

# 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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that he has exhausted his judicial remedies. Accordingly, the petition is declined.

Which report was read and accepted in concurrence.

#### Committee Reports — Senate

##### Ought to Pass — New Draft

Mr. Campbell from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1964 and June 30, 1965." (S. P. 135) (L. D. 412) reported that the same Ought to pass in New Draft (S. P. 632) (L. D. 1595)

Which report was read and accepted, the Bill in New Draft read once and tomorrow assigned for second reading.

##### Ought to Pass, as Amended

Mr. Porteous from the same Committee on Bill, "An Act to Authorize the Construction of Self-Liquidating Student Housing for the State Teachers Colleges and the Issuance of not Exceeding \$1,434,000 Bonds of the State of Maine for the Financing Thereof." (S. P. 94) (L. D. 231) reported that the same Ought to pass as amended by Committee Amendment "A"

Which report was read and accepted, Committee Amendment "A" was read and adopted, and the Bill, as amended read once, and tomorrow assigned for second reading.

#### Second Readers

**The Committee on Bills in the Second Reading reported the following Bills:**

##### Senate

Bill, "An Act Relating to Salaries of County Officials and Municipal Court Judges and Recorders." (S. P. 628) (L. D. 1589)

Which was read a second time.

Mr. Wyman of Washington presented Senate Amendment B and moved its adoption.

Which amendment was read and adopted, and the bill, as amended was passed to be engrossed.

Ordered sent forthwith to the House.

Bill, "An Act Relating to a Permit for Processing of Imported Lobster Meat Under Bond." (S. P. 574) (L. D. 1519)

Which was read a second time.

Mr. STILPHEN of Knox: Mr. President, I move that the bill and all accompanying papers be indefinitely postponed, and I ask for a division.

Thereupon, on motion by Mr. Porteous of Cumberland, the bill was tabled pending motion by Mr. Stilphen, and was especially assigned for later in today's session.

##### As Amended

Bill, "An Act Repealing the Regulation of Herring for Canning Purposes from December 1st to April 15th." (S. P. 189) (L. D. 488)

Which was read a second time and passed to be engrossed, as amended.

Ordered sent forthwith to the House.

#### Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 1106) (L. D. 1587) Bill, "An Act Establishing an Excise Tax on Livestock"; tabled on June 14 by Senator Harrington of Penobscot pending adoption of Senate Amendment A; and on further motion by the same Senator, Senate Amendment A was adopted, the rules were suspended, the bill read a second time and passed to be engrossed.

Ordered sent forthwith to the House.

The President laid before the Senate the 2nd tabled and today assigned item (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"; tabled on June 14 by Senator Farris of Kennebec pending motion by Senator Whittaker of Penobscot to recede from indefinite postponement.

Mr. FARRIS of Kennebec: Mr. President, I yield to the Senator from Cumberland, Senator Porteous because he is Chairman of this committee.

Mr. PORTEOUS of Cumberland: Mr. President and members of the

Senate: As I understand it, this bill has been engrossed as amended in the other body, evidently by a very wide margin. We originally in this Senate adopted by a very slight majority — I believe it was an 8 to 7 vote — the “Ought not to pass” report. Now there are those who feel, and of course the Constitutional Commission must have felt, that this wording was worth while to put into the Constitution. It is a very small amount of new wording and would be Section 6-A and would read: “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 because of race, religion, sex or ancestry.” The rest of the bill has to do with the time when the vote shall be taken. What I have read is the sum and substance of this proposed amendment to the Constitution.

I would not oppose the addition of this to the Constitution even though I signed the majority “Ought not to pass” report, because the general feeling was that while it was good language it was not necessary because there has been none of that discrimination insofar as the equal protection before the courts and so forth in this State is concerned. There seemed to be those who were strongly in favor of it, and for that reason I would not oppose any further the addition of this language to the Constitution.

I am not going to make any motion at this time. I would therefore yield to the Senator from Penobscot, Senator Whittaker, the sponsor of the bill.

Mr. WHITTAKER of Penobscot: Mr. President, I move the pending question.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I also, along with the Chairman of the Constitutional Amendments Committee, signed the “Ought not to pass” report, and at the time we were discussing it and had the two reports before us the resolve was substantially as indicated by the Senator from Cumberland, Senator Porteous, as he

read it this morning. However, the minority group, that is seven on the committee on Constitutional Amendments, made up a special report, of which I had no knowledge, where they put out a report “Ought to pass as amended,” and the amendment does delete the words “sex or ancestry” and so forth and makes an entirely different proposition than the so-called anti-discriminatory feature of the bill, and as amended I do believe that it merely is a re-affirmation of our federal constitution on the matter of depriving persons of life, liberty or property without due process of law; and when it discusses “a person shall not be denied the enjoyment of his civil rights”, I have discussed this with many people since that time, and it is the belief of attorneys that have studied this matter, and from what cursory research I have had opportunity to do, I concur with that opinion, that when we talk about a civil right we are talking about a political right or a public right or the right of any individual to have access to the courts and to a jury trial and so forth. Originally there was some confusion because there is no set definition of a civil right, but on the basis of that being the understanding of the majority now of the Constitutional Amendments Committee I certainly concur with passage of this resolve as amended and want the record to so show.

The PRESIDENT: The question before the Senate is the motion of the Senator from Penobscot, that the Senate recede from its former action whereby the resolve was indefinitely postponed.

The motion to recede prevailed.

Thereupon, on motion by the same Senator, the Minority report of the committee was accepted, Committee Amendment A read and adopted, the rules suspended and the bill given its two several readings and passed to be engrossed, in concurrence.

Ordered sent forthwith to the engrossing department.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 1092) (L. D. 1567) Bill, “An Act Relating to Exempting from Property Tax Pleas-