

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, March 2, 1965

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Foster Williams of the First Baptist Church, Waldoboro.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act Clarifying the Inland Fisheries and Game Laws" (S. P. 428) (L. D. 1375)

Bill "An Act relating to Sale of Unneeded Property of Department of Inland Fisheries and Game" (S. P. 429) (L. D. 1363)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate:

Bill "An Act relating to Membership of Judicial Council" (S. P. 430) (L. D. 1364)

Bill "An Act relating to the Possession of Firearms and the Carrying and Registration of Firearms Capable of Being Concealed" (S. P. 431) (L. D. 1365)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate:

Bill "An Act Providing for Compulsory Retirement of Teachers" (S. P. 432) (L. D. 1366)

Came from the Senate referred to the Committee on Labor.

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker and Members of the House: On item 5 the Retirements and Pensions Committee has been receive-

ing these bills, so therefore I move that we send this bill to that committee.

Thereupon, the Bill was referred to the Committee on Retirements and Pensions in non-concurrence and sent up for concurrence.

From the Senate:

Bill "An Act Revising the Minimum Wage Law" (S. P. 433) (L. D. 1367)

Came from the Senate referred to the Committee on Labor.

In the House, referred to the Committee on Labor in concurrence.

From the Senate:

Bill "An Act relating to Definition of Club under Liquor Laws" (S. P. 434) (L. D. 1368)

Came from the Senate referred to the Committee on Liquor Control.

In the House, referred to the Committee on Liquor Control in concurrence.

Tabled and Assigned

From the Senate:

Bill "An Act Creating the Allagash Wilderness Waterway" (S. P. 435) (L. D. 1376)

Came from the Senate referred to the Committee on Natural Resources.

In the House: On motion of Mr. Palmer of Phillips, tabled pending reference in concurrence and specially assigned for Friday, March 26.

From the Senate:

Bill "An Act Eliminating Use of Stamps under Cigarette Law" (S. P. 437) (L. D. 1369)

Bill "An Act relating to Class A and Class B Taxes under Inheritance Tax Law" (S. P. 439) (L. D. 1370)

Came from the Senate referred to the Committee on Taxation.

In the House, referred to the Committee on Taxation in concurrence.

**Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Inland Fisheries and Game on Bill

"An Act Regulating Ice Fishing in Knox County" (S. P. 193) (L. D. 573) reporting Leave to Withdraw.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act Establishing Minimum Safety Standards for Tires" (S. P. 274) (L. D. 822)

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

A message came from the Senate borne by Secretary Pert of that body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at ten-thirty this morning, for the purpose of extending to His Excellency, Governor John H. Reed, an invitation to attend the Convention and make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention. The Clerk was charged with and conveyed a message to the Senate to that effect.

The Clerk subsequently reported that he had delivered the message with which he was charged.

On motion of the gentlewoman from Bangor, Mrs. Ruby, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Ought to Pass

Report of the Committee on Agriculture reporting "Ought to pass" on Bill "An Act Creating the Uniform Hazardous Substances Labeling Act" (S. P. 77) (L. D. 297)

Report of the Committee on Business Legislation reporting same on Bill "An Act relating to Organization of Cemetery Corporations" (S. P. 183) (L. D. 548)

Report of same Committee reporting same on Bill "An Act relating to Corporate Names" (S. P. 184) (L. D. 549)

Report of the Committee on Education reporting same on Bill "An Act to Reconstitute School Administrative District No. 31" (S. P. 187) (L. D. 552)

Report of same Committee reporting same on Bill "An Act to Reconstitute School Administrative District No. 24" (S. P. 188) (L. D. 553)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Ought to Pass with Committee Amendment Tabled and Assigned

Report of the Committee on Veterans and Military Affairs on Bill "An Act to Provide for Establishment of a Veterans Memorial Cemetery" (S. P. 157) (L. D. 397) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't see the committee report; I understand there was a divided report on this piece of legislation. Had I been here I would have wanted to accept, perhaps, the minority report. But at this time I think I would like to say a word or two about this bill.

First of all, I want to call to the attention of this House that no other state in the Union has a cemetery of this nature. Let me say that we find it a great honor to be able to have our veterans in our home town buried in our home town. We look after them, we see that flags are put

on them every Memorial Day, and it is close to a lot of people's hearts in that town from which I come that these people be buried in their home town. And seeing that there is no shortage of land in Maine, especially in our cemeteries, I hope that this bill does not receive passage at this time. It has a price tag on it that is quite large, and if it does receive passage I think it should remain on the table somewhere with appropriations. But for the time being, I would like to move that this bill be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Enfield, Mr. Dudley, that this bill and its accompanying papers be indefinitely postponed.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: As a member of that committee I am against that bill and want to be so recorded. That bill should have come in here with a divided report.

The SPEAKER: The record will indicate that this came as a unanimous report.

The gentleman may proceed.

Mr. SULLIVAN: That bill would cost the taxpayers of this state over two hundred thousand dollars and with one hundred ten thousand veterans I suggest they go out and raise that money. And I would make the chairman of that, if I could, Mr. Boyle. In other words, it is absolutely ridiculous to want to build a cemetery to put it on the backs of the taxpayers of this state. The only ones that would use that cemetery would probably be about one percent of the veterans, mainly veterans who have no grave in their home towns and can't afford to buy one. I could go on here for an hour. That bill should be killed. I go along with the motion of the gentleman who just spoke.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I now move that this matter be tabled until March 9.

Thereupon, the Bill with accompanying papers was tabled and specially assigned for Tuesday, March 9, pending the motion of Mr. Dudley of Enfield to indefinitely postpone.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought not to pass" on Bill "An Act relating to Property of Agricultural Societies Taken by Eminent Domain" (S. P. 296) (L. D. 1004)

Report was signed by the following members:

Messrs. HILTON of Somerset
MANUEL of Aroostook
— of the Senate.

Messrs. LANE of Waterville
HUNTER of Durham
WARD of Limestone
MOSHER of Gorham
EVANS of Freedom
BRADSTREET

of Newport
— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mrs. SPROUL of Lincoln
— of the Senate.

Mr. GILBERT of Turner
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker and Members of the House: I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Waterville, Mr. Lane, moves that we accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Turner, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker and Ladies and Gentlemen of the

House: I would like to briefly explain why the Senator and I signed the minority report. We aren't against education; I don't want anyone to interpret that report to think that we are. Neither do we necessarily think that agricultural fairs couldn't—we aren't to the point where we say that they are indispensable—is what I am trying to say. The reason we signed it was because it has been the ruination of a school district, SAD 17, comprised of the towns of South Paris and Norway. If they had never gotten into this wrangle, they would now have a new high school over there.

The SPEAKER: The Chair would like to apologize to the gentleman from Turner, Mr. Gilbert, and would request if the gentleman would be willing to defer his remarks until after the Joint Convention, as the Senate is at the door. The Chair thanks the gentleman for his courtesy.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Carlton Day Reed, Jr. in the Chair.

The Convention was called to order by the Chairman.

On motion of Senator Harding of Aroostook, it was

ORDERED, that a Committee be appointed to wait upon His Excellency, John H. Reed, Governor of Maine, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention and address the Convention with such remarks as he may be pleased to make.

The Chairman appointed:

Senators:

HARDING of Aroostook
CHISHOLM

of Cumberland
BROWN of Hancock

Representatives:

LEVESQUE

of Madawaska

JALBERT of Lewiston
KILROY of Portland
HUNTER of Durham
DAVIS of Calais
AVERY of Kittery
ROSS of Brownville

Senator Harding for the Committee subsequently reported that the Committee had discharged the duties assigned to it, and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, Governor John H. Reed, attended by the Executive Council, entered the Convention Hall amid applause, the Convention rising.

The Governor then addressed the Convention as follows:

Mr. President and Members of the 102nd Maine Legislature:

It is indeed a pleasure and privilege to meet you for this relatively unexpected Joint Convention. I have with me a communication from a most distinguished predecessor of mine and one of Maine's most outstanding citizens and benefactors. I would like to read to you excerpts from this letter from former Governor Percival P. Baxter of Portland, Maine, addressed to Governor Reed:

"Without doubt you are familiar with what has been done in the creation of Baxter State Park in the Katahdin region.

Beginning with my communication of March 3, 1931 addressed to Honorable William T. Gardiner, Governor, the State has accepted from me by Legislative Acts gifts totaling 201,018 acres of forest land, forever to be held in TRUST for Public Park, Public Recreational and for Public Forestry purposes the same forever to be kept in its Natural Wild State. These areas from year to year have been conveyed by me to the State and have been accepted in legal form by the several Governors and Legislatures in office during the period from 1930 to 1963.

You are also familiar with my wish to share with the State in part the cost of caring for, protecting and operating said area of land in accordance with the con-

ditions in the several acts of the Legislature accepting said gifts as recorded in the Laws of Maine 1930-1963.

To in part carry out my desire to share with the State in part the cost of caring for, protecting and operating said area of land in accordance with the conditions in the several acts of the Legislature accepting said gifts as recorded in the Laws of Maine 1930-1963, I offered to the State and the State accepted from me a gift of one thousand (1000) shares of the capital stock of Proprietors of Portland Pier, a Maine corporation, the assets of which consisted of municipal bonds, corporation shares and cash to the value of \$488,942.64 as of December 31, 1960. For reference to this gift, see Laws of Maine (1961), Chapter 21, page 766.

It is my desire to make a further gift to the State of Maine to be added to Baxter State Park Trust Fund as created by Laws of Maine (1961), Chapter 21, and administered in accordance with the terms and provisions of said Baxter State Park Trust Fund; and to that end I now offer as an additional gift to the State of Maine one thousand (1000) shares of the capital stock of Congress Realty Company of which I am the sole owner, and being all the outstanding shares of stock of said corporation, all taxes paid, free from all claims and encumbrances, and said Congress Realty Company is the owner of municipal bonds, corporation shares and cash to the value of \$1,106,213.42.

I have caused to be prepared a legislative act with an emergency preamble, which I enclose, and have requested my friend and attorney, John E. Willey, to present this letter with enclosure to you in my behalf.

With kind personal regards, I remain,

Most Sincerely Yours,
PERCIVAL P. BAXTER"

I am sure that as members of this 102nd Maine Legislature you

join with me in expressing our deep appreciation and gratitude to this great humanitarian, this great philanthropist, who has done so much for the State of Maine. Even now, in his relatively advanced years of eighty-nine, he still maintains this great interest in the future of our State and in its natural resources, that an area be protected for all time so that future generations may share with those of us who are here today of the values and the great possibilities for recreational pursuit that we do have in these gifts that Governor Baxter has made possible for us. It is his desire, as I found from Attorney Willey, to have these legislative acts enacted in one day. We have been able in the past to handle this request, I think it is a reasonable one, and I am sure that everyone will be anxious to cooperate so that the State of Maine may be enriched by this, another gift from this great Governor and this fine citizen of our State.

And so it is a pleasure to appear before you this morning and to present to you and announce publicly to the people of Maine of this tremendous gift from this great and generous man, our former Governor Baxter. I believe that completes my remarks and the rest of the action will be up to you, and I am certain that you will make the appropriate moves that will make this a legal entity for our great state. Thank you very much.

The Governor and his suite withdrew, amid applause of the Convention, the audience rising.

The purpose for which the Convention was called having been accomplished, the Chairman declared the same dissolved.

The Senate then retired to its Chamber, amid applause of the House, the members rising.

In the House

The House was called to order by Speaker Childs.

The SPEAKER: Before continuing with business of the day, the

Chair would like to note and inform the members of the House that we have visiting with us today members of the League of Women Voters. I note here there are thirty, it seems to me there are many more. The House is well aware of the fine and outstanding job that you women do in state government. We are most happy that you are here visiting with us today. We hope that your visit will be enjoyable and somewhat educational. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: Consistent with the message that we have just had from His Excellency, Governor John H. Reed, relative to the very generous gift of a former Governor of this state, I think we should be aware here this morning of this tremendous generosity that Governor Baxter has rendered to his native state and to its people.

And with these thoughts in mind I feel that there will be little objection to the procedure that I am going to suggest to this body and to the leadership. And that is, that notwithstanding the cloture date and in the interests of expediency and not withstanding the provisions of Rule 19-C, under unanimous consent I would introduce a bill to expedite and execute the benefits of this tremendous gift to the people of the State of Maine. I would also request that this bill be received and acted upon without reference to committee, given its three several readings in the House this morning, and sent forthwith to the Senate.

The SPEAKER: The gentleman from Milbridge, Mr. Kennedy, introduces a bill by unanimous consent, without its being referred to a committee and notwithstanding Rule 19-C. Is there objection to this? The Chair hears none and the bill is introduced.

First reading of the bill.

The CLERK: House Paper 1018, Bill "An Act Accepting from Percival Proctor Baxter a Gift of One Thousand Shares of the Capital Stock of Congress Realty Com-

pany to be Added to Baxter State Park Trust Fund which was Established by Laws of Maine (1961), Chapter 21, and Administered According to the Provisions of said Baxter State Park Trust Fund."

The bill was then given its second reading.

Thereupon, under suspension of the rules the Bill was given its third reading, passed to be engrossed and sent forthwith to the Senate.

The SPEAKER: We will now return to business of the day, Divided Report item 19, Bill "An Act relating to Property of Agricultural Societies Taken by Eminent Domain," and the gentleman from Turner, Mr. Gilbert, was speaking; and if he desires to continue he may do so.

Mr. GILBERT: Thank you, Mr. Speaker. I forgot just where we were, but I will begin all over again anyway. The fairgrounds were offered in the first place by the president of the association to the school authorities with the stipulation that they would hold one more fair and then they would give the fairgrounds to the school authorities. Well now the president of the fair association had no authority to make the offer. He was later so reminded and then some way or other there was an offer made to sell the property to the school directors for \$65,000. And there again there was no — that was on an option, I remember hearing, that was on an option; and the school authorities didn't pick the option up until it had expired, and then the fair officials decided they didn't want to sell at all, and from then on it became a battle of disposition, it has been in the courts, it's still in the courts. It has the two towns divided so badly that there is a bill in this legislature to dissolve the school administrative district.

I hear that if the bill should get through the legislature I am convinced that the voters of the two towns will vote to dissolve the school administrative district. The Attorney General has advised Senator Sproul and I that the bill as amended is perfectly legal and it's all right. It doesn't in any

way prevent the school authorities from buying any other fairgrounds that they might wish. It doesn't prevent any other party or source or anyone who might want it. It doesn't excuse them from eminent domain; it merely states that the school officials can. Now I think that there are two other fairgrounds in the state that are being eyed at the present time. I think that there are other sites available; in fact the school directors of this district here told us at public hearing that there was another site within a mile and a half of the fairgrounds which was just as good and which they would have used if in the first place these fairgrounds hadn't been offered to them.

So I think that it is in the interest of education to stop as much of this conflict as we can and fix it so that the two parties will have to sit down and come to some sort of an agreement, after two years in court and getting themselves so badly divided that they can't possibly have a school or fair either. And if the gentleman from Waterville would withdraw his motion, I would move that we accept the minority report in non-concurrence.

The SPEAKER: The question before the House is on the motion of the gentleman from Waterville, Mr. Lane, that we accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Paris, Mr. Hammond.

Mr. HAMMOND: Mr. Speaker Ladies and Gentlemen: I arise in support of the remarks of the gentleman from Turner, Mr. Gilbert. One of the towns involved in this situation is the town that I live in, the town that I represent in this Legislature. It may well be that this dispute has gone so far that the present legislature has no control over it, but I do wish to prevent a reoccurrence of this most unfortunate situation. It is my belief that the fairgrounds in this state should be afforded some protection, and I certainly go along with the gentleman from

Turner in hoping that the minority report be accepted.

The SPEAKER: The question before the House is the acceptance of the Majority Report.

The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker, Ladies and Gentlemen: We had this bill before our committee and we talked about it for two or three hours, and believe me I don't care which you do either way.

The SPEAKER: The question before the House is the motion of the gentleman from Waterville, Mr. Lane, that we accept the Majority "Ought not to pass" Report. All those in favor will say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Seventy-two having voted in the affirmative and sixty-two having voted in the negative, the Majority "Ought not to pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Provide Protection for Physically Abused Children" (S. P. 195) (L. D. 574) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. GLASS of Waldo
VIOLETTE of Aroostook
STERN of Penobscot
— of the Senate.

Messrs. RICHARDSON
— of Cumberland
BRENNAN of Portland
DAVIS of Calais
DANTON
— of Old Orchard Beach
BISHOP of Presque Isle
GILLAN of South Portland
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. BERMAN of Houlton
— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A."

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that we accept the majority report.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Richardson, that we accept the Majority "Ought to pass" Report.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I rise in explanation of the "Ought not to pass" Report. No one of compassion can deny the value in protecting frightened and helpless people, but I question whether this particular bill is any solution to the problem. If we look at the bill itself we see what it proposes to do. It would jail and fine doctors and hospital officials in this State if they did not file reports with the Department of Health and Welfare. As I recall it, the legislative agent for the Maine Medical Association appeared before the Committee and did not oppose the bill. Now this is understandable because no association wants to put itself in a bad light, but is this a sound basis for the bill? Is this a measure which this House wishes to put its seal of approval upon? I ask does anyone here actually believe that any doctor or hospital official will ever be prosecuted under this law?

I would respectfully suggest that if this is the type of law we are going to accept and put on our statute book that we also ought to give consideration to taking off some other ineffectual law so that we won't continually clutter up the jurisprudence of this state. Now, ladies and gentlemen, after I was

Report I did have occasion to read in one of the world's most highly respected newspapers about the heavily populated State of New York which has a very similar law on its statute book. And what did I learn? I learned that New York, with its millions and millions of people, has not had one report from any doctor that ever reported to its Bureau of Child Welfare; and this was as of last month. Now those are the facts and that is the evidence. Perhaps this House will discuss the bill in the light of that evidence; perhaps it will not.

I for one believe that a useless and ineffectual law added to our jurisprudence neither enhances respect for this Legislature in our eyes or in the eyes of the public. I would therefore now like to inquire through the Chair, of the signer of any member of the committee, why they believe that anyone will ever be prosecuted under this bill should it become law.

The SPEAKER: The gentleman from Houlton, Mr. Berman, has addressed an inquiry to any member of the Judiciary Committee and any member of the Judiciary Committee may answer if he so desires.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, Members of the House: I will attempt to speak for the majority of the Judiciary Committee which reported this bill out as "Ought to pass."

The problem of physical abuse of children by those legally and morally charged with the responsibility for their welfare is a problem which has received a good deal of study by the American Legion which has a committee on this question, and it was in fact the American Legion which was very active in sponsoring this legislation before this legislature. The question posed by my brother Berman from Houlton as to the number of prosecutions under this bill were it to become law, seems to me to miss the point. The point is that we should encourage our

medical people to report cases where they have reason to believe and a reasonable basis for believing that a child is willfully abused by its parents or natural guardians.

I believe that the hearing before our Judiciary Committee indicated clearly that this is legislation which we should pass in the best interests of the young people of this State.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker and Members of the House: These problems have been with us for some time and I have seen some pretty terrible picture — I have been working on this problem and I have seen some pretty terrible pictures of children that supposedly had been abused, and I do hope that you go along to pass this legislation and I think that on page two of the bill, section 3854, the immunity clause there is going to help a great deal. I think that perhaps now the people are afraid of being sued and so forth. We have read some pretty terrible things in the paper about things that have happened in New York and other places and in Maine. I hope that you will go along to pass this legislation unless somebody has something better to offer at this time.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Richardson, that we accept the Majority "Ought to pass" Report. Is the House ready for the question? All those in favor of accepting the Majority "Ought to pass" Report will say aye; all those opposed will say nay.

A viva voce vote being taken, the Majority "Ought to pass" Report was accepted in concurrence, and the Bill was read twice.

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

COMMITTEE AMENDMENT "A" To S. P. 195, L. D. 574, Bill, "An Act to Provide Protection for Physically Abused Children."

Amend said Bill, in that part designated "Sec. 3852" by striking out all of the 2nd line and inserting in place thereof the following: **'licensed osteopathic physician, intern or resident, licensed chiropractor having reasonable cause'**

Further amend said Bill, in that part designated "3853", by inserting after the underlined word **"physician"** in the 5th line the underlined words **'or licensed chiropractor'**

Further amend said Bill by striking out all of that part designated "Sec. 3855"; and by renumbering that part designated "Sec. 3856" to be **'Sec. 3855'**

Committee Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 195, L. D. 574, Bill, "An Act to Provide Protection for Physically Abused Children."

Amend said Bill, in that part designated "Sec. 3852" by adding after the underlined words **"Division of Child Welfare"** in the 8th line the underlined words **'and to the county attorney in the county where the child was examined'**; and by adding at the end of the next to last sentence, before the period, the underlined words **'and to the county attorney in the county where the child was examined'**

Senate Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

Non-Concurrent Matter

Bill "An Act Approving the Course of Study in Private Schools" (S. P. 87) (L. D. 231) which was indefinitely postponed in non-concurrence in the House on February 24.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

In the House: On motion of Mr. Berry of Cape Elizabeth, the House voted to insist on its former action and request a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Create the Brewer Sewerage District" (H. P. 154) (L. D. 177) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 16.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

**Non-Concurrent Matter
Tabled and Assigned**

Resolve in favor of Lloyd Magoon of Mattawamkeag (H. P. 464) (L. D. 618) which was passed to be engrossed in the House on February 23.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Brewer of Bath, tabled pending further consideration and specially assigned for tomorrow.

Non-Concurrent Matter

Bill "An Act relating to Qualifications for Locomotive Engineer" (H. P. 953) (L. D. 1289) which was referred to the Committee on Public Utilities in the House on February 16.

Came from the Senate referred to the Committee on Labor in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one-tenth of the members present objecting, were received and referred to the following Committees:

Judiciary

Bill "An Act relating to Appointment of Agent or Guardian Ad Litem in Actions for Equitable Relief in Mortgage Foreclosures" (H.

P. 1016) (Presented by Mr. Brennan of Portland)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Extend the Territorial Limits of the Dover and Foxcroft Water District" (H. P. 1017) (Presented by Mr. Meisner of Dover-Foxcroft)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Anderson of Orono, it was

ORDERED, that Robie Faucher of Solon be appointed to serve as Honorary Page for today.

The SPEAKER: Robie Faucher is the son of the Representative from Solon, Mr. Faucher. We are very happy that you are with us here today, Robie, and we hope that you enjoy your job as an Honorary Page. (Applause)

Mr. Bernard of Sanford presented the following Order and moved its passage.

WHEREAS, St. Ignatius High School of Sanford has won the Western Maine "M" Basketball Championship, and will represent that section of the State at the State Championships;

BE IT ORDERED, that the Maine House of Representatives commend this team and its coach, "Choe" Doiron, for their accomplishments in the field of sports;

AND BE IT FURTHER ORDERED, that an attested copy of this Order be sent to the coach and St. Ignatius High School by the Clerk of the House.

The SPEAKER: The gentleman may proceed.

Mr. FAUCHER: Mr. Speaker and Members of the House: One thing that I wanted to say is that I am very proud to be a graduate of this school. But the greatest thing of all, I think that any school in the State of Maine could be very proud if they can beat Freeport.

Thereupon, the Order received passage.

On motion of Mr. Norton of Caribou, it was

ORDERED, that Rev. Lewis Pendleton of the Methodist Church, Vassalboro, be invited to officiate as Chaplain of the House on Friday, March 19, 1965.

House Reports of Committees Leave to Withdraw

Mr. Jordan from the Committee on Election Laws on Bill "An Act Providing for the Election of Delegates to National Conventions" (H. P. 687) (L. D. 924) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House a group of Campfire Girls from Cape Elizabeth, accompanied by their leader, Mrs. Richard White. They are the guests of the Representative from Cape Elizabeth, Mr. Berry. On behalf of the House, the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

Ought Not to Pass

Mr. Baldic from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act Repealing Merry-meeting Bay Game Sanctuary" (H. P. 492) (L. D. 645)

Mr. Cookson from same Committee reported same on Bill "An Act Permitting Regular Deer Hunting After Deer Killed by Bow and Arrow" (H. P. 697) (L. D. 935)

Mr. Poulin from same Committee reported same on Bill "An Act relating to Boundaries of Merry-meeting Bay Game Sanctuary" (H. P. 736) (L. D. 973)

Mr. Gillan from the Committee on Judiciary reported same on Bill "An Act relating to Suspension of Liquor Licenses for Sales of Liquor to Minors" (H. P. 229) (L. D. 296)

Mr. Lund from the Committee on Liquor Control reported same on Bill "An Act Prohibiting Public Officials from Holding Liquor Licenses or Having Proprietary Interest" (H. P. 650) (L. D. 878)

Mr. Haynes from same Committee reported same on Bill "An Act relating to Place of Keeping Rec-

ords of Liquor Licensees" (H. P. 752) (L. D. 989)

Mr. Lebel from the Committee on Transportation reported same on Bill "An Act relating to Initial Type Registration Plates for Trucks and Trailers" (H. P. 382) (L. D. 484)

Reports were read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Brewer from the Committee on Claims on Resolve to Reimburse Daniel S. Webb of Wilton for Loss of Calves Killed by Bears (H. P. 401) (L. D. 513) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT
"A" to H. P. 401, L. D. 513, Resolve, to Reimburse Daniel S. Webb of Wilton for Loss of Calves Killed by Bears.

Amend said Resolve by striking out in the 1st and 2nd lines the words "Unappropriated Surplus of the General Fund" and inserting in place thereof the words 'Dog Tax Fund'

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Mr. Fraser from the Committee on Claims on Resolve to Reimburse Arthur E. Thompson of New Gloucester for Fire Loss (H. P. 460) (L. D. 614) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT
"A" to H. P. 460, L. D. 614, Resolve, to Reimburse Arthur E. Thompson of New Gloucester for Fire Loss.

Amend said Resolve by striking out the figure "\$9,523.39" in the 2nd line and inserting in place thereof the figure '\$5,000'

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Mr. Harvey of Woolwich from the Committee on Claims on Resolve in favor of Margaret Sinclair of Windham for Fire Loss (H. P. 461) (L. D. 615) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT
"A" to H. P. 461, L. D. 615, Resolve, in Favor of Margaret Sinclair of Windham for Fire Loss.

Amend said Resolve by striking out the figure "\$7,000" in the 2nd line and inserting in place thereof the figure "\$2,000"

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Passed to Be Engrossed

Bill "An Act Providing for Research of Commercial Fishery Resources by Department of Sea and Shore Fisheries" (S. P. 99) (L. D. 266)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader Tabled and Assigned

Bill "An Act relating to Application of Federal Social Security to Firemen" (H. P. 104) (L. D. 112)

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

(On motion of Mr. Bussiere of Lewiston, tabled pending passage to be engrossed and specially assigned for Thursday, March 4.)

Bill "An Act Increasing Compensation of Treasurer of Georges Valley Community School District" (H. P. 203) (L. D. 258)

Bill "An Act Authorizing the Municipalities of Atkinson, Lake View Plantation and Milo to Form

a School Administrative District" (H. P. 207) (L. D. 275)

Bill "An Act to Clarify the Council-Manager Charter of City of South Portland" (H. P. 358) (L. D. 461).

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader Amended

Bill "An Act relating to Improper Conditions for Industrial Safety" (H. P. 420) (L. D. 532)

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

Mr. Kittredge of South Thomaston offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 420, L. D. 532, Bill, "An Act Relating to Improper Conditions for Industrial safety."

Amend said Bill, in section 1, by striking out all of the first underlined sentence and inserting in place thereof the following underlined sentence: **'The work places, equipment, tools and working conditions provided by an employer shall be reasonably safe and not in such condition as to be hazardous to the employee engaged therein.'**

House Amendment "A" was adopted.

Mr. Erwin of York offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 420, L. D. 532, Bill, "An Act Relating to Improper Conditions for Industrial Safety."

Amend said Bill by striking out the Title and inserting in place thereof the following new Title: **'An Act Relating to Industrial Safety in Workshops and Factories.'**

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"R. S., T. 26, Sec. 45, amended. The first paragraph of section 45 of Title 26 of the Revised Statutes is amended to read as follows:

"If the commissioner as state factory inspector, or any authorized agent of the department, shall find upon such inspection that the heating, lighting, ventilation or sanitary arrangement of any workshops or factories is such as to be injurious to the health of the persons employed or residing therein or that the fire escapes or other means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting, gearing, elevators and appurtenances, drums, saws, cogs and, machinery, **electrical conduits, electrical circuitry and machinery, mechanical equipment handling any materials, storage areas, walkways, ladders, work benches and other furnishings** in such workshops and factories are located or are in a condition so as to be dangerous to employees and not sufficiently guarded, or that vats, pans or any other structures, filled with or containing molten metal, hot liquids or inflammables, are not surrounded with proper safeguards for preventing accidents or injury to those employed at or near them, he shall notify, in writing, the owner, proprietor or agent of such workshops or factories to make, within 30 days, the alterations or additions, by him deemed necessary for the safety and protection of the employees."

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

Mr. ERWIN: Mr. Speaker and Members of the House: I would like briefly if I may to speak to this amendment which I have just offered. The reason for offering House Amendment "B" which, if the members of the House will examine, in effect sweeps away both the L. D. 532 and House Amendment "A," and substitutes other language. And the reason for this is that I simply object very seriously as an attorney to the attempt to do something in the name of safety, which is a worthwhile object, but does so by

removing all the objective standards which attorneys and the courts can talk about and substitutes purely subjective standards to be handed to an inspector or a commissioner for all future time, about whom you and I today might know nothing.

The original bill, in effect, is on House Amendment "B" with certain underlined additional considerations added to it, and I would point out if I might to the membership of the House that there are certain very carefully thought out objective standards which it might be well to examine. The words dangerous, not sufficiently guarded, not surrounded with proper safeguards, not sufficient and injurious to health all are in the existing law and under L. D. 532 and House Amendment "A" those safeguards are removed except for the first rather vague sentence which says reasonably safe and hazardous.

Now I don't think this is the kind of an amendment which makes that kind of progress for us that we would like to see, and let's make it abundantly clear in the beginning that I am not talking in terms of being opposed to safety. No one can be opposed to safe operating conditions, but I just don't think that we are advancing the cause of safety by destroying tried and true objective standards, and the key word my friends is 'objective.'

And the other thing about this bill that I object to is that it speaks only to the industrial complex of the state, and later on in this same Revised Statutes, Title 26, Section 45, it speaks to the construction industry, and these standards now have been split. We have one set of standards under the new bill for workshops, mills, garages, wherever people are employed, and yet we have a separate set of standards under the old rules for the construction industry. I don't think this has been thought through sufficiently to make this the kind of legislation for which we can be proud.

Now one more observation. This is an old departmental bill; it's been coming in since 1951, and I think it's at least significant that

it has not yet received passage. Safety standards exist in almost every title that we have with relation to people employing people in the State of Maine. The Public Utilities Commission, I believe has safety rules and regulations which they enforce. The Insurance Commissioner has safety rules and regulations which he enforces. Title 25, Section 2392 in front of me speaks in some detail about the inspection by the Insurance Commissioner, and the removal of dangerous material which is injurious to health or dangerous to the well being and safety of the people in the building. I am afraid that well meaning as this amendment and this bill may intend to be, that they effectively wipe out more safeguards than they supplant.

THE SPEAKER: The question before the House now is the adoption of House Amendment "B".

The Chair recognizes the gentleman from Bath, Mr. Ross.

MR. ROSS: Mr. Speaker and Members of the House: It is very difficult to oppose an attorney as competent as the gentleman from York, Mr. Erwin. However, this is my bill and I will attempt to do just that.

This is an industrial safety bill. The sole purpose of this bill was to further protect the working men and women of the State of Maine. The original law as on our books was placed there exactly fifty years ago, and in this section that we are talking about today, there have been no changes since. Revisions have been suggested as the gentleman from York, Mr. Erwin mentioned, for at least the last six sessions, but when he says they are just plain old departmental suggestions, I disagree, because I suggested one of these in 1957 which finally passed this House but was killed in the other body. In due respect to the Baristers of this state, this has always been defeated by legal opposition in behalf of business and industry, and at the hearing at which I was present, there were a great many proponents and only two persons spoke in opposition, and one of them was asked: How could we in this Committee amend this bill to satisfy you? He re-

fused to answer that. Later, I answered it, and I said they could satisfy him very easily by passing it out of Committee "Ought not to pass." I understand that the amendment that is presented to us today was at the suggestion of this same gentleman. This, although offered as an amendment, is a redraft and cuts out the entire teeth from this bill.

The gentleman from York, Mr. Erwin, said he was worried about the omission of terms dangerous, guarded and so forth, but if you will look at this amendment, he uses this word dangerous to apply to specific things, such as belting, shafting, gearing, elevators, drums, saws, cogs, machinery, and he is willing to add to that list electrical conduits, electrical circuitry and machinery, mechanical equipment handling any materials, storage areas, walkways, ladders and work benches. I think that is magnanimous of him.

My bill is general. It applies to all work places. This, the opposition doesn't like. It covers any hazardous condition. This, the opposition doesn't like. When he mentioned terms to me, I would refer him to the terms in my bill: injurious to health, safeguards for preventing accidents, reasonable safety, protection of employees, extraordinary hazards. The real worry of these gentlemen is that there is too much authority being given to the Department of Labor and Industry, and perhaps we won't know who will be handling that Department in the future.

I sincerely believe that they do an excellent job, and if they were given better tools, they would do a better job, and then not only would fewer employees be injured, but because of this, insurance rates would go down, and employers themselves would be helped. I would now move that this amendment be indefinitely postponed.

THE SPEAKER: The question now before the House is on the motion of the gentleman from Bath, Mr. Ross, that House Amendment "B" be indefinitely postponed.

The Chair recognizes the gentleman from York, Mr. Erwin.

Mr. ERWIN: Mr. Speaker, only briefly in rebuttal. I am really not opposed to safety, and I am really not in the employ of any devious businessmen who seek to create a condition which is manifestly not safe. I think everybody knows that.

I simply object to the attempt made here in inept language and in substituting which objectives—or objective standards rather, which have been tried and found workable for quite a number of years in the State of Maine with subjective standards which simply change the coin to the side which means that whatever the inspector or the commissioner may wish to change will be changed. This doesn't give you an opportunity to argue that something may or may not be unreasonable on the part of the inspector.

The SPEAKER: The Chair recognizes the gentleman from South Thomaston, Mr. Kittredge.

Mr. KITTREDGE: Mr. Speaker and Members of the House: I would like to support my friend, Mr. Rodney Ross, the gentleman from Bath, in his objections to this amendment.

In the first place, what is wrong with having departmental suggestions as far as the Department of Labor is concerned? One of the reasons we have a Department of Labor is to provide safe working conditions and make sure that these conditions are in effect in our factories. Now obviously, you cannot cover all the conditions by enumerating specifics. Therefore, you have to have broad brush language. What is really going on here is that there are certain people that are trying to kill this bill, and I think they are doing management a great disservice by trying to kill the bill, because I am quite sure that no production manager would like to see an industrial accident in his factory. It would interfere with his production schedule, it would interfere with his profits, and his bonus at the end of the year; but where an accident can occur is in the second echelon where a foreman or a leading man is pushing. Now this is the

sort of thing that cannot be covered by specifics. It has to be covered in broad brush language. Therefore, I urge that the House not adopt House Amendment "B".

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I think probably this is one area this morning that I agree wholeheartedly with the gentleman from Bath, Mr. Ross. In this industry, the industries today that are out for safety have definitely no objection to the bill as it was amended by the amendment presented by the gentleman from South Thomaston, Mr. Kittredge. It is only probably some industry that they feel that something might interfere with their production. These people that are concerned primarily with safety do not object to the bill as it was amended. So I certainly hope that this Amendment "B" will be defeated.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I have heard the suggestion that past sessions of this Legislature have defeated this bill or one similar to it. Apparently at the instance or urging of attorneys who are working for or aligned with business and industry, and my friend from South Thomaston, Mr. Kittredge, refers to certain people; as an attorney and not being one aligned with any particular interest involved, I will say that I would like to support my friend from York, Mr. Erwin's suggested House Amendment "B". It seems to me that the bill as it has come out of Committee and the House Amendment "A" substitutes for objective, well-defined understandable standards, a subjective test which is going to be solely administered by one department, and I submit, Mr. Speaker, that we should retain the present law or adopt House Amendment "B", but

certainly not the bill as it is presently constituted.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Bath, Mr. Ross, that House Amendment "B" be indefinitely postponed.

Mr. Erwin of York requested a division.

The SPEAKER: A division has been requested. All those in favor of the indefinite postponement of House Amendment "B" to Bill "An Act Relating to Improper Conditions for Industrial Safety," House Paper 420, L. D. 532, will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-six having voted in the affirmative and fifty-three having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

Bill "An Act Repealing Regulation on Dragging for Scallops in Bagaduce River and Bay" (H. P. 431) (L. D. 560)

Bill "An Act relating to Pine-land Hospital and Training Center's Admission Procedures" (H. P. 474) (L. D. 627)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader

Tabled and Assigned

Bill "An Act relating to Application to Municipalities for Support of Indigent Dischargees from the Pineland Hospital and Training Center" (H. P. 476) (L. D. 629)

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

(On motion of Mr. Hunter of Clinton, tabled pending passage to be engrossed and specially assigned for Tuesday, March 9.)

Bill "An Act Prohibiting Sale of Finger Alphabet Cards, or Use

Thereof, as an Inducement in the Sale of Merchandise" (H. P. 477) (L. D. 630)

Bill "An Act Authorizing Position to Mobilize Volunteer Services within Department of Health and Welfare" (H. P. 478) (L. D. 631)

Bill "An Act relating to Halfway House Program at Reformatory for Women" (H. P. 479) (L. D. 632)

Bill "An Act relating to Type of Dredge to Dig Clams in Town of Phippsburg" (H. P. 539) (L. D. 713)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader

Tabled and Assigned

Bill "An Act relating to Adequate Brakes on Truck Tractors and Semitrailers" (H. P. 575) (L. D. 745)

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

(On motion of Mr. Storm of Sherman, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Bill "An Act Revising the Savings and Loan Association Laws" (H. P. 621) (L. D. 828)

Bill "An Act relating to Certain Liquor Licensees Providing Entertainment to Charge Admission" (H. P. 749) (L. D. 986)

Bill "An Act relating to Certain Financial Provisions of Charter of City of Rockland" (H. P. 1014) (L. D. 1371)

Resolve Opening Certain Waters in Aroostook and Piscataquis County to Ice Fishing (H. P. 494) (L. D. 647)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act relating to Decisions under Liquor Law Pending Appeal" (H. P. 138) (L. D. 161)

Bill "An Act to Amend the Charter of the Auburn Sewerage District" (H. P. 245) (L. D. 323)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act to Create the Mapleton Sewer District" (H. P. 426) (L. D. 569)

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

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I just this morning noticed this bill. I was absent Friday and I didn't see it when it came in. I wanted time to look up a needed amendment, and I have found that that amendment is there, and I have no objection to the bill as it now stands, and I move that it be passed to be engrossed.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act to Create the Van Buren Sewer District" (H. P. 428) (L. D. 570)

Bill "An Act to Provide Adequate Illumination of Switching Leads in Railroad Yards" (H. P. 532) (L. D. 706)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act relating to Number of School Directors in a School Administrative District (S. P. 238) (L. D. 748)

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. 134 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Exempting Firemen from Waiting Period under Workmen's Compensation (S. P. 42) (L. D. 213)

An Act Providing for Coverage of Employees of Maine State Employees Association and Maine State Employees Credit Union under State Retirement System (S. P. 71) (L. D. 132)

An Act relating to Boxing and Prize Fights (S. P. 200) (L. D. 581)

An Act relating to Certificates of Registration and Instructors' Licenses under Barber Law (H. P. 57) (L. D. 69)

An Act relating to Ex Officio Member of Board of Education of City of Bath (H. P. 77) (L. D. 87)

An Act relating to Secondary Facilities in a School Administrative District (H. P. 269) (L. D. 351)

An Act relating to the Freeport Water Company (H. P. 286) (L. D. 368)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Providing for Safety Seat Belts for Motor Vehicles (H. P. 436) (L. D. 565)

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

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I dislike getting up here and speaking on this bill again as much as you dislike listening probably, but I think there are a few things that should be pointed out that was never covered in the last debate.

Now only about two years ago I had the occasion to go before a court and it involved an insurance company. I know how they operate, so I can speak with some confidence. Now if we make this mandatory, this seat belt thing, bill, if you want to call it that, let me point out an area that in my opinion you are getting into.

Supposing you have an accident and the man riding with you don't have his seat belt hooked. Once we make this mandatory this is going to be a point that is going to be made before the court. Negligence on the part of this man that didn't have his seat belt on, so the insurance company can't pay these bills if this man broke his arm or what have you because there was negligence on the part of this man not having his seat belt fixed. Now certainly they want this to pass; it's a good way to wiggle out of paying some injuries. I want to point that out.

I also want to point out that you can't find a man on the street anywhere that favors being forced to do anything. How about these poor people, and there are some of them that have claustrophobia, they don't like to be locked in; I'm one of those. I hope you take into consideration all the people of the State of Maine and in doing so you vote this bill as of now ought not to pass, and I move indefinite postponement of this piece of legislation.

The SPEAKER: The question now before the House is on the motion of the gentleman from Enfield, Mr. Dudley, that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Brownville, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: As a member of the Highway Safety Committee I have to oppose this motion to indefinitely postpone. We went to a lot of trouble examining the whys and wherefors of seat belts. There is nothing in this bill that says you have to put the seat belt on, so in case of an accident the insurance company wouldn't have any kick, because it is not mandatory that you wear it.

As far as being forced to do things, I have windshield wipers on my car and I would hate like the very dickens to try and get it inspected without them on there. I hope that the motion to indefinitely postpone is defeated.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I fail to see why we have to have a law making us buy seat belts. After we get them we can use them if we want to. If we don't want to use them, we don't have to. Now reading the brochure that was placed on our desks this morning, the case for seat belts, I find no mention of insurance which is quite an item to the owner of an automobile. If seat belts will reduce car insurance, I might feel differently about the bill. I shall certainly support the motion of the gentleman from Enfield, Mr. Dudley, to indefinitely postpone the seat belt bill.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Brewer.

Mr. BREWER: Mr. Speaker, when we had the debate on this bill a short time ago, it was thoroughly covered; I think, the points for the seat belt bill; and due to the lateness of the hour this morning, I am going to be brief.

I just want to make the comment, and it may be in repetition to my last remarks two weeks ago, that at the Committee hearing, the proponents of this bill are people that are concerned with highway safety in this state. Colonel Marks, your Secretary of State, the Chairman of your Highway Commission sent a letter over supporting it, driver education people; and at the time Chief Marks said that since the advent of the automobile the three most important developments in highway safety have been your limited access highways, driver education and seat belt installation.

Now of all the twenty-six states that have adopted seat belt legislation, and I have asked the hoping that with the seat belts insurance has never been a problem. We are not making this mandatory to wear them. We are hoping that with the seat belts installed, that there will be more and more people wear them.

Now just last week there were two items in the paper, one in the Portland Press Herald and

one in the Bangor Daily News, where in the opinion of the trooper, two lives were saved. I think we should not disregard the advice of these people that are concerned with highway safety. I think it is a good bill and I would hope that the indefinite postponement does not pass.

The SPEAKER: The Chair recognizes the gentleman from Paris, Mr. Hammond.

Mr. HAMMOND: Mr. Speaker, Ladies and Gentlemen: This bill if it is passed is only the foot in the door. The next thing introduced will be a bill to make the use of seat belts mandatory. If anyone wants seat belts they can have them and they can use them. There is only one thing that this bill will actually do and that will increase the price of the automobile to you or I or anyone else who seeks to buy one.

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House: Each year thousands of dollars are spent promoting highway safety, and it is without question that everyone talks about highway safety but too few people want to do anything about it.

This morning we have before us a bill that will do more than any other single thing to save lives on Maine highways, and the chief objection to this bill so far comes from legislators who feel that it should not be made mandatory to have these belts installed even in new cars. However, I do believe that we should take a sober look at the thousands of persons killed and injured on Maine highways each year and realize that it is high time that we put the installation of seat belts in the same class as horns, headlights, windshield wipers, brakes and other safety equipment.

I wish to inform the members of this body that this bill will only affect new cars and that it would not be necessary for drivers of older models to install the belts unless they wish to do so. If this bill becomes law, it will mean that in the next five to eight

years that virtually all cars in the State would be equipped with seat belts. When we stop to realize that between one hundred and fifty to two hundred drivers are killed each year, and that between seven thousand and nine thousand drivers are injured each year on Maine highways, the importance of taking action to remedy this situation is evident. There is no question about the ability of the seat belts to save lives.

An exhaustive study made by two universities and recently reported to a meeting of the Society of Automotive Engineers indicated that the biggest cause of death in accidents is from ejection from the car, and the second biggest cause of death in accidents is impact with the dashboard. The research teams indicated clearly that a majority of the victims could have survived by the simple use of a seat belt, and to further strengthen the support of this bill, investigations of accidents in Maine last year indicated that at least twenty-five of the fatal accidents could have been avoided had seat belts been worn, and many serious injuries could have been minimized. Therefore, I do hope that my fellow colleagues will not support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Stoutamyer.

Mr. STOUTAMYER: Mr. Speaker and Members of the House: I would like to call the attention of the House to this brochure. According to this cartoon on the back, if the passage of this bill causes one motorist to stop worrying about their driving, safety belts are defeating their purpose.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker and Members of the House: I rise in opposition to the motion to indefinitely postpone. I would like to raise one point which has not been mentioned so far. We have heard about the person who doesn't want the seat belts in his car. Well it would seem no great

hardship to him if he doesn't use them. I would point out that there is frequently another person in the car and that is the passenger in the car. This is a sufficiently dangerous position so that it is known by many people as the 'death seat'. There are many of us that do feel that seat belts are a valuable asset in avoiding injury, and if we are riding in somebody else's car we would like to have the opportunity to protect ourselves against injury. At the present time if the person with whom we are riding doesn't have seat belts, we do not have that opportunity. If this legislation passes, it will enable those who wish to protect themselves to do so when they are in somebody else's car in the passenger seat.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I just would like to add a few more comments. Members of the House, let me say that this in any way you want to look at it, in my opinion, is a very weak bill. First of all, there is only seat belts, they require them just in the front seat of the automobile; no regard for the back seat, in other words, just get our foot in the door. Second of all, there are a lot of trucks on the highway, milk trucks and pickups and what have you; they are not included, just a certain class of people. If I was going to pass a bill, I would be very definitely against a piece of class legislation. I hope if my motion does not prevail that someone will table this bill so that we can add amendments to include busses with all these poor little children on them. If it is this good, if you feel it is this good, I see why trucks should have it, back seats should have it; these poor little children shouldn't be unprotected in busses. I am not for class legislation. Also, I hope that they don't have to make special cars for the State of Maine with seat belts just in certain places. However, it is my understanding the manufacturer may manufacture these cars

with a certain amount of seat belts.

One other thing that I thought would be worthy of mention. Nobody that wants to promote this bill cares to tell you about how many states now have seat belts and which states they are, and how many have done away with them that did have them. They didn't want to mention this either. So I still hope that the motion does prevail to indefinitely postpone this bill or that someone will table it until such time as we can make a bill out of it that will not favor anybody, it will be for everybody.

The SPEAKER: Is the House ready for the question?

Mr. Littlefield of Hampden requested a division.

The SPEAKER: A division has been requested. The Chair recognizes the gentlewoman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker and Members of the House: I have been working with the Highway Safety Committee ever since it was named the Governor's Highway Safety Committee, and I will remind the members of the House that this is a continuing committee, and highway safety is also a continuing responsibility. It is not just a one-shot thing or easy for people to get up one day and say let's kill this. I think these people, some of them, should go to some of the Highway Safety meetings and listen to the pros and cons, and if they have reasons for tabling this bill today, they certainly could have gone to the Highway Safety meetings and given some of their proposals. I think that they are a group of experts and laymen who are sincerely interested in highway safety. They are working year in and year out to prevent death and accidents, and I do hope that you take some of their recommendations and pass this bill today.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Poulin.

Mr. POULIN: Mr. Speaker, I wonder how many people in this

House know how the seat belts are hooked up and how their seat is hooked up. On your seat you have got four little bolts, half inch bolts. Your seat belt is anchored to the floor with a three-quarter inch bolt. Now in a lot of your accidents the impact has forced the seat to come apart from its track. Now the person with a seat belt tied around him can't go too far. It may keep him out of there, but he is going to have one awful sore stomach if he isn't crippled for life.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker, I would like to make one comment on this seat belt question. As many know, last Thursday up in the Haynesville woods there was a serious accident. Three people were killed. One of the residents of my town was there shortly after the accident. In the car which held a man, his wife and three children, the three children and the man were not wearing seat belts. They are still living. The woman was. She is dead.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker and Members of the House: I think that we all recall, those of us who went to the pre-legislative conference, the icy road conditions that happened around Friday night in Bangor, and I think it is rather safe to say that there are some of us here today who might not be here if they hadn't worn seat belts that night.

The SPEAKER: The question before the House is on the motion of the gentleman from Enfield, Mr. Dudley, that Bill "An Act Providing for Safety Seat Belts for Motor Vehicles," House Paper 436, Legislative Document 565 be indefinitely postponed. A division has been requested. All those in favor of the indefinite postponement of this bill will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-five having voted in the affirmative and eighty-seven having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: Is there objection to taking up out of order a paper from the Senate? The Chair hears none.

Passed to Be Enacted Emergency Measure

An Act Accepting from Percival Proctor Baxter a Gift of One Thousand Shares of the Capital Stock of Congress Realty Company to be Added to Baxter State Park Trust Fund which was Established by Laws of Maine (1961), Chapter 21, and Administered According to the Provisions of said Baxter State Park Trust Fund. (H. P. 1018)

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. 144 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

Enactor Indefinitely Postponed

An Act relating to Hours for Sale of Liquor (H. P. 945) (L. D. 1065)

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

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move that item 10, "An Act Relating to Hours for Sale of Liquor." L. D. 1065, be indefinitely postponed with all its papers.

I would like to speak very briefly on this motion.

The SPEAKER: The question before the House now is on the motion of the gentleman from Dover-Foxcroft, Mr. Meisner, that this

bill and its accompanying papers be indefinitely postponed. The gentleman may proceed.

Mr. MEISNER: Mr. Speaker, Ladies and Gentlemen of this House: Perhaps it would be in order if I briefly explain my position on this bill. As you already know, this bill has been brought to the floor of this House by the majority of the Liquor Control Committee that it "ought to pass." This bill was discussed in Committee. It was a confusing bill and we were confused and I certainly was. I have always held in all the dealings that I have had to try to be fair with everybody and I try to be fair even with the liquor business, even though I am opposed to it. I think sometimes that I bend over so far that I break my back, and I think perhaps that is what I have done on this occasion.

I don't like this bill. I don't think it is a good bill. I don't like it for two reasons. First, because I think it is a dangerous bill for our young people. I am committed personally and to members of a large proportion of my constituency to vote against any broadening of the liquor business. I have had many letters from different clubs, committees; I have had calls. I have had personal calls and letters from many people in my constituency and even throughout the State, asking why this bill should have been passed without any opposition.

I am opposed to the bill first because of its influence I think it may have upon our young folks. One hour more for them to come under the influence of drinking. I am sure we are advertising this business enough before them from the cradle to the grave. I am very interested in young people, always have been and still am. I have a group of fifteen or more young people high school age. We meet every Sunday night. We discuss many problems. One meeting was given over entirely to discussing the problems of our day that we are living in. Such bills as this come up for discussion. I wish you could hear them.

As I hear their discussions I sometimes wish that they were in

positions of leadership. They don't like what we are doing for them. They don't like so much liquor. They don't like to have to come under the influence of so much advertising, these young folks, and I don't think that we should be putting so many temptations in their way. Now I don't expect that we are ever going to do away with the liquor business. I am not speaking about that, but I think we have enough now. I don't think that the base should be broadened any more.

So for the sake of the young people that I am interested in, the special part of this bill that I am interested in is the Saturday night part of it. 1:00 a.m. across the board. Saturday night is the night, always has been, when young people go out to make their dates. They go to parties, go to dances, they get in their automobiles. Saturday night is the night when they like to have the car. They go to these places which are supposed to be closed at twelve o'clock; now we are making it until one o'clock. This is the time when crash accidents happen, more accidents than any other hour during the week. Enforcement officers tell me that Saturday night is the worst night in all the week. We are giving these young folks another night.

They are not asking for this. We who are grownups are putting it in their way and giving it to them, and for their sake, these young people that we should be doing something better for them in this age. This is a serious time we are living in. If you have read the Time Magazine some of them, it makes you wonder. We may be on the brink of another war and some of these young people will have to go to battle. We should be doing something better for them than to lead them into temptation.

The second reason why I am opposed to this bill follows right along with the same thing. It is a poor way to me to start our Sabbath Day. This great institution, Judaeo-Christian institution that's come down to us through the ages. It has been a bulwark that no nation has been safe or

strong without this day. I know that we don't keep the day as we should but as a reminder of Him who is over us all and as the President said the other day in his address, the One who has given us this nation, who has given us prosperity. But He hasn't promised that He is always going to give us prosperity unless we do His will and have faith, go according to His commandments.

I am not going to speak any further on this. I know that you will say probably, well he is a clergyman and he is expected to speak on this in this way. I make no apologies for being a clergyman, but I have had wide experiences outside of being a clergyman. I am here today as a citizen of this State and of this Nation who wants the best for it, and I hope that you will go along with me. I do not ask for very much of this legislature, but I feel very deeply on this and I ask you to go along with me on the postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I am heartily in accord with the remarks made by the gentleman from Dover-Foxcroft, Mr. Meisner, and I certainly hope that the motion to indefinitely postpone will prevail; and when the vote is taken I request it be taken by the yeas and nays.

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

Mr. COTE: Mr. Speaker and Members of the House: As Chairman of the Liquor Control Committee I must tell you what transpired at the hearing. This bill was heard by all who attended the hearing, wets or drys. There was no token opposition to the bill at the hearing. It was felt at the time by both sides that we should have uniform hours, and we had this law on the books now for six months of the year and it was felt it should be extended. I admire the gentleman from Dover-Foxcroft, Mr. Meisner, for extolling the virtues of the children and the dangers, but

I maintain that it's a problem for the home and that no children at any night of the week should be on the street from 12:00 to 1:00 a.m.

This Committee acted in good faith and we have felt that there was a need for this type of legislation and that's why we passed it ten to nothing ought to pass. I hope that the motion of the gentleman from Dover - Foxcroft, Mr. Meisner, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from South Thomaston, Mr. Kittredge.

Mr. KITTREDGE: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if everyone is aware of what we are doing if we adopt this bill, if we pass this bill. Now under the old wording it said no liquor shall be sold in the State on Sunday, but if we adopt the new wording we are putting the well-known foot in the door for selling liquor on Sunday. This will cut the rug right out from under another bill that is coming up. Now I don't think the people in the State of Maine want to see Sunday liquor sales. I don't think they want to see even one hour of Sunday liquor sales. I believe that the people of the State are hard working, law abiding and church going people. They don't want to see liquor on Sunday, and I am sure that if you do not adopt the motion for indefinite postponement you are going to see liquor on Sunday. You are going to see the will of the minority abrogate the will of the majority. I therefore urge that this motion be adopted and that the vote be by yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Bernard.

Mr. BERNARD: Mr. Speaker, Ladies and Gentlemen of the House: Talking about confusion, I am kind of confused this morning here in the House. Mr. Meisner, first of all, said he is confused over the bill. Mr. Meisner voted with the committee unanimously to adopt this bill and as you heard nobody opposed the bill. Now Mr. Meisner—

The SPEAKER: The Chair will remind the gentleman to refer to

Mr. Meisner as the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. BERNARD: The gentleman from Dover-Foxcroft, Mr. Meisner, has an amendment on our desks this morning. House Amendment "A" to H. P. 945, L. D. 1065. "Amend said Bill by striking out all of the 8th and 9th lines and inserting in place thereof the following: and . . . that no liquor shall be sold in this state after 11:45 . . . on Saturday." Now he is certainly not presenting this amendment, up — he voted all the way up to the stage of enactment; now instead of inserting this amendment he is asking for indefinite postponement of the bill.

Now I have been hearing talk about young people. This bill has nothing to do with young people. You want to talk about minors, this bill is for grown people twenty-one years of age and the law in the State says that they can have liquor if they want. We are not affecting the minors in this bill. I asked a question at the Committee hearings. I asked what was the difference between drinking the week of the Fourth of July or the week of Thanksgiving, and I believe that this is one of the reasons why I didn't get any opponents on the bill because they couldn't tell me the difference. I still don't see what the difference is that we have to go to one o'clock six months of the year and twelve o'clock the other six months of the year.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, Members of the House: I wish to go on record as being in favor of the motion of the gentleman from Dover-Foxcroft, Mr. Meisner, to indefinitely postpone this bill and I want to concur with the request of the gentleman from Ellsworth, Mr. Anderson, that when the vote is taken that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Members of the House: I would like just to make a brief comment to some of the opposition who have said that I am hypocritical. I will state that I certainly will not vote against all the liquor bills, but in every previous session I have voted against this one o'clock closing. I concur with many of the remarks here today but primarily I believe that in Maine we do not need this extra hour. I will be happy to be so recorded and I hope that the roll call is ordered.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Dover-Foxcroft, Mr. Meisner, that this Bill "An Act relating to Hours for Sale of Liquor," House Paper 945, L. D. 1065 and its accompanying papers be indefinitely postponed. A roll call vote has been requested.

In order for the Chair to entertain a roll call vote, it must have the expressed desire of one-fifth of the members present. All those in favor of a roll call vote on this measure kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth having arisen, a roll call vote is in order. The Clerk will call the roll.

Roll Call

YEA — Anderson, Ellsworth; Baker, Orrington; Baker, Winthrop; Baldic, Berman, Berry, Birt, Bradstreet, Bragdon, Brewer, Buck, Burwell, Carswell, Carter, Cookson, Crommett, Crosby, Cushing, Davis, Dickinson, Dunn, Eustis, Evans, Gifford, Graham, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Harvey, Windham; Harvey, Woolwich; Haugen, Hawes, Hawkes, Haynes, Huber, Hunter, Clinton; Hunter, Durham; Jewell, Jordan, Kennedy, Kittredge, Laberge, Lang, Lebel, Lewis, Libhart, Lincoln, Littlefield, Lycette, Meisner, Millay, Mitchell, Mosher, Norton, Payson, Pendergast, Pike, Prince, Rackliff, Richardson, Cumberland; Richardson, Stoning-

ton; Roberts, Ross, Bath; Ross, Brownville; Ruby, Sawyer, Scott, Starbird, Storm, Sullivan, Susi, Waltz, Ward, Watts, White, Guilford; Whittier, Wight, Presque Isle; Wood, Young.

NAY — Anderson, Orono; Avery, Bedard, Benson, Mechanic Falls; Benson, Southwest Harbor; Bernard, Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Brennan, Bussiere, Carroll, Champagne, Conley, Cote, Cottrell, Cressey, Curran, D'Alfonso, Danton, Dostie, Drigotas, Drouin, Dumont, Edwards, Erwin, Farrington, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gilbert, Gillan, Glazier, Harvey, Bangor; Healy, Jalbert, Katz, Keyte, Kilroy, Knight, Westbrook; Lent, Levesque, Lowery, Lund, Martin, McKinnon, Mills, Nadeau, Palmer, Peaslee, Poulin, Roy, Searles, Stoutamyer, Truman, Wheeler, Wuori.

ABSENT — Beane, Doyle, Dudley, Hoy, Lane, Pitts, Sahagian.
Yes 80; No 63; Absent 7.

Eighty having voted in the affirmative and sixty-three having voted in the negative, with seven being absent, the Act was indefinitely postponed in non-concurrence.

Sent up for concurrence.

Resolve Regulating Fishing in Certain Waters in Penobscot and Piscataquis Counties (H. P. 135) (L. D. 159)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair at this time would like to appoint the Committee for Welcome Back Day: the gentleman from Biddeford, Mr. Nadeau; the gentleman from Orono, Mr. Anderson; and the gentlewoman from Guilford, Mrs. White.

And also the Chair would like to appoint an additional member to the Committee for the Mock Session, the gentleman from Bath, Mr. Ross.

Orders of the Day

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

HOUSE REPORT — "Ought not to pass" — Committee on Highways on Bill "An Act relating to Fee for Licenses or Permits for Outdoor Advertisers." (H. P. 484) (L. D. 637)

Tabled—February 24, by Mr. Farrington of China.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I move that House Paper 484 L. D. 637, the Bill be substituted for the Report.

The SPEAKER: The question now before the House is on the motion of the gentleman from China, Mr. Farrington, that we substitute the bill for the report.

The Chair recognizes the gentleman from Brownville, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Committee on Highways, I feel that it is my duty to explain to you that this bill came out unanimously "Ought not to pass." It would require a bit of bookwork that would seem to us to be unnecessary. I won't go into detail as to what it does, but shortly it would — if you wanted to put up a billboard after the first of July you would only pay half the fee, and we didn't feel that the bill was necessary.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, Members of the House: I would say only a few brief words in this regard, and that is anyone happening to go into business during the latter part of the year wishing to put up a billboard advertising his business, he finds it necessary to pay the fee for the entire year in order to become licensed to do so. I think that we might use better judgment in that and require that he pay one-half fee during the last half of the licensing year. I think that the motion to substitute the bill for the report is a

good one and a reasonable one, and I hope that it does prevail.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from China, Mr. Farrington, that we substitute the bill for the report. All those in favor of substituting the bill for the report will say aye; those opposed will say no.

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

Thereupon, the "Ought not to pass" Report was accepted and sent up for concurrence.

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

Bill "An Act to Transfer Duties of Liquor Inspectors to the State Police." (H. P. 987)

Tabled—February 24, by Mr. Jalbert of Lewiston.

Pending—Motion of Mr. Lane of Waterville to refer to Committee on State Government.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Last week this matter was taken up in which personalities were quite roundly delved in. I did not participate in that stage of the program. My only thought was, and still is, that this is a money bill. Since I have spoken to you last, I have procured a copy of this bill, although it has not gone to press, I have a copy of the bill as drafted by the sponsor. In the very act itself, section 2, it says "The allocations made by the 102nd Legislature from liquor revenues to the enforcement of the liquor laws under Title 28 shall be transferred to the appropriations of the State Police for the same purposes." There it spells right out in the bill that it is a money bill. Besides that, the state financial people state that although this method could be followed, it would be very complicated and cumbersome in the way of accomplishing what it is trying to do. That phase I am also not interested in because that is debating the bill in itself.

But going on further in proving that there is money involved in this bill it is also doubted that the State Police could absorb all of the duties of the enforcement division without additional monies over and above those in the liquor act, particularly in the clerical and stenographic area and for record - keeping purposes. The better way would be to set up a new appropriation account under the State Police, appropriate the proper amount from the general fund and reduce the liquor act in like amount, therefore increasing the liquor net profit to the general fund. For those reasons which are legion, this certainly I would hope that the motion to refer this to Committee on State Government would be defeated because I am now with facts proving to you that this is definitely a money bill. I have spoken to the gentleman from Harrison, Mr. Pitts, who told me that he goes along with my philosophy. He doesn't want the bill. I have spoken to another member of the State Government Committee, the gentleman from Augusta, Mr. Katz, who agrees with me. I have spoken with another member, the gentleman from Cape Elizabeth, Mr. Berry, who agrees with me, also on the State Government. I have spoken to the gentleman from Portland, Mr. Edwards, also on the State Government Committee who agrees with me. I hope that the motion of the gentleman from Waterville, Mr. Lane, will be defeated so that then the desire of the leadership of both parties to have this reference be made to its proper committee upon their own decision unanimously be made to the Appropriations Committee. For that purpose I hope that the motion of the gentleman from Waterville, Mr. Lane, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Libhart.

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: This is no more an appropriations bill than probably one-third of the bills that come before the other committees. The bill, which I have

seen a copy of too, simply would transfer the funds appropriated to the Liquor Inspection Division to the State Police. This bill concerns itself with a function of State Government, and it is that which will be the prime concern of the committee it goes before. Now I have seen many bills so far in this session go to what I considered to be the wrong committee for some reason or another, and this is another attempt to send a bill that belongs to a particular committee in theory to another committee for some particular reason. Now maybe my colleagues on State Government don't want to hear this bill, I am not sure I do either; but it belongs to State Government, and if we are going to be responsible here we should send it there.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Waterville, Mr. Lane, that this matter be referred to the Committee on State Government. All those in favor of this matter being referred to the Committee on State Government will say aye; those opposed will say no.

A viva voce vote being doubted, a division of the House was had.

Ninety having voted in the affirmative and forty-two having voted in the negative, the motion prevailed.

Thereupon the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

HOUSE REPORT — "Ought not to pass" — Committee on Retirements and Pensions on Resolve, to Provide Retirement Credit for Seth A. Whitcomb of Readfield. (H. P. 430) (L. D. 559)

Tabled—February 24, by Mrs. Baker of Winthrop.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentlewoman from Winthrop, Mrs. Baker:

Mrs. BAKER: Mr. Speaker, because a similar bill is now in an-

other committee and awaiting legal advice on its action, I would hope that someone might again table this particular bill.

Thereupon, on motion of Mr. Brewer of Bath, the Bill was tabled pending acceptance of the Committee Report and specially assigned for Tuesday, March 9.

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

Bill "An Act Providing for Compulsory Retirement of Teachers at Age 65." (S. P. 404) (L. D. 1355)

Tabled—February 26, by Mr. Benson of Southwest Harbor.

Pending—Motion of Mr. Levesque of Madawaska to refer to Committee on Retirements and Pensions in non-concurrence. (In Senate, referred to Committee on Labor.)

Thereupon, the Bill was referred to the Committee on Retirements and Pensions in non-concurrence and sent up for concurrence.

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

SENATE REPORT — "Ought to pass" — Committee on Towns and Counties on Bill, "An Act Increasing Fees of Innkeepers and Victualers." (S. P. 226) (L. D. 685)

Tabled — February 26, by Mr. Bussiere of Lewiston.

Pending — Acceptance in concurrence.

On motion of Mr. Bussiere of Lewiston, the "Ought to pass" Report was accepted in concurrence, the Bill read twice and assigned for third reading tomorrow.

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

HOUSE ORDER Relative to Striking Representative Lane's remarks from the Legislative Record of February 24, 1965.

Tabled — February 26, by Mr. Littlefield of Hampden.

Pending — Passage.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: This order to strike from the record the remarks of the gentleman from Waterville, Mr. Lane, in reference to Bill "An Act to Transfer Duties of Liquor Inspectors to the State Police" was presented by the gentleman from Cape Elizabeth, Mr. Berry, on Friday of last week. The remarks were made a week ago and there has been comment in the press. This is one of those little pitfalls that we stumble over now and then, which, if laid to rest, will soon die. I don't think it is good policy to strike remarks from the record at any time. I hope we can let the record stand, and I urge you to vote for indefinite postponement of this order.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker and Members of the House: I share wholeheartedly the concern of the gentleman from Hampden, Mr. Littlefield, that this matter should be laid to rest. It was my hope it would have been without any oral comments whatsoever from anybody. I am sure every one of us regret what has happened.

However, one hundred and fifty members of this House cannot sit mute and condone the remarks shown in the record without the record showing that we object to it.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Without further belaboring the question, I move that the remarks made by the gentleman from Waterville, Mr. Lane, on February 24, 1965, remain on the record, and I request a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Hampden, Mr. Littlefield, that this order be indefinitely postponed.

The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker, Members of the House: I am going to be brief and I am not going to lose my temper. I was born in a Country, in a place, Poland. We had a Constitution in that Country, and as far as I know that Constitution was always locked up in a safe. Not too many people could express their views, and anytime you would say something about any official, the first thing you would know they would put you in jail. When I came to this Country, believe you me, and I have studied the Constitution of this Country, I love this Country, I had only been here a short time and then I enlisted in this Country and I fought for this Country and I am ready to fight for this Country again. I love our State of Maine and I love our City of Waterville, and I love our youth.

I have been doing this, I have been hollering about this for years and years and years. I am not going to take too much of your time. I just want to comment on a Sunday editorial. I have a lot of respect for the newspapermen and I believe they have got all the right in the world to print what they want; what they should.

Four years ago I opened up my mouth in the City of Waterville about some things, what I mentioned the other day. A man called me up, a man that is involved in this business, and he said: Either you keep your mouth shut, if not, we'll shoot you. A few days later I was sound asleep on my couch in the house, and I had some unexpected company. I have a place upstairs where some people come in there once in a while, and the first thing I did, I had my shoes off, and the first thing that got to my mind, maybe those people are after me, so I ran right to the police station and I got hold of a policeman and I made sure he went in first, and what do I find there, some of my friends. Believe me, I was embarrassed.

I just want to say a few words about the editorial. First, I want to say, ladies and gentlemen, I would like to invite that man that wrote this editorial, if any-

thing I am going to say today, and if anything I said the other day is not true, I am willing to take a lie detector test, and if the remarks that I made are not true, ladies and gentlemen, I will apologize and I will resign from this Legislature, and if the remarks that I made were true, I want the Liquor Enforcement man to take the same test, and if he says I am lying, we will find out who is lying, I want him to resign.

Just one more thing about the remarks that were made in Sunday's editorial about what I said a few years ago about this place in Waterville where they were selling beer on Sunday by the case to anybody who could come in; kids, it didn't make any difference how old they were, they could come in and buy beer. When Mr. Murphy found out that I was making that statement, he took me into the Grand Jury, and I told the story to the Grand Jury. Mr. Murphy came in with his suitcase and he said — showed it to the Grand Jury that everything I said it isn't true, they have been watching that place for months and months; that place is not selling their liquor on Sunday. I didn't like it. At that time, he had his Commissioner, and, I said to the Commissioner I am going to give you people just a few more days to clean that place up. If you people don't clean it up, I am going to get the F.B.I. or somebody else that will. Ladies and Gentlemen, a few days later the place was closed.

And this is another remark about when the County Attorney said — I didn't hear his remarks the other day — I want to put it straight for the record, that I didn't say anything. First thing, I would like to know why I came in to see him. I think he knows why I came in to see him; about this place that we had in Waterville, bookies, that were taking away thousands and thousands of dollars from students, and I wanted the place to be closed up. A few days later, I want to state again that is on record, the State Police got hold

of it and they closed that place up.

And anytime, ladies and gentlemen — I have been getting letters from this; dozens of letters and hundreds of phone calls, the only thing I want is just one thing. I haven't got anything against Murphy. I haven't got anything against anybody. The only thing I want is to stop our youngsters from getting beer and whatever else they are doing wrong. That is all I am asking for, ladies and gentlemen.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Hampden, Mr. Littlefield, that this order be indefinitely postponed. All those in favor of this order being indefinitely postponed, will kindly say aye; those opposed, no.

A viva voce vote being taken, the motion did prevail.

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

Bill "An Act to Reconstitute School Administrative District No. 33." (H. P. 468) (L. D. 621)

Tabled — February 26, by Mr. Levesque of Madawaska.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: Because of a typographical error in the Bill, I offer House Amendment "A" under filing H-75 and move its adoption.

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

HOUSE AMENDMENT "A" to H. P. 468, L. D. 621, Bill, "An Act to Reconstitute School Administrative District No. 33."

Amend said Bill, in the 4th line, by striking out the word "March" and inserting in place thereof the word "April"

House Amendment "A" was adopted, the Bill passed to be engrossed as amended and sent to the Senate.

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

An Act relating to State Retirement Benefits for Certain Teachers and Increasing Pensions for Certain Retired School Superintendents. (H. P. 788) (L. D. 931)

Tabled — February 26, by Mrs. Carswell of Portland.

Pending—Passage to be Enacted.

On motion of Mrs. Carswell of Portland, the House voted to suspend the rules and to reconsider its action whereby on February 19 this bill was passed to be engrossed as amended by House Amendment "A".

Mrs. Carswell of Portland offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 788, L. D. 931, Bill, "An Act Relating to State Retirement Benefits for Certain Teachers."

Amend said Bill, in the Title, by adding after the word "Teachers" the words 'and Increasing Pensions for Certain Retired School Superintendents'

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"Sec. 1. R. S., T. 5, Sec. 1121, sub-Sec. 2, Par. G. additional. Subsection 2 of section 1121 of Title 5 of the Revised Statutes is amended by adding a new paragraph G to read as follows:

'G. Paragraph C shall apply to all superintendents employed in any public school who have been retired under an order issued by the Governor and Council and are now receiving benefits, providing such benefits are less than those authorized by said paragraph C.'

Sec. 2. R. S., T. 5, Sec. 1121, sub-Sec. 5, amended. The first sentence of subsection 5 of section 1121 of Title 5 of the Revised Statutes is amended to read as follows: 'Any teacher who began to teach in the public schools of Maine prior to July 1, 1947 and has attained 60 years of age shall, upon proper application and verification of at least 15 years of

such teaching service, be granted a minimum monthly benefit of \$48.'

Sec. 3. Appropriation. There is appropriated from the General Fund to the Maine State Retirement System the sum of \$33,500 for the fiscal year ending June 30, 1966 and the sum of \$44,300 for the fiscal year ending June 30, 1967 to carry out the purposes of this Act.

Sec. 4. Effective date. The minimum amount provided by this Act shall become effective on the first day of the month following the effective date of this Act and proper adjustments in benefits already being paid shall be made to those persons affected on their first monthly pension paid subsequent to said effective date."

House Amendment "B" was adopted, the Bill passed to be engrossed as amended by House Amendments "A" and "B" in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I would inquire if the House is in possession of House Paper 230, L. D. 299, Resolve Authorizing Kermit O. Stadig to Bring Civil Action against the State of Maine.

The SPEAKER: The Chair will state that this is in the possession of the House.

Mr. MARTIN: Mr. Speaker, because a duplication of amendments has occurred in the process of going through the House and Senate, I move that we reconsider our action of February 26 whereby we voted to recede and concur.

Thereupon, the House voted to reconsider its action of February 26, whereby it receded and concurred with the Senate.

On further motion of Mr. Martin of Eagle Lake, the rules were suspended and the House voted to reconsider its action of February 10 whereby Committee Amendment "A" was adopted.

On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

Thereupon, the Resolve was finally passed as amended by Senate Amendment "A" in non-concurrence and sent up for concurrence.

On motion of Mrs. Ruby of Bangor.

Adjourned until ten o'clock tomorrow morning.