

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
AUGUSTA, MAINE

In the House, the Order was read.

(On motion of Mr. Wellman of Bangor, tabled pending passage in concurrence and unassigned.)

**Non-Concurrent Matter
Tabled Until Later in Today's
Session**

An Act Increasing Sales Tax (H. P. 313) (L. D. 406) which failed on passage to be enacted in the House on June 13.

Came from the Senate passed to be enacted in non-concurrence.

In the House: On motion of Mr. Wellman of Bangor, tabled pending further consideration and specially assigned for later in today's session.

The SPEAKER: The Chair now lays before the House on your House Advance Journal and Calendar on page three, item one, tabled and today assigned:

HOUSE REPORT — Ought not to pass as covered by other legislation—Committee on Labor on Bill "An Act Repealing Certain Portions of the Employment Security Law." (H. P. 1) (L. D. 7)

Tabled—June 20, by Mr. Gifford of Manchester.

Pending—Acceptance of Report.

On motion of Mr. Gifford of Manchester, retabled pending acceptance of the Report and specially assigned for later in today's session.

The Chair laid before the House the second tabled and today assigned matter:

AN ACT Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965. (H. P. 1105) (L. D. 1586)

Tabled—June 20, by Mr. Wellman of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Wellman of Bangor, retabled pending passage to be enacted and specially assigned for later in today's session.

The Chair laid before the House the third tabled and today assigned matter:

MAJORITY REPORT (9) — Ought to pass in New Draft "A"

(H. P. 1116) (L. D. 1599) — MINORITY REPORT (6) — Ought to pass in New Draft "B" (H. P. 1117) (L. D. 1600) — Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives." (H. P. 1030) (L. D. 1495)

Tabled — June 20, by Mr. Wellman of Bangor.

Pending — Motion to Accept Mr. Berman of Houlton to Accept Majority Ought to pass Report.

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

Mr. BERMAN: Mr. Speaker, Members of the House: As House Chairman of this Committee on Reapportionment, I would like to say first off that this is the Constitution that we are building today. We are not dealing with a temporary measure like a sales tax which can be subject to legislative negotiation. I, for one, would like to believe that the majority of members of this House who believe in the principle of one voter, one representative, will not bargain away this constitutional principle. Now because of what may have been transpiring this week in legislative process, I would like to make the following observation.

Probably all of us know J. P. Morgan was a very wise and a very shrewd man, and he was well versed in the world of business and of politics. He remarked that men and women usually have two reasons why they do things, a good reason, and a real reason. Now what I may say, I hope will not offend any intelligent member of this House. The meetings of our Committee on Reapportionment were attended mainly by only two of the five Senators and by all ten Representatives of this House. Report A, which is Legislative Document 1599, was signed out by the two Senators who attended most of the meetings on reapportionment. It was further signed out by the following seven members of this House: William Dennett, Robert Viles, Edwin Smith, Ernest Smith, Alan Pease, Willis Watkins, and myself. Report B, which is Legislative Document 1600,

was signed out by three of the Senate members who were unable to attend most of the meetings, and by Mr. Plante, Mr. Cartier, and Mr. Cottrell. Now Legislative Document 1599 which was signed out by the majority of the Committee of Reapportionment, has a basic principle of political fairness, and this basic principle goes along the lines expressed just a few months ago by the ruling of the United States Supreme Court in the Georgia County Unit case which confirmed political fairness vs. political expediency. In that case, the learned Justice writing the majority opinion has this to say, "The conception of political equality from the Declaration of Independence, from Lincoln's Gettysburg address, to the 15th, 17th and 19th Amendments can mean only one thing; one person, one vote."

Now Legislative Document 1599 can mean only one thing, one person, one Representative; and I suggest to the honorable members of this House that there can be no bargaining with that principle. For that is a principle too important to bargain about. Either you agree with the principle of one person—one Representative, or you do not. And for that reason and that basic reason alone, I hope you will go along with Mr. Dennett, Mr. Viles, Mr. Pease, Mr. Watkins, Mr. Ernest Smith, Mr. Edwin Smith and myself, and accept the Majority "Ought to pass" Report.

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

Mr. EWER: Mr. Speaker and Ladies and Gentlemen of the House: As our good colleague from Houlton, Mr. Berman, has said there is a principle involved here. I would say to you ladies and gentlemen that the fact is true that there are principles involved in Report B as well as in Report A. I would further suggest to you that this is not a partisan matter since both reports were signed by members of both parties. I would suggest to you that the principle of one for one, while it may be one of these catch phrases which sounds fine, is a catch phrase similar to some we have been faced with previously in this session. "Right to work" was a catch phrase. "The sanctity of

motherhood" is possibly a catch phrase. There are several others that we are faced with in our daily lives, and I would contend to you ladies and gentlemen that the principle of one for one may not be to the best interest of any locality. In Bangor, in my earlier voting days, we had the mayor and city council, board of aldermen. They came from the wards. Along in my middle years we made a change over to the city manager-council form of government, and I think anybody from the Bangor delegation will agree with me that while our council under the method of selecting from the city at large hasn't been perfect, yet they have been of a higher calibre than we used to get when we took them from the wards.

It might be conceivable that the two best candidates from a town having two representatives to the Legislature would be living side by side. I present to you the possibility ladies and gentlemen that under plan A, one of them would have to fall by the wayside. Because of these things I feel quite strongly that the matter of principle applies to plan B just as equally as it does to plan A. I feel that plan B is a much better setup for municipalities having more than one representative. And because I feel as I do about these things, I move indefinite postponement of plan A.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Bangor, Mr. Ewer, and I wholeheartedly support the comments of the gentleman from Houlton, Mr. Berman. Much has been said of these two pieces of legislation in recent days, but there isn't much having been said on the record about them.

We are faced with a problem of reapportionment, and we have two legislative proposals to do it. In essence they are pretty much the same. There is L. D. 1599 which is a so-called Republican measure recognizes one vote, one person. L. D. 1600 which is supposed to be a Democratic measure, recognizes one

vote and one person. The only difference basically between the two bills is whether you will have a majority vote when it comes to districting, or whether you will have a two-thirds vote requirement, and I stand here today and feel very strongly that that two-thirds vote requirement will cause the Republican Party a great deal of grief in the future. But in view of recent transactions, I'm well aware that my remarks won't sway anybody today, but I do want to go on the record in favor of L. D. 1599 which I feel is a Republican measure and which is what we should have.

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

Mr. SMITH: Mr. Speaker, I rise in opposition to the motion to postpone indefinitely Report A. The principle which has been explained to you by the gentleman from Houlton, Mr. Berman, of one man, one vote, involves the principle of democracy. The strength of our democratic government depends upon the calibre of our representation. The principle incorporated in Plan A by which there would be districts, and one representative from each district, is the very heart of that principle of high calibre representation of the people. I urge you to accept that report, and not take chances with another report which leaves it open to a later two-thirds vote of another Legislature or of this Legislature in a special session.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker, Members of the House: I too rise in support of L. D. 1599. I feel that the principle of having one representative have a definite district, a definite group of people that he represents, is fundamental to our form of government. I think to elect representatives at large is to permit one representative perhaps to hide behind the skirts of another one and not be called to account for his actions. A city which might have eleven representatives would resolve in people choosing out of twenty-two people, eleven. I think it's completely undemocratic. I

come from a state where districting has been in existence for a long time, and it works very, very satisfactorily. I think to be able to be held accountable to the people you represent is one of the basic concepts of our form of government.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I'm going to be very brief. This House of Representatives is facing up to 1599 as a unique opportunity. It is an opportunity which may never come again in the lifetime of any member here, and for that reason when the vote is taken, I request the yeas and nays.

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

Mr. SMITH: Mr. Speaker, one more point I would like to emphasize. The 100th Legislature enacted a bill under which the Constitutional Commission was appointed and that served for two years, having some fifteen to twenty meetings and made a very careful study of the question of reapportionment. The Constitutional Amendments Committee of this Legislature has seen fit not to adopt, not to recommend many of the recommendations of that Commission. But there is one recommendation of that Commission which is very emphatic in the report of the Commission, and which is included in this Report A, and that is the principle of representation of districts by each representative, one vote—one representative.

The SPEAKER: The Chair would inform the House that there are two pending motions, and the one on your calendar is the motion of the gentleman from Houlton, Mr. Berman, to accept the Majority "Ought to pass" Report. The other motion is the motion of the gentleman from Bangor, Mr. Ewer, to indefinitely postpone Report "A."

The pending question is the motion to accept the Majority "Ought to pass" Report. The yeas and nays have been requested. For the Chair to order a roll call, it must have the express desire of one-fifth of the membership present.

All those in favor of a roll call will rise and be counted.

The SPEAKER: For what purpose does the gentleman arise? The gentleman may state his question.

Mr. HARDY of Hope: Does not the motion to indefinitely postpone take precedence?

The SPEAKER: No, because the pending motion was the acceptance of the Majority "Ought to pass" Report.

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

Mr. WELLMAN: Mr. Speaker, for a further parliamentary question on the same point, what happens if we fail to accept the Majority Report?

The SPEAKER: The Minority Report then is before the House.

A sufficient number having expressed a desire for a roll call, a roll call is ordered. The Chair will restate the question.

The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker, I withdraw my motion under the ruling of the Chair to indefinitely postpone, and hope that anybody who would have voted to indefinitely postpone will go along in opposition to this bill.

The SPEAKER: Is the House ready for the question? A roll call has been ordered. All of those in favor of accepting the Majority "Ought to pass" Report in New Draft "A" on Resolve Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives, L. D. 1599, will answer "yes" when their names are called. Those opposed will answer "no" when their names are called. The Clerk will call the roll.

ROLL CALL

YES — Anderson, Ellsworth; Berman, Berry, Bragdon, Brown, Fairfield; Cressey, Curtis, Drake, Easton, Finley, Gilbert, Gustafson, Hanson, Hawkes, Hobbs, Humphrey, Jewell, Jones, Kent, Laughton, Libby, Lincoln, Linnekin, MacGregor, MacLeod, Mendes, Oberg, Pease, Philbrick, Roberts, Rust, Scott, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Susi, Town-

send, Treworgy, Vaughn, Viles, Waltz, Watkins, Williams.

NO — Albair, Anderson, Orono; Ayoob, Baldic, Bedard, Benson, Bernard, Birt, Boissonneau, B o o t h b y, Bourgoin, Brewer, Bussiere, Carter, Cartier, Chapman, Childs, Choate, Cookson, Cope, Cote, Cottrell, Coulthard, Crockett, Crommett, Denbow, Dennett, Dostie, Dunn, Edwards, Ewer, Foster, Gallant, Gifford, Gill, Hardy, Harrington, Hendricks, Hendsbee, Henry, Hutchins, Jalbert, Jobin, Kilroy, Knight, Levesque, Littlefield, Lowery, MacPhail, Maddox, Mathieson, McGee, Meisner, Minsky, Mower, Nadeau, Norton, Oakes, O'Leary, Osborn, Osgood, Pierce, Pitts, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Rand, Rankin, Reynolds, Richardson, Ricker, Ross, Augusta; Roy, Sahagian, Shaw, Snow, Taylor, Thaanum, Thornton, Turner, Tynedale, Wade, Waterman, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Wood, Young.

ABSENT — Binnette, Blouin, Bradeen, Brown, South Portland; Burns, Davis, Dudley, Hammond, Jameson, Karkos, Lebel, Noel, Ross, Brownville; Tardiff, Ward.

Yes, 43; No, 91; Absent, 15.

The SPEAKER: Forty-three having voted in the affirmative, ninety-one having voted in the negative, with fifteen being absent, the motion to accept the Majority "Ought to pass" Report in New Draft "A" does not prevail.

Thereupon, the Minority "Ought to pass" Report in New Draft "B" was accepted, the Resolve read once, and under suspension of the rules, the Resolve was given its second reading.

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

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat appalled at what has just happened. I realize that as a legislator from a rural area, that there are representatives here from cities that do not desire to comply with the Supreme Court of the United States and its rulings with regard to reapportionment because it perhaps may affect their individual

seat in this Legislature. I realize that as political fact. What appalls me and bothers me, as I indicated to many of you yesterday, was what some people may have done this afternoon. I hope that I am incorrect. I wonder how the Minority Party will now vote for the sales tax. I wonder who had authority to go to them after the several meetings of the Majority Party and make these arrangements.

What bothers me also is that I think little thought has been given by many individuals in this House as to exactly how this proposed resolve will work. On a county apportionment basis, many of you have seen the breakdown. I suggest that before we by a two-thirds vote of this House enact this bill and send it to the people as a proposed Constitutional Amendment, we each as individuals try to figure out the language of this resolve and how it will be possible, without fight after fight after fight within either or both parties of this Legislature, be able to apportion the representatives intra-county.

I am thunderstruck at what has just happened. The Constitutional Amendment and Reapportionment Committee spent hours on this, just as the Appropriations Committee, which you have upheld so often, spent hours on appropriations. There was no deal on appropriations at that time. Mr. Speaker, I move that this resolve now be indefinitely postponed, and I do this knowing that I will not succeed, but to clear my conscience and to clear the record of what has happened.

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, now moves that this Resolve be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I certainly have a great deal of respect for the gentleman from Wiscasset, Mr. Pease, and he says that he was thunderstruck at what just took place in this House. Let me say this to also clear the record. When I appeared before the Committee on Reapportionment, I was thunder-

struck when I knew they knew so little about districts.

The SPEAKER: Is the House ready for the question? The Chair will order a division.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I hope everybody realizes that if they kill both of these bills, we have no reapportionment resolve before us. It is highly essential that this Legislature take action on the matter of amending our Constitution by a reapportionment resolve.

The SPEAKER: The question before the House is the motion of the gentleman from Wiscasset, Mr. Pease, that this Resolve Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives, Legislative Document 1600, be indefinitely postponed and the Chair will order a division.

All those in favor of indefinite postponement will rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had. Thirty-one having voted in the affirmative and eighty-eight having voted in the negative, the motion did not prevail.

Thereupon, the Resolve was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Cartier.

Mr. CARTIER: I move we reconsider our action whereby we passed this bill to be engrossed. I have an amendment to offer.

The SPEAKER: The gentleman from Biddeford, Mr. Cartier, moves that the House reconsider its action whereby this bill was just passed to be engrossed. All those in favor will say yes, those opposed, no.

A viva voce vote being taken, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I would like the opportunity to speak on the reconsideration movement. The amendment that the gentleman from Biddeford, Mr. Cartier, wishes

to present is an absolute necessity to conform with our present Constitution.

The SPEAKER: The Chair would inform the House that the motion to reconsider did not prevail. The matter is no longer before this House.

The Chair recognizes the gentleman from Biddeford, Mr. Cartier.

Mr. CARTIER: I would request a division on the motion to reconsider.

The SPEAKER: It is too late for a division. The vote has been declared.

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

Mr. CHILDS: Mr. Speaker, I move the rules be suspended in order that we may reconsider this matter.

The SPEAKER: The gentleman from Portland, Mr. Childs, now moves that the rules be suspended which requires a two-thirds vote. All those in favor of suspension of the rules will rise and remain standing in your places until the monitors have made and returned the count.

101 members arose, and there being 128 members present, this being more than two-thirds, the rules were suspended.

Thereupon, on motion of Mr. Cartier of Biddeford, the House voted to reconsider its action on a viva voce vote whereby this resolve was passed to be engrossed.

Mr. Cartier of Biddeford offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1117, L. D. 1600, Resolve, Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives.

Amend said Resolve by adding at the end of the 3rd paragraph the following new sentence:

'Each county shall be entitled to that number of Representatives which is in the same proportion to the total number of Representatives as the number of inhabitants of the county bears to the number of inhabitants of the State, fractional excesses over whole numbers to be computed in favor of the counties

having the larger fractional excesses.'

The SPEAKER: The Chair recognizes the gentleman from East Millicocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I would like to speak on this amendment for just a second. I think that this amendment is necessary to enable the counties to find out how many representatives the counties are going to have before they can apportion within the county, and this amendment I personally had discussed it with the Attorney General's office and they say that L. D. 1600 will be completely unworkable without this amendment, and I think it is absolutely necessary that it be adopted.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, may I also add that this particular amendment was a recommendation of the Constitutional Commission Committee.

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

Mr. SMITH: Mr. Speaker, I support the motion of the gentleman from Biddeford, Mr. Cartier. This is an essential part of the resolve proposed and it should be included by amendment.

The SPEAKER: Is it the pleasure of the House that House Amendment "A" be adopted?

The motion prevailed.

Mr. Smith of Bar Harbor offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1117, L. D. 1600, Resolve, Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Representatives.

Amend said Resolve by striking out all of the last underlined sentence of the next to the last paragraph of that part designated "Section 3." and inserting in place thereof the following underlined sentence: **'Cities and towns entitled to two or more Representatives under the foregoing procedure may, by affirmative vote of both Houses of the Legislature, be organized into**

single member districts whereby each legally qualified elector therein is entitled to vote for only one Representative, provided that all such cities and towns are so organized.'

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I move the indefinite postponement of House Amendment "B."

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that House Amendment "B" be indefinitely postponed.

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

Mr. SMITH: Mr. Speaker, I would like to offer an explanation of House Amendment "B," Filing number 502.

L. D. 1600 includes the provision under Section 3 on page 2 in the last five lines which I will read: Cities and towns entitled to two or more Representatives under the foregoing procedure may, by affirmative vote of two-thirds of both Houses of the Legislature — and I repeat that, by affirmative vote of two-thirds of both Houses of the Legislature — be organized into single member districts whereby each legally qualified elector therein is entitled to vote for only one Representative, provided that all such cities and towns are so organized.

The amendment removes the two-thirds and requires only a majority vote for this Legislature or any subsequent Legislature to reapportion into districts the larger communities.

L. D. 1600, as you have adopted it up to this point, places a restriction on the Legislature and permits it to create districts in cities only by a two-thirds vote. This in turn of course permits a minority of the Legislature to dictate whether or not there shall be districts in the larger communities.

The SPEAKER: Is the House ready for the question? The Chair will order a division. The gentleman from Portland, Mr. Childs, moves indefinite postponement of House Amendment "B." All those in favor of indefinite postponement, will please rise and remain stand-

ing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Sixty-seven having voted in the affirmative and fifty-nine having voted in the negative, the motion to indefinitely postpone House Amendment "B" does prevail.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker, in view of the significance of this matter we are voting on, I move that this be taken by roll call vote, and request it.

The SPEAKER: A roll call has been requested on the indefinite postponement of House Amendment "B." 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 rise and remain standing until counted.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call has been ordered. The Chair will restate the question. The question before the House is the motion of the gentleman from Portland, Mr. Childs, that House Amendment "B" be indefinitely postponed. A roll call has been ordered.

All those in favor of indefinite postponement, will answer "yes" when their names are called. All of those opposed to indefinite postponement, will answer "no" when their names are called.

The Clerk will call the roll.

ROLL CALL

YES — Albair, Anderson, Orono; Aycoob, Baldic, Bedard, Benson, Bernard, Birt, Boissonneau, Bourgoing, Brewer, Bussiere, Carter, Cartier, Childs, Cookson, Cote, Cottrell, Crommett, Denbow, Dostie, Edwards, Ewer, Foster, Gallant, Gifford, Gill, Hardy, Harrington, Hendricks, Hendsbee, Henry, Hobbs, Jalbert, Jobin, Kilroy, Knight, Levesque, Littlefield, Lowery, MacPhail, Maddox, Mathieson, Minsky, Mower, Nadeau, Oakes, O'Leary, Osborn, Pierce, Pitts, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Rankin, Reynolds, Ricker, Roy, Snow, Taylor, Thaanum, Thornton,

Tyndale, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Wood, Young.

NAY — Anderson, Ellsworth; Ber- man, Berry, Boothby, Bragdon, Brown, Fairfield; Chapman, Choate, Cope, Coulthard, Cressey, Crockett, Curtis, Dennett, Drake, Dunn, East- on, Finley, Gilbert, Gustafson, Han- son, Hawkes, Humphrey, Hutchins, Jewell, Jones, Kent, Laughton, Lib- by, Lincoln, Linnekin, MacGregor, MacLeod, McGee, Meisner, Hutchins, Norton, Oberg, Osgood, Pease, Phil- brick, Rand, Richardson, Roberts, Rust, Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Townsend, Treworgy, Turner, Vaughn, Viles, Wade, Waltz, Waterman, Watkins, Williams.

ABSENT — Binnette, Blouin, Bra- deen, Brown, South Portland; Burns, Davis, Dudley, Hammond, Jameson, Karkos, Lebel, Noel, Ross, Augus- ta; Ross, Brownville; Susi, Tardiff, Ward.

Yes, 71; No, 61; Absent 17.

The SPEAKER: Seventy-one hav- ing voted in the affirmative, sixty- one having voted in the negative, with seventeen being absent, the motion to indefinitely postpone House Amendment "B" does pre- vail.

Thereupon, the Resolve Proposing an Amendment to the Constitution Affecting the Election, Powers and Apportionment of the House of Rep- resentatives, House Paper 1117, Leg- islative Document 1600, was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

The Chair laid before the House the fourth tabled and today as- signed matter:

SENATE JOINT ORDER Relative to Free Telephone Calls to the Number of 50 calls, after Final Ad- judgment of the Legislature. (S. P. 635)

Tabled — June 20, by Mr. Knight of Rockland.

Pending — Passage.

On motion of Mr. Jalbert of Lew- iston, the Order received passage in concurrence.

(Five Minute Recess)

Called to order by the Speaker.

The SPEAKER: The Chair lays before the House Item 1 on your Supplemental Calendar number one to House Calendar June the 21st for 2:00 P.M., Bill "An Act relating to the Educational Foundation Program Allowance," House Paper 862, Legislative Document 1249, in the House engrossed as amended by House Amendments "A" and "B," in the Senate engrossed with House Amendments "A" and "B," also Senate Amendment "A" to House "B" in non-concurrence, tabled on June 21 by the gentleman from Winter- port, Mr. Easton, pending further consideration; and the Chair recog- nizes that gentleman.

Mr. EASTON: Mr. Speaker, La- dies and Gentlemen of the House: A short while, if I may borrow a phrase from my friend the gentle- man from Brewer, I will be offer- ing a plethora of motions; but be- fore I do, I should explain what's going to happen, I hope. The House, as we all know, adopted this bill and with it a House amendment eliminating the so-called footnotes. This has come back to us with a Senate amendment which eliminates only half the footnotes. It eliminates the so-called grammar school or elementary school footnotes. If we should try to prevail, why we may end up with the existing law in which all the footnotes are in. So for this reason, I feel we must go along with the fifty percent loaf. The Sen- ate amendment, however, contains an error and we have to back off and replace that Senate amendment with one which does not contain the error. So with all this in mind, I now move that this House recede from its action in engrossing this bill — that's my first motion.

The SPEAKER: The Chair under- stands that the gentleman from Win- terport, Mr. Easton, moves that the House recede from its former ac- tion. Is this the pleasure of the House?

The motion prevailed.

Mr. EASTON: Mr. Speaker, I now move that we indefinitely postpone Senate Amendment "A" to House Amendment "B."

Thereupon, Senate Amendment "A" to House Amendment "B," be- ing filing number S-326, was read

by the Assistant Clerk and, on motion of Mr. Easton and on a viva voce vote, indefinitely postponed.

Mr. Easton of Winterport then offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to H. P. 862, L. D. 1249, Bill, "An Act Relating to the Educational Foundation Program Allowances."

Amend said Bill in that part designated "Sec. 237-D." of section 2 by striking out in Table I all of the last column and inserting in place thereof the following:

'Secondary Schools
 \$6,500 \$145 per pupil (2)
 \$9,000 \$300 per pupil (1)
 \$390 \$470 per pupil (2) (1)
 \$325 \$465 per pupil (2) (1)
 \$375 \$435 per pupil (2) (1)
 \$270 \$430 per pupil (2) (1)
 \$255 \$390 per pupil
 \$340 \$380 per pupil
 \$310 \$350 per pupil.'

Further amend said Bill in that part designated "Sec. 237-D." of section 2 by striking out all of the footnotes (1) and (2) and inserting in place thereof the following:

'(1) Elementary footnotes shall apply to those units which operate schools. Compute all administrative units, except school administrative districts, at \$170 per pupil if within 10 miles of a school operated in a neighboring administrative unit by the nearest suitable highway.

(2) (1) Secondary school footnotes shall apply to those units which operate schools. If within 15 miles of a school operated in a neighboring administrative unit by the nearest suitable highway, compute all administrative units except school administrative districts as follows:

at \$255 \$280 per pupil if 100 or fewer average daily membership.

at \$275 \$300 per pupil if 101 to 200 average daily membership.

at \$290 \$320 per pupil if 201 to 300 average daily membership.

Further amend said Bill by adding at the end the following new section:

"Sec. 3. R. S., c. 41, Sec. 237-E, amended. The 5th paragraph from the end of section 237-E of chapter 41 of the Revised Statutes, as last

amended by section 19 of chapter 353 of the public laws of 1959, is further amended to read as follows:

'Any administrative unit, except those to which footnotes 1 or 2 of Table I, section 237-D, are applicable, in which the average net operating cost in any biennium exceeds the amount of the average net foundation program allowance shall be entitled to an additional subsidy allocation on that part of its average net operating cost which exceeds its net foundation program allowance, computed by multiplying the amount that the average net operating cost exceeds its net foundation program allowance by 10 percent of the percentage to which said administrative unit is entitled to receive in Table II.'

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

Mr. SMITH: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Winterport, Mr. Easton.

The SPEAKER: The gentleman may state his question.

Mr. SMITH: To explain out, in laymen's language, what this amendment does.

The SPEAKER: The gentleman from Strong, Mr. Smith, poses a question through the Chair to the gentleman from Winterport, Mr. Easton, who may answer if he chooses. The gentleman may proceed.

Mr. EASTON: This amendment will ultimately result in the footnotes applicable to the elementary schools being removed from the so-called Foundation Program allowance. The secondary footnotes will be retained. I am not particularly pleased by this, I am sure that a majority of the members of this House are not particularly pleased by this. As I indicated the alternative obviously is no bill at all, in which case we will be stuck with both sets of footnotes. Does that answer the gentleman's question?

The SPEAKER: Does the gentleman consider his question answered?

The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I believe now the next motion I should