

# MAINE STATE LEGISLATURE

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sessors' meetings and I have been acquainted with other assessors in other towns and I know that some towns will value across the board at \$40 and some \$50, some \$60, and it has been mentioned here \$90. So there is an awful inconsistency in valuation of cattle throughout the state. I was very lukewarm to this when it first came out, but with this amendment, I don't see that anyone would get hurt too bad. So I hope that the amendment will receive passage.

The SPEAKER: The Chair will interrupt debate for a moment to recognize in the gallery of the House, twenty-eight pupils from the Harrison School, Harrison, Maine; accompanied by their Principal and teacher, Mr. Conary and Mrs. Conary. They are the guests of Representative Pitts of Harrison.

On behalf of the House, the Chair extends to you young people, a warm welcome. We trust that you will enjoy and profit by your visit with us here today. (Applause)

The SPEAKER: The question before the House is the indefinite postponement of House Amendment "A." A division has been requested. All those in favor of indefinite postponement, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-nine having voted in the affirmative and forty-six having voted in the negative, the motion to indefinitely postpone House Amendment "A" did prevail.

The SPEAKER: The pending question now is the motion of the gentleman from Perham, Mr. Bragdon, to indefinitely postpone item two, Bill "An Act Establishing an Excise Tax on Livestock," House Paper 1106, Legislative Document 1587. Is the House ready for the question?

The Chair recognizes the gentleman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: I would like to make one comment. The

gentleman from Benton, Mr. Kent, has made the statement that there is inequality in the assessing in this particular area. It seems rather strange to me that we should have so many bills around here this session on this same area. We have one which we discussed here, and if I remember the number correctly it was 510. We had two or three more which if we had passed 510, if that is the number, we would not have needed. It all had to do with whether assessing is properly carried on in the State of Maine, although the bills do not say that directly, I still say if assessing is not properly done, then we should be honest with ourselves and bring in a bill to set it up so that the state will do the assessing or at least examine the merits of the state doing it; and I hope the indefinite postponement does prevail.

The SPEAKER: The Chair will order a division. All those in favor of indefinite postponement of this Bill, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-three having voted in the affirmative and twenty-six having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

#### Amended Bill

Resolve Proposing an Amendment to the Constitution Forbidding Discrimination Against Any Person (S. P. 527) (L. D. 1448)

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

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: A few years ago I was born in the State of Maine and have lived here all my life. I have traveled the state probably from top to bottom all over. I will be frank in saying I have never seen any indication wherever I have been of discriminatory

practices in race relationship, in religion, in sex, or in ancestry. I think one reason for that is that our federal Constitution provides that these discriminatory practices shall not prevail.

Now yesterday we passed this Constitutional Amendment which would put in our Constitution something that, as far as I'm concerned, I can see no reason for having. And yet I feel that probably one reason why we voted as we did yesterday is that we fear the same thing happening to us, as individuals, as has happened to others over the United States that have spoken out their convictions on discriminatory practices. We are fast getting to the place now in America where to stand for what we believe and dare to speak it out means that we probably will be blacklisted by the Press or at least spoken of in the newspapers in derogatory terms because we did not go along with the mass.

I for one was not even conscious until this bill came up that we did not have a provision in our Constitution providing for what this amendment will provide for, and I think probably there are others in this House who were not conscious of the fact that this was not already in the Constitution. The reason we were not conscious of this was because we have seen so little, if any, of these discriminatory practices. Now to put this in the Constitution isn't going to hurt, but I would say that it will not help either; I can see no reason one way or other for it. These racial problems are increasing constantly, and one reason why they are increasing is that we are putting such a great emphasis in this field. It is quite interesting to note that the sponsor of this bill did not even see fit to fight for it when it came up before him; and it was defeated. For this reason, Mr. Speaker and ladies and gentlemen of the House, and for no other reason, I would move the indefinite postpone of this bill.

The SPEAKER: The gentleman from Strong, Mr. Smith, moves the indefinite postponement of

item three, Legislative Document 1448.

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

Mr. BERMAN: Mr. Speaker, Members of the House: As the House Chairman of this Committee on Constitutional Amendments, it certainly was very gratifying yesterday after thoroughly airing this matter, and a very excellent talk by my learned colleague from Bar Harbor, Representative Edwin Smith, that by a roll call vote only four members of this House were against the amendment and today my friend from Strong wants to move indefinite postponement.

Now this amendment did not come out of committee as such. It was an amendment that had been thoroughly studied and advocated by the Constitutional Commission, and it was because the Constitutional Commission felt that there was a problem and because they had made a study of the problem that these ten men whose names I shall read — these ten men on this bi-partisan Constitutional Commission felt that this should be in our basic law. Who were these ten men? Chairman, Fred C. Scribner, Jr., Robert M. York, John F. Ward, a former Speaker of this House; George D. Varney, a former Speaker of this House; Stanley G. Snow, Edwin R. Smith, my distinguished colleague from Bar Harbor; Robert A. Marden, Carleton E. Edwards, John P. Carey, Emery O. Beane, Jr. And now are we going to just a day after this came out on a roll call vote with only four people opposing it, indefinitely postpone it? I really think this House is going to have better judgment; and I oppose the motion to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker, I move the previous question.

The SPEAKER: For the Chair to entertain the previous question, it must have the consent of one-third of the members present. All those who request the Chair to

entertain the previous question, will rise and be counted.

A sufficient number arose.

The SPEAKER: Obviously, one-third having arisen, the motion is entertained, and the question is "Shall the main question be put now?" This is debatable. All those in favor, will please say yes; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair will order a division.

Mr. COPE of Portland: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. COPE: To request the yeas and nays.

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 of those desiring a roll call, will please rise and remain standing until counted.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, a roll call is not ordered, but the Chair will order a division. The gentleman from Strong, Mr. Smith, moves the indefinite postponement of Resolve Proposing an Amendment to the Constitution Forbidding Discrimination Against Any Person. All those in favor of indefinite postponement, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-three having voted in the affirmative and ninety-eight having voted in the negative, the motion did not prevail.

Thereupon, the Resolve was passed to be engrossed as amended by Committee Amendment "A" in non-concurrence and sent up for concurrence.

#### **Passed to Be Enacted Emergency Measure**

An Act to Reactivate Maine Committee on Problems of the Mentally Retarded (S. P. 203) (L. D. 513)

Was reported by the Committee on Engrossed Bills as truly and

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. 114 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure Tabled until Later in Today's Session**

An Act Increasing Sales Tax (H. P. 313) (L. D. 406)

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

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

Mr. WELLMAN: Mr. Speaker, I move this be tabled until later in the day.

Mr. MacLeod of Brewer then requested a division on the tabling motion.

The SPEAKER: A division has been requested. The gentleman from Bangor, Mr. Wellman, moves that item two, "An Act Increasing the Sales Tax," be tabled until later in today's session. All of those in favor of tabling, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-two having voted in the affirmative and fifty-nine having voted in the negative, the tabling motion did prevail.

#### **Enactor Requiring Two-Thirds Vote Failed of Enactment**

An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island (H. P. 275) (L. D. 369)

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

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, I would not make the motion to indefinitely postpone, but only urge the members of the House to consider wisely their vote on this matter and urge