

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
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strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 107 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the eighth tabled and today assigned matter of Unfinished Business:

AN ACT relating to Effective Date for Salary Increase for County Officers (S. P. 543) (L. D. 1467)—(Filing S-183)

Tabled—June 10, by Mr. Prince of Harpswell.

Pending—Motion of Mr. Cote of Lewiston to Indefinitely Postpone.

Thereupon, on motion of Mr. Cote of Lewiston, the pending motion prevailed on a viva voce vote, the Act was indefinitely postponed in non-concurrence and sent up for concurrence.

The Chair laid before the House the ninth tabled and today assigned matter of Unfinished Business:

SENATE MAJORITY REPORT (8) — Ought not to pass — MINORITY REPORT (7) — Ought to pass with Committee Amendment "A" (S-275) — 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." (S. P. 527) (L. D. 1448)

Tabled—June 11, by Mr. Plante of Old Orchard Beach.

Pending—Motion of Mr. Pease of Wiscasset to Indefinitely Postpone both Reports and Bill.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, item 9 deals with L. D. 1448. This is a proposed amendment to the Maine Constitution. I would like to read it slowly and carefully: "Discrimination against persons prohibited. No person shall be deprived of life, liberty or property without due process of law,

nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof. ***" The pending motion is to dismiss that and not have it become part of our constitutional law. The 100th Legislature set up a Constitutional Commission, the report of which you have had before you for some time. On Page 2 of the first report of that Commission, designated L. D. 33, there is the following language: "A due process clause, similar to that which appears as the 14th Amendment to the United States Constitution and which would forbid discrimination against any person because of race, religion, sex or ancestry, should be added to the Maine Constitution," and a proposal was made by the Constitutional Commission in the following language: "No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof.***" That is the proposal you have before you, the original recommendation included the following words: "because of race, religion, sex or ancestry." That has been eliminated by an amendment. The Commission went on further to say: "We do not believe that anyone will challenge the desirability of amending the Constitution along the lines above suggested." Well someone has challenged it by moving that the entire resolve be indefinitely postponed. "It may well be said that in various places within the Declaration of Rights, as the same is now written, much of the protection given by the proposed new due-process clause appears. However, the rights with which we are here concerned are so fundamental and so important that if there is a second or repeat guarantee, such underwriting of protection is, we believe, all to the good."

Now how in all responsibility and consistency can this Legislature within ten or fifteen minutes after passing a law to assure lack of discrimination, turn around and

throw out a proposal to place in the fundamental law of this state the very guarantee against discrimination which it has indicated it desires. I urge you to vote against postponing indefinitely and approve the recommendation of the bi-partisan commission which proposed this resolve.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to concur with the remarks of the gentleman from Bar Harbor, Mr. Smith. It is my hope that we can receive two-thirds of the membership present here in favor of this bill. It is essentially a reaffirmation of our support of the due process of law, and as amended, although I preferred the original legislative document, as amended, I think it would still be essential that it be part of our basic law.

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

Mr. LOWERY: Mr. Speaker, this is the amendment that I was referring to in my former speech. I would much prefer this report here. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen: I heartily concur with the gentleman from Bar Harbor, Mr. Smith. I think this is very important legislation, and I would remind you that the Constitutional Amendment has to go before the people of the State of Maine before it is ratified. I hope that the motion to indefinitely postpone this does not prevail.

Mr. SMITH of Bar Harbor: I request the yeas and nays when the vote is taken.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All those desiring a roll call vote will rise and be counted.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having risen, a roll call is ordered. The pending ques-

tion is the motion to indefinitely postpone item 9, Resolve Proposing an Amendment to the Constitution Forbidding Discrimination Against Any Person because of Race, Religion, Sex or Ancestry, Senate Paper 527, Legislative Document 1448.

All those in favor of indefinite postponement will answer "yes" when their name is called; all those opposed to indefinite postponement will answer "no" when their name is called. The Clerk will call the roll.

ROLL CALL

YEA—Harrington, Rankin, Rust, Taylor.

NAY—Albair, Anderson, Ellsworth; Anderson, Orono; Ayob, Baldic, Bedard, Benson, Berman, Bernard, Berry, Binnette, Birt, Boissonneau, Bourgoin, Bradeen, Bragdon, Brewer, Brown, Fairfield; Carter, Cartier, Chapman, Childs, Choate, Cookson, Cottrell, Coulthard, Cressey, Crockett, Crommett, Curtis, Davis, Dennett, Drake, Dudley, Dunn, Easton, Edwards, Ewer, Finley, Foster, Gallant, Gifford, Gilbert, Gill, Giroux, Gustafson, Hammond, Hawkes, Hendricks, Henry, Hobbs, Hutchins, Jalbert, Jewell, Jones, Kent, Kilroy, Knight, Laughton, Lebel, Levesque, Libby, Lincoln, Linnekin, Littlefield, Lowery, MacGregor, MacLeod, MacPhail, Maddox, Mathieson, McGee, Meisner, Mendes, Minsky, Mower, Nadeau, Noel, Norton, Oakes, Oberg, O'Leary, Osborn, Osgood, Pierce, Pitts, Plante, Prince, Harpswell; Prince, Oakfield; Rand, Reynolds, Richardson, Ricker, Roberts, Ross, Augusta; Ross, Brownville; Roy, Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Snow, Susi, Thaanum, Thornton, Townsend, Treworgy, Turner, Tyndale, Vaughn, Viles, Wade, Waltz, Ward, Waterman, Watkins, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Williams, Wood, Young.

ABSENT — Blouin, Boothby, Brown, So. Portland; Burns, Busiere, Cope, Cote, Denbow, Dostie, Hanson, Hardy, Hendsbee, Humphrey, Jameson, Jobin, Karkos,

Pease, Philbrick, Poirier, Tardiff, Welch.

Yes, 4; No, 125, Absent, 21.

The SPEAKER: The Chair will announce the vote. Four having voted in the affirmative, one hundred twenty-five having voted in the negative, with twenty-one absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted in non-concurrence and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to S. P. 527, L. D. 1448, Resolve, Proposing an Amendment to the Constitution Forbidding Discrimination Against Any Person because of Race, Religion, Sex or Ancestry.

Amend said Resolve in the title by striking out the words "because of Race, Religion, Sex or Ancestry"

Further amend said Resolve by striking out all of the last 2 underlined lines of section 6-A and inserting in place thereof the following:

"discriminated against in the exercise thereof."

Further amend said Resolve by striking out all of the 2nd paragraph of the referendum and inserting in place thereof the following:

' "Shall the Constitution be amended as proposed by a resolution of the Legislature Forbidding Discrimination Against Any Person?" '

Committee Amendment "A" was adopted in non-concurrence and the Resolve assigned for second reading tomorrow.

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty tomorrow morning.