation shall be introduced in either house not later than 1 P.M. of the last Friday of January,

except by unanimous consent in the body in which it is introduced. Recommendations for legislation from departments, agencies and commissions must be filed not later than 1 P.M. of the second Friday of January. This rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature. The Clerk of the House shall cause the first paragraph of this Rule to be published in all daily papers in the State at least twice monthly for the two months immediately preceding the convening of the Legislature in regular session and at least twice during January prior to the third Friday of the month."

Now this particular order is the cloture order. There is one question that may come up in the first paragraph. You will notice it says "in complete and final form, shall be introduced in either house—not later than 1 P.M." This will eliminate taking a bill to the Legislative Director's office on the day of the cloture, handing it in by title and you have it in his office and you are safe. This is not true under this order. Your bill or resolve must be in its final form and ready to drop in the hopper. We feel that the reasoning behind this that with the pre-filing of forty-five days we will have eliminated a great deal of the work that piles up in the Legislative Director's office and that they will not pile up down there at the last minute where there will be from a hundred to three hundred bills that have to be typed up. We asked the question of the Director of the possibility of a lot coming in the last minute and would they be handicapped, and he said with the pre-filing and with the opportunity of having additional typists the week before, he saw no reason why there should be any trouble and that there shouldn't be any bills left in his office by this date. Are there any other questions?

The SPEAKER: The question before the House is the motion of the gentleman from Houlton, Mr. Ervin, that this order shall receive passage.

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

Mr. MILLER: Mr. Speaker, I would like to table this until tomorrow for further study.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Miller, that this order be tabled and specially assigned for tomorrow, pending passage. Will those who favor the tabling motion please say aye; those opposed, no.

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

Thirty-seven having voted in the affirmative and seventy-six having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Harris.

Mr. HARRIS: Mr. Speaker, for information only, if someone may answer this, in the order that we just tabled previous to this, it says that the department must file within forty-five days prior to the convening. In this order in the second paragraph they have until 1 P.M. of the second Friday of January.

The SPEAKER: (Off record remarks)

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

Mr. CALL: Mr. Speaker and Ladies and Gentlemen of the House: This is a very fine order. I wish that they had given some consideration notwithstanding the cloture rule. In the last paragraph of the first part it says "except by unanimous consent in the body in which it is introduced." Now our memories are not so short but just last week we had a gentleman from Bowdoinham get up here and try to put through a resolve, and just one dissenting vote killed it. There is a town that has got to go a year and a half more before it can get pure water into their new water district. I think that this is a very fine order and I wished this committee had given some consideration to a ten per cent of the total membership of the House notwithstanding the cloture rule, which would be about fifteen members to kill it.

I have been here quite a few years and it sometimes galls you

to think, to hear somebody say "no". I would like to ask that committee to have the members of this House give a little debate to my thinking. I know I spoke to one of the leaders of the House and he was busy at the time, and now it's my turn, he's got to wait for me.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: It disturbed me also to find that bills that were entirely uncontroversial, bills which concerned one community, have been turned down just because one or two people, for some unknown reason, wanted to veto them, and I agree with the gentleman from Cumberland, Mr. Call, that we should have some provision for that.

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

Mr. JALBERT: Mr. Speaker, it might be noted that the cloture rule was put on the very first hour that we convened at the last session. I certainly would not be one to oppose the bill of the gentleman from Bowdoinham, Mr. Curtis. It might be noted also that the final cloture rule on this is not put on for three weeks at least after we convene, and this is the preliminary work of your interim committee and such—that problem certainly will be discussed by the full committee I know. This just starts it off so that the committee can move when we come here that we will have something to work on and the full report will show a possible remedy to your point which is very well taken.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker and Members of the House: I am very much in sympathy with this order, but I also look at the second paragraph of the order which says the "recommendations for legislation from departments, agencies and commissions must be filed not later than 1 P.M. of the 2nd Friday of January." We have already tabled the order, which would allow them — I fail to see how we can vote upon this until we have voted upon the one which we have previously

tabled. Therefore, if I am in order I would move that this lie upon the table until the other one is taken off.

The SPEAKER: The gentleman from Raymond, Mr. Edwards, moves that this order be tabled and specially assigned for tomorrow, pending passage. Will those who favor the tabling motion, please say aye; those opposed, no.

A viva voce vote being taken, House Joint Order amending Joint Rules to add Rule 19C, House Paper 1026, was tabled until tomorrow pending passage.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, House Order amending House Rule 47, Members-elect added, tabled the last legislative day pending passage.

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

Mr. ERVIN: Mr. Speaker, the fourth item on this tabling order comes under House Rule 47. It would be amended by inserting after the word "member" — this is more of a definition language than anything else. If you will remember the first order where it said pre-filing by the member-elect. Now this explains or defines who and what a member-elect is. Amending by inserting after the word "member" as it is first used the words "or member-elect", and further amend said rule by adding at the end of the first sentence the words "unless otherwise provided under the rules" so that the first sentence of said rule as amended shall read as follows:

All petitions, memorials and other papers addressed to the House, and all bills and resolves to be introduced in the House, shall bear the signature of the member or member-elect presenting them and a brief descriptive title and shall be deposited by the member presenting them in a box placed for that purpose in front of the Clerk's desk, unless otherwise provided under the rules."

This is merely a definition of "member" and "member-elect."

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

Mr. PHILBRICK: Mr. Speaker, I would like to address a question to any member of the committee, that is this: what becomes of the status of a bill that is introduced by a member-elect approximately forty-five days before the session convenes and then as has happened before there might possibly be a recount and that person who was thought to have been elected has not been elected, what then becomes of the bill which he has introduced?

The SPEAKER: The gentleman from Bangor, Mr. Philbrick, has addressed a question through the Chair to any member of the committee who may answer if he chooses.

The Chair recognizes the gentleman from Bath, Mr. Mayo.

Mr. MAYO: Mr. Speaker, I will try to answer the gentleman from Bangor, Mr. Philbrick. The definition of a member-elect as far as the committee understands is when you receive your certificate of election from the Secretary of State, so if there is a disputed election the dispute usually takes place within a week or ten days and the recount and so forth, and at that time your certificate from the Secretary of State stating that you have been elected is withheld until such time as the recount is finished. I think that will answer the question.

The SPEAKER: Does the gentleman consider his question answered? (No response)

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

Mr. HAUGHN: I would like to ask the gentleman from Bath, Mr. Mayo, through you, Mr. Speaker, we have had to make decisions on the Floor of this House as to who was elected, how would that hold?

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, has addressed a question to you, Mr. Mayo, and you may answer if you choose.

Mr. MAYO: As I understand the gentleman from Bridgton, Mr. Haughn, we have to determine who is elected? Is that what the question was? In other words, when we take the oath of office on opening day?

The SPEAKER: The Chair will ask the gentleman from Bridgton, Mr. Haughn, to restate his question.

Mr. HAUGHN: Mr. Speaker, I asked through you of the gentleman, Mr. Mayo, that we in the past, in my past few terms, have had to make a decision twice to my knowledge to determine who was elected in this body. In other words, we convened, we were in session, we did not have forty days prior as advertised in this amendment and we had to make the decision here to declare who was elected.

Mr. MAYO: I won't try to answer that one. Thank you.

The SPEAKER: Is there any member in the House who thinks he can answer that question? Mr. Jalbert?

Mr. JALBERT: Mr. Speaker, a member-elect is not a member sworn in. A member sworn in is a member who has been duly elected. You are elected, then sworn in as a member of this branch and you have your certificate tucked away in your pocket that you have been elected. Now there again is this thing of a nature to save time and if anything would happen in here that the House would take it upon itself not to swear you in, any legislation you would have would go into file thirteen. That's the only way I can answer it.

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

Mr. HAUGHN: Mr. Speaker, I will make one more inquiry, what if death occurs before then, who takes their place with that bill?

The SPEAKER: Would the gentleman from Lewiston, Mr. Jalbert, care to answer the question?

Mr. JALBERT: If he is of the same thinking. You may want to put in a bill to hang yourself and your opponent might not want it, so if he replaces you he won't put it in.

The SPEAKER: The question before the House is the motion of the gentleman from Houlton, Mr. Ervin, that this order receive passage. Will those who favor the passage of this order please say aye: those opposed, no.

A viva voce vote being taken, House Order amending House Rule 47 received passage.

The SPEAKER: The Chair now lays before the House the fifth tabled and today assigned matter, House Order deleting House Rule No. 8, Committee on County Estimates, tabled the last legislative day pending passage.

The Chair recognizes the gentleman from Bath, Mr. Mayo.

Mr. MAYO: Mr. Speaker, I will take up a very short one this time, maybe it won't be quite so controversial. The amendment in regard to the County Estimates Committee, Very simple one-worded change in the rule, and the thinking behind it is to do away with the Committee on County Estimates. I was a member of that Committee this past legislative session and I do not even remember having a meeting, and that is the thinking behind this Committee to do away with that standing committee. It is ineffective, doesn't meet too often, it is just a routine change in the rules.

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

Mr. WINCHENPAW: Mr. Speaker, may I inquire through the Chair, who would straighten out all of the wrinkles that that committee straightened out? We had several meetings, Mr. Mayo must have been absent, but I served on that committee several times and if you remember the gentleman from Rockland, Mr. Knight, had several bills in concerning the raises in the salaries of the county officers. Now it seemed to me — who is going to put in the county estimates?

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Ervin, who may answer the question if he chooses.

Mr. ERVIN: Mr. Speaker, to answer the question of the gentleman from Friendship, Mr. Winchenpaw, the Towns and Counties Committee act on these matters at the present time, and your County Estimates is merely a duplication of what is already being done, and all of those suggested raises for example that came from the gentleman

from Rockland, Mr. Knight, they were all brought before the Towns and Counties Committee. Those of you who have met on the County Estimates Committee realize you meet about twice. They come in and say is this your estimate for your county and it is all right? If so, okay, we have got to have it in and done by April 1, the law still provides that, but as far as the actual work of reporting out of that bill it is done by the Committee on Towns and Counties, and we are just eliminating a duplication.

The SPEAKER: Is there further discussion on the order? The question before the House is the motion of the gentleman from Houlton, Mr. Ervin, that this order shall receive passage. Will those who favor the passage of this order please say aye; those opposed, no.

A viva voce vote being taken, House Order deleting House Rule 8 received passage.

The Assistant Clerk read some notices.

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

Mr. PIKE: Mr. Speaker and Ladies and Gentlemen of the House: The Governor has been kind enough to put me on his committee for this Quoddy project, and also the former Governor. The present Governor asked me to go down and represent him at the presentation of the Engineers and Fisheries Report to the International Joint Commission at Boston two weeks ago.

The first one I haven't done anything on much, the second one I did attend.

There has been a great deal of interest in this Quoddy hydro-electric project and with its running mate, Rankin Rapids up in Aroostook. It just occurred to me that if any of you care to listen to a forty or thirty minute inspired oration in the area of Quoddy, what it may cost, what it might do, or time, the various questions — make them up and I will be very happy to. On the other hand, I certainly don't want to bore you with facts and figures and estimates in which you are not interested. It has been suggested that if anybody cared to listen why we could go down in the Judiciary room when we are through, if you want to waste a few minutes, and there would be no cloture rule on leaving. I would be very glad to do it, I will just leave it up to you.

The SPEAKER: In addition to the remarks of the gentleman from Lubec, Mr. Pike, the Chair would inform the House that Mr. Pike is probably the most informed person, in the House at least, on the subject of Quoddy, and any of you who are interested in finding out more about it Mr. Pike will meet with you immediately following this afternoon's adjournment, in the Judiciary Room.

The House is proceeding under Orders of the Day.

On motion of Mr. Wade of Auburn,

Adjourned until ten o'clock tomorrow morning.