

MAINE STATE LEGISLATURE

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OF THE

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very carefully in the Appropriations Committee bond issue. If I remember rightly, I believe that the Governor at some recent date stated that he would go along with not moving the boys reformatory at a cost of a bond issue of five or six million but that they did need expansion at 1.7 million. I presume, or I thought that that was in the bond issue that is shortly to come out of committee. While I am on my feet, I might say that as far as professional help is concerned, the regular help would be no problem in Washington County. They are the most depressed county in the state. They have plenty of ordinary help. And as for professional help, I am told that professional help in the area would not like to move away from the society of Portland, but I don't think that they are indispensable. I am sure that we could find professional help. There is one full time psychiatrist and I am sure that he would enjoy living in that wonderful healthy atmosphere. There is an airport only a mile away from the Quoddy Village and they could fly a psychiatrist or two down there. But in the old days and in the modern days if you give the boy something to do, that is the important thing. Some pleasure, some work, take care of his energy and his mind will straighten out.

Mr. EDMUNDS of Aroostook: Mr. President, just to set the record straight, the original bond issue proposed by the Executive was for \$5 million to relocate the boys school. At this point the Appropriations Committee has not considered the bond issue as proposed by the Governor at all. We do hope to get at it either Monday or Tuesday as of the coming week, but I as an individual member could not pre-judge whether they will bring it out at the \$5 million level or at \$1,700,000 level because this committee has a way of making up its own mind, or whether it is coming out at the \$500,000 level or whether they are going to recommend striking it from the bond issue altogether. I don't think we should give too much merit to the money.

While I am on my feet, I think I should recognize one thing, so many good things have been said about the Senator from York, Senator Lovell the past few weeks that I think just one thing should be added to the record and that is the fact that he is an extremely generous man. He has several children of his own and he is willing to let them pay for all of these things in the not too distant future.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Campbell to indefinitely postpone the reports and the bill.

A division of the Senate was had.

Twenty having voted in the affirmative and nine opposed, the motion prevailed.

The President laid before the Senate the 13th tabled item, (S. P. 527) (L. D. 1448) Senate Reports from the Committee on Constitutional Amendments and Legislative Reapportionment on "Resolve Proposing an Amendment to the Constitution Forbidding Discrimination against Any Person because of Race, Religion, Sex or Ancestry"; tabled earlier in today's session by Senator Porteous of Cumberland pending motion by Senator Whitaker of Penobscot to accept the Minority Ought to Pass Report of the Committee.

Mr. PORTEOUS of Cumberland: Mr. President, L. D. 1448 reads, the principal part of it, "Discrimination against persons prohibited. No persons shall be deprived of life, liberty or property of law, nor be denied equal protection of the laws, nor be denied enjoyment of the civil rights, nor be discriminated against in the exercise thereof because of race, religion, sex, or ancestry". The amendment which is S-275 merely changes as far as the law itself is concerned, it strikes out the last two lines.

Going to the constitution, the section 6 which this intends to amend. Section 6 is the right of persons accused. I will read it to you. It is not very long. "In all criminal prosecutions, the accused shall have a right to be heard by himself and his counsel or either at his

election; to demand the nature and cause of the accusation and have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have a speedy, public and impartial trial, except in trials by a martial law or impeachment by a jury of the vicinity. He shall not be compelled to furnish or give evidence against himself nor be deprived of his life, liberty, property or privileges, but by judgment of his peers of the law of the land. Number 1. General consideration. 2. Right to demand nature and cause of accusation. 3. Right to be confronted by witnesses. 4. Right to speedy trial. 5. Right to trial by jury. 6. Privilege against self incrimination. 7. Law of the land or due process.

Now these rights are given to all Maine citizens and in the State of Maine in which we live, there has been absolutely no record before our courts, and I think it would be a great injustice if you could call it that, to designate to our courts that they should have to put in such language as is in this constitutional amendment against any person because of race, religious, sex or ancestry. That has not been the practice of our courts and I don't think it ever will be and I don't think it is language that needs to be put in.

Our recent past Secretary of State, Harold I. Goss was a great supporter and defender of our Constitution and he maintained that it was one of the finest Constitutions of any state in the United States. And he said that one of the things about it is that it is not cluttered with unnecessary language, unnecessary lengthy explanations so that the average citizen without many years of legal training could look at it and find out the answers to where he stood in the face of the law.

Our committee felt very strongly that this would do just that. It would clutter up the constitution and add something that is unnecessary and that is already and has been historically and I think forever will be the practice of the judicial process in the State of Maine. Therefore I would move that the

Ought Not to Pass report be accepted.

The PRESIDENT: The question before the Senate, the Chair will inform the Senate, is on the motion of the Senator from Penobscot, Senator Whittaker, to accept the Minority Ought to Pass report of the committee.

Mr. PORTEOUS of Cumberland: Mr. President, I appreciate the correction and would move that the bill and all accompanying papers be indefinitely postponed.

Mr. WHITTAKER of Penobscot: Mr. President, I request a division.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, as one of the signers of the Majority Ought Not to Pass report, I rise in support of the motion of the Senator from Cumberland, Senator Porteous for the indefinite postponement of this particular measure. All of the reasons which he has stated are accurate. There is no necessity in our Constitution for a measure such as this and it would cause certainly a great deal of problems. Probably I wouldn't consider the problems nearly as serious if I were a younger man but you notice in this particular proposal that there would be no discrimination because of sex. I can see where there could be problems from the local YMCA if the gals wanted to come in the swimming pool and it could rattle and shake the ivy halls of Bowdoin if a female were to apply for admission to Bowdoin and insist upon her constitutional rights to be permitted to go to Bowdoin.

Those of course are facetious remarks and that is probably carrying it to the extreme but there still is valid legal argument particularly in relation to all male schools, or all female schools. It is not a necessary piece of legislation and we can handle all of these problems by public statutes as they arrive.

Mr. WHITTAKER of Penobscot: Mr. President, I am not prepared to debate this in detail and have no inclination to do so, but apparently the Constitution Commission felt that there was good and sufficient reason to propose this as an addition to our constitution and I am inclined to go along with

their recommendation in this matter.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Porteous that the report and the resolve be indefinitely postponed. A division has been requested.

A division of the Senate was had.

Nineteen having voted in the affirmative and seventeen opposed, the motion prevailed.

Sent down for concurrence.

Mr. Edmunds of Aroostook was granted unanimous consent to address the Senate.

Mr. EDMUNDS of Aroostook: Mr. President, I requested unanimous

consent in order that I might inform the Senate that we will have a Friday session tomorrow at nine-thirty although we will have a very limited work schedule at that particular time, through no fault of our own. We will not have a session Monday afternoon because we did not have enough work in front of us here in the Senate to justify such a session. So after the conclusion of the Senate tomorrow forenoon, we will be adjourning until ten o'clock Tuesday morning.

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at nine-thirty.