

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

Wednesday, April 14, 1965

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

Prayer by the Rev. Miss Jean Joan Williams of the North Windham Union Church.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act relating to Qualifications for Practice of Hairdressing and Beauty Culture" (H. P. 491) (L. D. 1456)

Came from the Senate referred to the Committee on Health and Institutional Services.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

From the Senate:

Bill "An Act Authorizing Town of Island Falls to Construct Certain Road" (S. P. 492) (L. D. 1457)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Legal Affairs on Bill "An Act relating to Charitable Solicitations" (S. P. 317) (L. D. 1043) reporting Leave to Withdraw.

Came from the Senate with the Report read and accepted.

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

Covered by Other Legislation

Report of the Committee on Appropriations and Financial Affairs on Resolve for Development of Park Facilities on Warren Island (S. P. 140) (L. D. 381) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

Recommitted

Report of the Committee on Liquor Control on Bill "An Act relating to Definition of Restaurant under Liquor Law" (S. P. 70) (L. D. 131) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate with the Report and Bill recommitted to the Committee on Liquor Control.

In the House, the Report was read and the Report and Bill recommitted to the Committee on Liquor Control in concurrence.

Ought Not to Pass Covered by Other Legislation Recommitted

Report of the Committee on Labor on Bill "An Act Revising the Minimum Wage Law" (S. P. 416) (L. D. 1313) reporting "Ought not to pass," as covered by other legislation.

Came from the Senate with the Report and Bill recommitted to the Committee on Labor.

In the House, the Report was read and the Report and Bill recommitted to the Committee on Labor in concurrence.

Ought to Pass Tabled and Assigned

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to Fixing the Number of Personnel at the State Teachers Colleges and State Vocational-Technical Institutes" (S. P. 189) (L. D. 554)

Report was read.

(On motion of Mr. Dunn of Denmark, tabled pending acceptance of Committee Report and specially assigned for Wednesday, April 21).

Report of the Committee on Highways reporting "Ought to pass" on Resolve Authorizing State Highway Commission to Study Desirability of Bridge Across Machias River (S. P. 467) (L. D. 1409)

Report of the Committee on State Government reporting same on Bill "On Act relating to Compensation Rates in Certain Technical and Professional Classifications" (S. P. 438) (L. D. 1426)

Report of same Committee reporting same on Bill "An Act re-

lating to Citizenship Requirements for Certain State Employees" (S. P. 476) (L. D. 1424)

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Agriculture on Bill "An Act Revising the Potato Grading Law" (S. P. 422) (L. D. 1357) 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 and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 422, L. D. 1357, Bill, "An Act Revising the Potato Grading Law."

Amend said Bill by striking out all of section 3 and inserting in place thereof the following:

"Sec. 3. R. S., T. 7, §952, repealed and replaced. Section 952 of Title 7 of the Revised Statutes is repealed and the following enacted in place thereof:
"§ 952. Branding

It shall be unlawful for any person, firm, association, organization or corporation, or agent, representative or assistant to any person, firm, association, organization or corporation to expose for sale, or sell, at wholesale or retail, to ship, deliver or consign or have in possession potatoes prepared for market unless in containers which have been legibly and conspicuously tagged, branded, labeled or stenciled with the name and address of the person or persons and the word "potatoes." The person or persons packing potatoes shall be responsible for the grading. Each lot of potatoes sold at

wholesale shall be accompanied by a bill of lading or invoice stating grade, name and address of packer, name and address of the consignor, name and address of the consignee, date of loading and name of loading point. The bill of lading or invoice shall be prima facie evidence in any court of the person or persons packing potatoes. It shall be conclusive evidence that potatoes are exposed for sale when packed in containers for delivery or transit, or when the same are in the process of delivery or transit, or are located at a depot, station, warehouse, packing house, boat dock or any place where potatoes are held in storage, or loaded on a boat, truck, trailer or railroad car, for immediate or future sale or transit. Potatoes located at warehouses, or packing houses at point of origin shall not be deemed exposed for sale until they are loaded or are in the process of being loaded in vehicles of transportation. When a violation of the above provisions occurs, it is deemed to have taken place at the loading point or where such violation first became evident to the commissioner or his duly authorized representative."

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act relating to Unemployment Compensation Regarding Remuneration for Holidays" (S. P. 119) (L. D. 345)

Report was signed by the following members:

Mr. O'LEARY of Oxford
Mrs. CHISHOLM of Cumberland
Mr. SMITH of Cumberland
—of the Senate.
Messrs. BEDARD of Saco
GAUVIN of Auburn
LEVESQUE of Madawaska
DUMONT of Augusta
—of the House.

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

Report was signed by the following members:

Mr. BENSON
of Southwest Harbor
Mrs. BAKER of Winthrop
Mr. KITTREDGE
of South Thomaston
—of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

Non-Concurrent Matter

An Act relating to Licensing Small Loan Agencies (S. P. 350) (L. D. 1125) which was passed to be enacted in the House on April 9 and passed to be engrossed on April 7.

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

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

Non-Concurrent Matter

Majority Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities" (H. P. 546) (L. D. 768) and Minority Report reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in the House on April 7.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves that we insist on our former

action and request a Committee of Conference.

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

Mr. ROSS: Mr. Speaker, I move that this item lie on the table until Friday, the 30th of April.

Mr. Levesque of Madawaska then asked for a division on the tabling motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that this matter lie upon the table assigned for Friday, April 30, and the gentleman from Madawaska, Mr. Levesque, requests a division on the tabling motion. All those in favor of this matter lying upon the table assigned for April 30 will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-one having voted in the affirmative and eighty-nine having voted in the negative, the tabling motion did not prevail.

Thereupon, the House voted to insist on its former action and request a Committee of Conference.

Petitions, Bills and Resolves Requiring Reference

The following 5 Bills and 1 Resolve, 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:

Education

Bill "An Act relating to Application of School Building Authority to Private and Public Colleges" (H. P. 1078) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)

Sent up for concurrence.

Resolve Refused

Resolve in favor of Town of New Sweden for Road Construction (H. P. 1079) (Presented by Mr. Bragdon of Perham)

Committee on Reference of Bills suggested that the Resolve be referred to the Committee on Highways and printing.

More than one-tenth of the members present objecting, reception of the Resolve was refused.

Inland Fisheries and Game

Bill "An Act relating to Game Management Areas under Fish and Game Laws" (H. P. 1080) (Presented by Mr. Gilbert of Turner)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Larceny of Rented Motor Vehicles" (H. P. 1081) (Presented by Mr. Jalbert of Lewiston by request)

(Ordered Printed)

Sent up for concurrence.

Bills Refused

Bill "An Act relating to Minimum Amount of Tax on Railroad Companies" (H. P. 1083) (Presented by Mr. Dumont of Augusta)

Bill "An Act Exempting Machinery for New and Expanded Industry from Sales Tax" (H. P. 1084) (Presented by Mr. Edwards of Portland)

Committee on Reference of Bills suggested that the Bills be referred to the Committee on Taxation and printing.

More than one-tenth of the members present objecting, reception of the Bills were refused.

Orders

On motion of Mrs. Harvey of Windham, it was

ORDERED, that Miss Arlette Filleron of Nice, France be appointed to serve as Honorary Page for today.

The SPEAKER: Miss Arlette Filleron is an American Field Exchange student and is a senior at Windham High School. She is the guest of the gentlewoman from Windham, Mrs. Harvey, and is staying with the Marston family in the town of Windham. We welcome you being with us today, Miss Filleron, and we hope you enjoy your duties as an honorary page. (Applause)

On motion of the gentlewoman from Bethel, Mrs. Lincoln, House

Rule 25 was suspended for the remainder of today's session in order to permit smoking.

House Reports of Committees Leave to Withdraw

Mr. Bishop from the Committee on Judiciary on Bill "An Act relating to Payment of Certain Expenses in District Court Cases" (H. P. 436) (L. D. 649) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass Tabled and Assigned

Mr. Binnette from the Committee on Election Laws reported "Ought not to pass" on Bill "An Act Providing for a Presidential Preference Primary" (H. P. 1015) (L. D. 1378)

Report was read.

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

Mr. ROSS: Mr. Speaker, I move that this item lie upon the table until April 30.

Mr. Levesque of Madawaska requested a division on the tabling motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that this matter lie upon the table assigned for April 30, and the gentleman from Madawaska, Mr. Levesque, requests a division on the tabling motion. All those in favor of this matter lying upon the table until April 30 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 sixty-five having voted in the negative, the motion did not prevail.

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

Mr. BENSON: Mr. Speaker, I now move that this item be tabled for one week, April 21.

Mr. Levesque of Madawaska requested a division on the tabling motion.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Ben-

son, now moves that this matter lie upon the table assigned for April 21, pending the acceptance of the Committee "Ought not to pass" Report, and the gentleman from Madawaska, Mr. Levesque, requests a division. All those in favor of this matter lying upon the table for one week will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-eight having voted in the affirmative and sixty-four having voted in the negative, the motion did not prevail.

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

Mr. BERMAN: Mr. Speaker, I move that this matter lie upon the table until tomorrow.

The SPEAKER: The gentleman from Houlton, Mr. Berman, now moves that this matter lie upon the table until tomorrow. All those in favor of this matter lying upon the table will say aye; those opposed will say no.

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

Mr. Berman from the Committee on Judiciary reported "Ought not to pass" on Resolve in favor of Seth A. Whitcomb of Readfield for Injuries Sustained While State Employee (H. P. 458) (L. D. 612)

Mr. Davis from same Committee reported same on Bill "An Act relating to Posting Land Against Hunting" (H. P. 493) (L. D. 646)

Mr. Haynes from the Committee on Liquor Control reported same on Bill "An Act Providing for Local Option for Sale of Spirituous Liquor in Restaurants" (H. P. 598) (L. D. 790)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Cote from the Committee on Liquor Control on Bill "An Act relating to Lighting of Premises Licensed for Sale of Liquor to be Consumed on the Premises" (H. P. 927) (L. D. 1265) reported same in

a new draft (H. P. 1085) (L. D. 1461) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Bishop from the Committee on Judiciary reported "Ought to pass" on Bill "An Act Providing for Holding District Court for Western Aroostook at Van Buren" (H. P. 889) (L. D. 1186)

Report was read and accepted, the Bill read twice and tomorrow assigned.

Recommended

Mr. Roy from the Committee on Liquor Control reported "Ought to pass" on Bill "An Act relating to Local Option Questions on Sale of Liquor" (H. P. 774) (L. D. 1017)

Report was read.

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

Mr. BERRY: Mr. Speaker and Members of the House: I have consulted with the House Chairman of this committee and it is requested that this be returned to the committee for further consideration. I move that this be recommended to the Committee on Liquor Control.

Thereupon, the Report and Bill were recommended to the Committee on Liquor Control and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Establishment and Operation of Regional Technical and Vocational Centers" (H. P. 32) (L. D. 44) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT
"A" to H. P. 32, L. D. 44, Bill, "An Act Relating to Establishment and Operation of Regional

Technical and Vocational Centers.”

Amend said Bill in subsection 1 of that part designated “§ 2356-B” by striking out all of the 8th line from the end and inserting in place thereof the following: ‘other grants of educational aid would have, in the judgment of the State Board of Education, an adverse effect’

Further amend said Bill by adding at the end of section 4 the following: ‘The breakdown shall be as follows:

Department	1965-66	1966-67
EDUCATION		

All Other	\$210,000	\$260,000’
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Committee Amendment “A” was adopted and the Bill assigned for third reading tomorrow.

Mr. Wuori from the Committee on Election Laws on Bill “An Act to Hold the Primary Election on the Second Tuesday after Labor Day” (H. P. 473) (L. D. 626) reported “Ought to pass” as amended by Committee Amendment “A” submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment “A” was read by the Clerk as follows:

COMMITTEE AMENDMENT
“A” to H. P. 473, L. D. 626, Bill,
“An Act to Hold the Primary Election on the Second Tuesday after Labor Day.”

Amend said Bill by inserting after the enacting clause the following:

“Sec. 1. R. S., T. 5, § 85, amended, Section 85 of Title 5 of the Revised Statutes is amended to read as follows:

‘§ 85. Distribution of blanks for election returns; penalty for neglect

The Secretary of State shall cause blanks for all election returns required by law to be seasonably distributed to the clerks of the several towns, by mail. If any clerks fails to receive such blanks by the 20th day of October in any year in which an election is held 7 days prior to an election, of which returns are to be made to the office of the Secretary of State, he shall forthwith

notify the Secretary of State. If the Secretary of State neglects this duty he forfeits \$100 for each neglect.’”

Further amend said Bill by adding at the end thereof the following:

“Sec. 3. R. S., T. 21, § 492, sub-§ 10, amended. Subsection 10 of section 492 of Title 21 of the Revised Statutes is amended to read as follows:

‘10. When filed. It must be filed with the Secretary of State on or before August 15th September 25th of the election year in which it is to be used.’

Sec. 4. R. S., T. 21, § 1151, amended. The first paragraph of section 1151 of Title 21 of the Revised Statutes is amended to read as follows:

‘On the written application of a candidate in any general election within 5 days after election day, the clerk shall permit him or his counsel to inspect the ballots and checklists under proper protective regulations.’

Sec. 5. R. S., T. 21, § 1152, amended. The first paragraph of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

‘On the written application of a losing candidate in any election not later than 10 days after the tabulation of the vote is submitted to the Governor and Council, except that in a primary election, the losing candidate shall request such recount not later than 7 days after election day, the Secretary of State shall permit him or his counsel to recount the ballots under proper protective regulations, subject to the following provisions:’

Sec. 6. R. S., T. 21, § 1152, sub-§ 3, amended. Subsection 3 of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

‘3. Ballots and check lists recalled. On receipt of the application, or at his own discretion, the Secretary of State shall recall all the ballots and check lists from the clerk of each municipality concerned. The clerk shall return or release them to him as soon

as any pending ballot inspection has been made.'

Sec. 7. R. S., T. 21, § 1152, sub-§ 11, additional. Section 1152 of Title 21 of the Revised Statutes is amended by adding a new subsection 11, to read as follows:

'11. If recount not resolved in primary election. If the results of a recount, in a primary election, cannot be resolved within 21 days after primary election day, the state committee of the political party involved shall meet within 24 hours to name the winning candidate whose name shall be promptly submitted to the Secretary of State.'

Further amend said Bill by re-numbering the sections of said Bill to read consecutively.

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act for Shrinkage Allowance on Motor Fuel for Service Stations" (H. P. 557) (L. D. 873) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. CARTER of Kennebec
BERNARD of Penobscot
—of the Senate.

Messrs. BERNARD of Sanford
McKINNON
of South Portland
LABERGE of Auburn
AVERY of Kittery
PECTEAU of Biddeford
HARRIMAN of Hollis
—of the House.

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

Report was signed by the following members:

Mr. BROWN of Hancock
—of the Senate.

Mr. SCOTT of Wilton
—of the House.

Reports were read.

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

Mr. BERNARD: Mr. Speaker, Members of the House: I move that we accept the majority report.

The SPEAKER: The gentleman from Sanford, Mr. Bernard, moves that we accept the Majority "Ought to pass" Report.

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

Mr. BENSON: Mr. Speaker, I move that item 11 be tabled for one week, April 21, pending acceptance of the report.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, moves that this matter lie upon the table assigned for April 21, pending the acceptance of the Majority "Ought to pass" Report.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque requests a division on the tabling motion. All those in favor of this matter lying upon the table until April 21 pending acceptance of the Majority "Ought to pass" Report will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-nine having voted in the affirmative and sixty-six having voted in the negative, the motion did not prevail.

The SPEAKER: Is it now the pleasure of the House to accept the Majority "Ought to pass" Report?

The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I want to explain my position as a signer of the minority on this legislative document. Before signing this I did considerable checking and find this is somewhat of an old chestnut. It was introduced in the 97th, 98th, 99th and 100th Legislatures and never did get off the ground. In all honesty, the retail gas dealers do have somewhat of a shrinkage problem, but in checking with the retailers in my area they are less than concerned. In fact, they were not aware that there was such a bill before us.

Before making your decision on this, I think you should ask your-

self whether this is in the public interest. I do not feel that it is because if this bill goes through it will cost the Highway Fund an estimated \$259,000 for the next biennium, plus the administration cost. I hope that you go along with the minority report.

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

The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker, Ladies and Gentlemen: In reply to my good friend from Wilton, Mr. Scott, I would like to make my position clear on this bill. I did not realize that it had been in previous Legislatures, but to me it is a fair bill. We are talking about an industry that has probably the biggest mortality in the United States, which is the retail fuel dealers. All the figures that were given to us in the committee, and there were many of them, showed losses in sales. In other words, the amount of gas that went through their pumps and what they bought showed they had about a one per cent shrinkage, some even more. Now, these figures were all authentic; some of them were documented, what I mean by their own statements. We have thirteen states that are now giving allowances from a half to one percent. The distributors of gasoline at the present time give two allowances, one for tank cars and one for the gas that is delivered in the trucks. Their average allowance, which they have to prove up to one percent, their average allowance is eight-tenths of one percent.

Now, my position is this. If the distributors have the right to an allowance for shrinkage, it is no more than fair that the small fellow have the same right.

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

Mr. BIRT: Mr. Speaker, I request that this item be tabled until Friday, April 16.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, now moves that this matter lie

upon the table assigned for April 16, pending acceptance of the Majority "Ought to pass" Report.

Mr. Dudley of Enfield requested a division.

The SPEAKER: The gentleman from Enfield, Mr. Dudley requests a division. All those in favor of this matter lying upon the table assigned for April 16 will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't want to hold this debate up, but I just want to say a few words in relation to this rebate. As you probably all know I have dealt in gasoline for some time. And I can verify that at least in the summer time there is two percent shrinkage at my station, and I move gas quite fast. I know that there are stations that sell slower amounts, I mean their volume is less and their gas is longer in their tank, and in this case they have even more shrinkage.

Now, I am considered by the company which I represent a small distributor and I am not entitled to this exemption. However, the larger distributors are given up to two percent just because they are a larger distributor. I think there's an injustice. I either think we shouldn't give it to anybody, or the alternative would be to give it to those small dealers just because they are small, is not the right way to do it. Besides the small dealer has actually more shrinkage because he has the gas in his tanks longer and for that reason he actually has more shrinkage than does the large

distributor dealer. So I would be very much in favor of being, we'll say consistent, and helping the smaller operators as well as the big operator. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Sanford, Mr. Bernard, that we accept the Majority "Ought to pass" Report on Bill "An Act for Shrinkage Allowance on Motor Fuel for Service Stations," House Paper 557, L. D. 873. All those in favor of accepting the Majority "Ought to pass" Report will say aye; all those opposed will say no.

A viva voce vote being taken, the motion prevailed.

The Bill was then given its two several readings. Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A"
to H. P. 557, L. D. 873, Bill, "An Act for Shrinkage Allowance on Motor Fuel for Service Stations."

Amend said Bill, in the 9th line, by inserting after the underlined words "**rate of**" the underlined figure and word "**½ of**"

Further amend said Bill by striking out in the 13th and 14th lines the following: **and must be certified by the auditor of the Maine Retail Gasoline Dealers Association**

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on Highways reporting "Ought not to pass" on Bill "An Act relating to Permits by Highway Commission for Trucks in Construction Areas" (H. P. 211) (L. D. 279)

Report was signed by the following members:

Mr. NORRIS of Oxford
— of the Senate.
Messrs. NADEAU of Biddeford
LENT of Scarborough
STOUTAMYER
ROSS of Madison
of Brownville

CARTER of Etna
WALTZ of Waldoboro
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. CASEY of Washington
CAHILL of Somerset
— of the Senate.

Mr. DUDLEY of Enfield
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Members of the House: I move that we accept the "ought not to pass" report.

The SPEAKER: The question before the House is on the motion of the gentleman from Clinton, Mr. Hunter, that we accept the Majority "Ought not to pass" Report. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Frankfort, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, I move that this L. D. 279 be tabled until the next legislative day.

The SPEAKER: The gentleman from Frankfort, Mr. Mitchell, now moves that we reconsider our action whereby we accepted the Majority "Ought not to pass" Report. Is this the pleasure of the House?

(Cries of "No")

All those in favor of reconsidering our action whereby we accepted the Majority "Ought not to pass" Report will say aye; those opposed, no.

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

Forty-nine having voted in the affirmative and seventy-six having voted in the negative, the motion to reconsider did not prevail.

Sent up for concurrence.

Order Out of Order

On motion of Mr. Palmer of Phillips, it was

ORDERED, that John Stinchfield, Captain of Phillips Championship Basketball Team, be appointed to serve as Honorary Page for today.

The SPEAKER: John is the son of Milton Stinchfield, Jr. of Phillips. He is the captain of the basketball team, which is the championship team of western Maine, and John also is president of his class. On behalf of the House, the Chair welcomes you, John, and we hope that you will enjoy your duties as honorary page for the day. (Applause)

Divided Report

Majority Report of the Committee on Highways reporting "Ought not to pass" on Bill "An Act Appropriating Funds for Construction of a Span on the Westport-Wiscasset Bridge" (H. P. 627) (L. D. 834)

Report was signed by the following members:

Mr. CAHILL of Somerset
— of the Senate.

Messrs. DUDLEY of Enfield
LENT of Scarborough
STOUTAMYER of Madison
NADEAU of Biddeford
ROSS of Brownville
CARTER of Etna
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. CASEY of Washington
NORRIS of Oxford
— of the Senate

Mr. WALTZ of Waldoboro
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Harvey.

Mr. HARVEY: Mr. Speaker, I move that the Minority Report be accepted.

The SPEAKER: The gentleman from Woolwich, Mr. Harvey, moves that we accept the Minority "Ought to pass" Report. Is this the pleasure of the House?

Mr. Ross of Brownville then requested a division.

The SPEAKER: The gentleman from Brownville, Mr. Ross, requests a division.

The Chair recognizes the gentleman from Woolwich, Mr. Harvey.

Mr. HARVEY: Mr. Speaker and Members of the House: This had a very fine hearing and there were no opponents to this bill. It has a big import not only to the State of Maine but to two counties, Lincoln County and Sagadahoc County. At the present time this bill that is in there is denying over seventy workers the privilege of working, both marine worms, clams, and lobsters. Now this original bill was more or less stuffed down the people's throats. They thought they were getting a high level span and what they got was a dam with a sluice in it. Now this means a revenue to the State of Maine of from a half million to three-quarters of a million dollars a year. We are spending hundreds of thousands of dollars on advertising to get industry into Maine. Here is an industry, three industries we have in Maine, that it has been denied the people of Maine for fifteen years; and I think that the price tag on this is a small amount of investment to ask for a return to this state and to the people of from a half to three-quarters of a million dollars a year.

Also, safety hazards. This bridge has caused directly or indirectly, three deaths the last fifteen years. It is only a matter of time before a school bus or an automobile goes over that bridge and there is no possible way of anyone ever getting out. Thirty-nine feet of water. Also, we are spending hundreds of thousands of dollars in the state on pollution. This bridge has caused a backup in the Kennebec River and there are hundreds of acres of flats that are unusable because of fluid water at the present time. This again denies the diggers monies and the State of Maine monies. So I still insist that the minority report should be accepted.

The SPEAKER: The question before the House is the motion of the gentleman from Woolwich, Mr. Harvey, that we accept the Minority "Ought to pass" Report and the gentleman from Brownville, Mr. Ross, has requested a division. All those in favor of accepting the Minority "Ought to pass" Report will kindly rise and remain stand-

ing until the monitors have made and returned the count.

A division of the House was had.

Thirty-one having voted in the affirmative and eighty-nine having voted in the negative, the motion did not prevail.

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of the Town of Boothbay Harbor" (H. P. 233) (L. D. 302) which was recommitted.

Report was signed by the following members:

Mr. SHIRO of Kennebec
Mrs. SPROUL of Lincoln
Mr. JACQUES of Androscoggin
—of the Senate.

Mr. HUNTER of Clinton
Mrs. WHEELER of Portland
Mrs. BAKER of Orrington
Mr. COTE of Lewiston
—of the House.

Minority Report of same Committee on same Bill reporting same in the original new draft (H. P. 968) (L. D. 1191) under title of "An Act relating to Granting Licenses by Municipalities for Certain Businesses and Purposes" and that it "Ought to pass"

Report was signed by the following members:

Messrs. LIBHART of Brewer
BOISSONNEAU
of Westbrook
CONLEY of Portland
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Buck.

Mr. BUCK: Mr. Speaker, I move that the majority committee report be accepted.

The SPEAKER: The gentleman from Southport, Mr. Buck, moves that we accept the Majority "Ought to pass" Report of the Committee.

The Chair recognizes the gentleman from Westbrook, Mr. Boissonneau.

Mr. BOISSONNEAU: Mr. Speaker and Ladies and Gentlemen of the House: This bill needs an explanation because here is what is going to happen if you pass this bill. We all agree that it is a very good bill, but as you go down to the next item, item fifteen, you see the same thing. What will happen next year, possibly fifty or sixty small towns will come in with the identical bill. What we have tried to do in the minority report is to make this permissible for all the towns in the State of Maine right now.

The SPEAKER: Is the House ready for the question? The gentleman from Southport, Mr. Buck, has moved that we accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed.

The Bill was then given its two several readings and assigned for tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of Town of Wells" (H. P. 235) (L. D. 304)

Report was signed by the following members:

Mr. SHIRO of Kennebec
Mrs. SPROUL of Lincoln
Mr. JACQUES of Androscoggin
—of the Senate.

Mr. HUNTER of Clinton
Mrs. WHEELER of Portland
Mrs. BAKER of Orrington
Mr. COTE of Lewiston
—of the House.

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

Report was signed by the following members:

Messrs. LIBHART of Brewer
BOISSONNEAU
of Westbrook
CONLEY of Portland
—of the House.

Reports were read, the Majority "Ought to pass" Report accepted and the Bill read twice and tomorrow assigned.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House fifty-five pupils of the Government and History Class of Phillips High School and they are accompanied by their teachers Mrs. Merton Smith and Mrs. Gage. They are the guests of the gentleman from Phillips, Mr. Palmer. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

**Passed to Be Engrossed
Third Reader
Amended**

Bill "An Act relating to Weight Tolerances of Vehicles Loaded with Farm Produce" (H. P. 58) (L. D. 70)

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

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I present an amendment and move its adoption and I spoke on the amendment yesterday. It's very simple, it eliminates two words.

The SPEAKER: The gentleman from Brownville, Mr. Ross, offers an amendment and moves that it be adopted. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 58, L. D. 70, Bill, "An Act Relating to Weight Tolerances of Vehicles Loaded with Farm Produce."

Amend said Bill, in the 6th line, by striking out the underlined words "**and supplies**"

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

The motion prevailed.

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

Mr. LUND: Mr. Speaker, Members of the House: I would like to move the indefinite postponement of L. D. 70 and I would like to speak to that motion.

The SPEAKER: The gentleman from Augusta, Mr. Lund, now

moves that item one, L. D. 70 and its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I would like to preface my remarks by saying that I am not against truckers or truck owners. I think they are fine people and I think the state would have a difficult time getting along without our trucks that we have on our highways.

However, I do feel unhappy over the fact that we have had several bills which have to do with the maximum allowable weight on trucks and there hasn't been any debate about it. Some of them have gone to one committee, some have gone to another committee. They have been coming before the House in various forms and I think it would be well if we might look at the effect of some of these bills when placed together. I am not on the Highway Committee and I don't pretend to be an expert on this subject and if I make any errors in my statement of facts I hope that I may be corrected.

The other day we passed a measure which would increase the maximum allowable tandem axle weight from thirty-two to thirty-six thousand pounds. As I understand it, if this measure passed the so-called ten per cent tolerance, the maximum allowable for this type of vehicle as described in L. D. 70, would become 39,600 pounds. Now this is referred to in the bill as a tolerance, and it's very awkward to be talking against tolerance because that suggests that you're intolerant. But I would point out that we are not really talking about tolerance at all. We are talking about the maximum allowable weight that a vehicle may have on the axles on the road.

Now, this so-called tolerance originally was requested, and perhaps it was properly so requested, but it was requested for trucks that were hauling pulp and logs. The argument that was presented was that a truck that is hauling pulp and logs may start out being within the law and because of the accumulation of ice and snow and water it may increase its weight

and may be beyond the law. So, an exception was made and it was called the tolerance and it was limited originally, I believe, to trucks hauling logs and pulpwood. And the reason for it, was that these trucks might accumulate weight during a trip after they were loaded.

Now, I would simply like to point out to the House, that we are now talking about extending this same tolerance to all trucks carrying farm produce. Now, if this bill were limited to trucks carrying farm produce which was open to the elements, perhaps the same argument would apply. And you could apply the same logic and say they are entitled to this so-called tolerance too. But it doesn't work that way. As this bill is drawn, it would permit this tolerance to a closed box trailer carrying among other things potatoes. I don't believe that potatoes in a closed box are going to take on a great deal of weight from an accumulation of ice and snow. So what we are really doing is granting a special exception to a class of cargo that doesn't really need it under the logic that this exception was originally caused to create.

I would also like to point out that this would, as I understand it, in conjunction with the present limit on tandem axle vehicles as passed by this House — it was raised from thirty-two to thirty-six thousand pounds, this bill, would raise it to thirty-nine thousand six hundred pounds. The present maximum allowable on our federal highway system in Maine, and I think we all know how well that was constructed, the maximum on the federal highway system is thirty-two thousand pounds. And it seems to me completely lacking in logic for us to have a thirty-two thousand pound limit on our federal highways and allow this bill if it passes to put a thirty-nine thousand six hundred pound limit on our secondary roads in the State of Maine.

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

Mr. STOUTAMYER: Mr. Speaker, Ladies and Gentlemen of the House: In defense of the Highway

Committee on this bill, I would like to differ with my neighbor, the gentleman from Augusta, Mr. Lund, in the definition and the understanding of what this tolerance represents. As we understood it, these tolerances were given to the woods people because they had no facilities for weighing their loads. It was to make up for errors in judgment as to what their load weighed. By the same token it was given to people hauling gravel because dry gravel weighs less than wet gravel, and so forth. By the same token, farmers hauling farm produce have no way either of weighing their loads and knowing just what they have. They load hay, haul it over the road, they don't weigh it. Sweet corn hauled to the factory is not weighed until it gets there. Sawdust for bedding is loaded by farmers and hauled with no way to weigh it. This is to give them the same consideration given to these other products that were being hauled, to make allowance for errors in judgment.

Mr. Lund of Augusta requested a division.

The SPEAKER: The gentleman from Augusta, Mr. Lund, has requested a division. The question before the House is on the motion of the gentleman from Augusta, Mr. Lund, that this bill and its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker, Ladies and Gentlemen of the House. This bill is needed for the farmers up in Aroostook which I am talking about. They haul quite a distance on three-axle trucks and they're not weighed until they land at the processing plants. We removed the "and supplies" which would have made it too general, and I believe it's a very good bill. We'll need it for sugar beets too and they haul distances of anywhere from fifty to eighty miles. I thank you.

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

Mr. ERWIN: Mr. Speaker, Members of the House: I rise in sup-

port of the gentleman from Augusta, Mr. Lund. I was in another place in this Legislature in 1961 when the first tolerances were given to the pulp and log haulers and it was stated specifically that they were incapable of taking care of their problem of the accretions of ice and snow and that it was only fair that they should have this tolerance. At that particular time, if I recall the debate properly, it was stated that we were all going to wait until the summer of 1961 or '62 until the federal report—which was an engineering survey with respect to the load carrying capacities in the federal highway system throughout the country, was completed; and then we would all know what the most modern roads in the country had been engineered to take by way of impact from these multi-axle trucks.

So I would just like to restate something that the gentleman from Augusta, Mr. Lund, has stated so that there will be no mistake about what you're going to do. The federal highway system in the State of Maine is brand new. It's engineered well and it's well built by all the modern standards. And it's engineered for the tolerances which are presently allowed on it. What you're going to do if you continue to allow the trucking industry to come in, whether it's done for the farmers or for the people who haul wood or for anyone else, and regardless of whether or not you think it's a good idea that these people have these so-called tolerances, and regardless of whether or not you're a farmer and you don't want to see a farmer picked upon, you've got to accept the consequence that you are going to put over-sized loads on over-sized axle tolerances, on roads by and large which were engineered thirty years ago.

Now, if some of you wonder why the Highway Commission is unable to keep up with the damage to your roads and still feel that all road damage is done by frost, you're making a very, very serious mistake. Every year our road repair bills get higher and higher primarily because the truck tolerances

are getting higher and higher and the impact of these heavy axles and these enormous trucks, which are needed in Maine up to the point where the engineering of our roads will sustain them, is tearing up your old roads. Now, we don't have a modern network of highways; we have an extended network of highways, but our modern highways really date from the second World War which is a bare twenty years ended.

So, I hope that you will support the motion to indefinitely postpone this bill to show that at least we understand that we've reached the end of the tolerance of the old roads.

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

Mr. BUSSIERE: Mr. Speaker, Members of the House: Being a member of the Transportation Committee, I spent about two to two and a half hours on this bill with a majority report of nine to one. Again I will repeat, I think it is a very good bill, it would help the farmers in the northern part of the state as well as any other section in the state. Now, if the House is going to ignore the report of different committees, well I can't see any use for keeping the committee in action, making them subject to long hours of debate. I would suggest that they do away with committees and I hope that the members of the House would take that under consideration and go along with this bill. It is a good bill, it is in the third reading, and I would like to get the support of the House to pass this bill. Thank you very much.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: I doubt very much if we need any more tolerance for trucks on the highway. I am over the highway quite a lot and when I see a load of hay coming down the road, or probably pulpwood, I want to get off of the road and I am sure that we shouldn't increase our tolerance for trucks on our highways in the State of Maine.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: This bill was heard before the Committee on Highways and the majority report of eight to two and I feel that certainly this committee has delved into the problems of this extra weight for the farm produce, and I don't think it is going to be any worse or any different than what we are now allowing some of the other industries to carry on this overweight. If it is going to be by justice to all, then we should eliminate all these extra laws taking care of one, loggers, others, truckers of sand or gravel. They are allowed extra weight and I don't think that these farmers are going to abuse it any more than the other industries now covered under the law and so I think that we should go along and accept the majority "ought to pass" report which was eight to two.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Bishop.

Mr. BISHOP: Mr. Speaker, I would like to direct a question to some member of the committee. What other vehicles or loads now have a tolerance?

The SPEAKER: The gentleman from Presque Isle, Mr. Bishop, has posed a question to any member of the Highway Committee who may answer if he so desires.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Pulpwood and lumber trucks have it and trucks on highway construction have it. We gave it to them the last time, dump trucks, but what I wanted to do with this bill I did when I knocked out that "and supplies."

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

Mr. BERRY: Mr. Speaker, Members of the House: Historically up until the 101st Legislature, we had the benefit of the recommendations of the State Highway Commission on all load bills. I was wondering what the official posi-

tion of the Maine State Highway Commission is on this bill?

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: For the benefit of those that don't have this document readily available, "the operation on the highways of any vehicle loaded entirely with firewood, pulpwood, logs or bolts . . . or dump trucks, tractor dump trucks, or transit-mix concrete trucks carrying highway construction materials shall not be deemed to be in violation of any of the provisions of sections 246, 1652 to 1654 and 1656." Thank you.

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

Mr. BERRY: Mr. Speaker, I would like to repeat my question. What is the official position and recommendation of the State Highway Commission on this bill?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, poses a question to any member of the House, who may answer if he so desires.

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

Mr. STOUTAMYER: Mr. Speaker, Ladies and Gentlemen of the House: The Highway Commission as well as the Highway Committee don't like these tolerances. But the Highway Committee and the Highway Commission felt that it was hard and unfair where the tolerances were being granted to certain industries that farmers hauling farm produce should be exempted.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Dickinson.

Mr. DICKINSON: Mr. Speaker, Members of the House: I think that this problem arises now due to our switching into bulk movement by truck in Aroostook and the difficulty to estimate the weight of such bulk. The same problem which exists in wood and gravel, scales are not available at the loading point to determine this weight, and we are only asking that the same consideration be shown to

these people moving bulk farm produce as is being shown to those hauling wood and gravel. Thank you.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: To answer the question of the gentleman from Cape Elizabeth, Mr. Berry a little bit further, it's my understanding that the Highway Commission objected to the two words in the bill, which Mr. Ross from Brownville has eliminated, and they were supplies. They did object, I think; as I remember the hearing, they did object to those two words "and supplies" because they figured it covered an awful broad scope. Now, I am pretty sure this bill now with this amendment has now the unanimous support of the committee, because as I understand it the two members that didn't sign it ought to pass withheld their support of the bill until these two words were removed. And while I'm on my feet I would just like to remind you that tolerance gets on a truck whether it's open or closed, it gets on by slush from the underneath side, it gets on by snow on the roof, it gets on because potatoes don't all weigh the same. Hay don't all weigh the same. All farm supplies they don't weigh the same even if you have the same volume, and this would be in my opinion a unanimous report of this committee at this time. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Lund, that this bill and its accompanying papers be indefinitely postponed and he has requested a division. All those in favor of this Bill "An Act relating to Weight Tolerances of Vehicles Loaded with Farm Produce," House Paper 58, L. D. 70, and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-six having voted in the affirmative and one hundred five

having voted in the negative, the motion did not prevail.

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

Bill "An Act Providing for a Council-Manager Form of Government for Town of Millinocket" (H. P. 145) (L. D. 168)

Bill "An Act relating to Acquisition, Exemption and Losses under Urban Renewal Law" (H. P. 643) (L. D. 868)

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 Classifying Certain Waters of East Branch of Sebasticook River" (H. P. 842) (L. D. 1143)

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

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Eustis.

Mr. EUSTIS: Mr. Speaker, this amendment which I offer at this time, is very simple and is self-explanatory. Mr. MacDonald, the Commissioner of the Water Improvement has approved this and a majority of the committee in session has approved it. At the hearing half of the Town of Newport was there. They had been suffering from the situation which now exists in Sebasticook Lake for ten years and they want something tangible to start them on the way to improvement. The bill in itself made no particular provisions. This amendment does. We feel that they're reasonable and proper and if we're going to do very much in the line of clearing this pollution up we have got to have some legislation that is direct and positive. I feel that there is no hardship involved here. The manufacturers concerned who were on this stream and presently polluting it, but at the time of the hearing the only opponent there was one of these manufacturers and we couldn't get any commitment or any promises of any sort from him. So I feel at

this time it's proper that this amendment should be adopted and I offer it for such. Thank you very much.

The SPEAKER: The gentleman from Dixfield, Mr. Eustis, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 842, L. D. 1143, Bill, "An Act Classifying Certain Waters of East Branch of Sebasticook River."

Amend said Bill by inserting at the beginning of the first line the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by inserting at the end thereof the following:

"Sec. 2. R. S., T. 38, § 368, amended. Subsection 5 of that part of section 368 of Title 38 of the Revised Statutes, which relate to "Sebasticook River, Main Stem" is repealed and the following enacted in place thereof:

'5 It is further provided that those municipalities and industries now discharging wastes to the waters of the East Branch of the Sebasticook River shall comply with the following time schedule with respect to abatement:

A. Phase I. Completed preliminary plans covering, for all wastes discharged hereto, treatment facilities adequate to achieve a minimum B.O.D. removal (5-day) of 75% and achieve a settleable solids removal of at least 90% from the quantities of these factors contained in the raw waste shall be presented to and approved by the Water Improvement Commission not later than September 1, 1966.

Final and detailed plans approved by the Water Improvement Commission shall be provided not later than September 1, 1967; and all construction must be completed not later than October 1, 1969.

B. Following the start of operation of the initial phase of treatment, the Water Improvement Commission will evaluate the results obtainable together with effects on the stream and make further recommendations and re-

quirements consistent with the objective of reclaiming Lake Sebasticook.' "

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, I move for indefinite postponement of this House Amendment "A."

The SPEAKER: The question before the House is on the motion of the gentleman from Belgrade, Mr. Sahagian, that House Amendment "A" be indefinitely postponed.

Mr. SAHAGIAN: Mr. Speaker, and if I may speak on it briefly.

The SPEAKER: The gentleman may proceed.

Mr. SAHAGIAN: Mr. Speaker, Members of the House: I think my colleague is in error when he said that it was unanimously approved by the committee. He was not present at the committee and I moved that the committee report ought to pass without the amendment and the vote was taken on that basis; and now this amendment comes up here, that is going to give a time of 1968 for anybody to act on this pollution system. They have waited for the last nine years and the condition of this lake is in deplorable condition. In fact, they brought a sample down there the other day. You or I or any other person won't tolerate such conditions in that lake. So, again I hope that Committee Amendment "A" will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Belgrade, Mr. Sahagian, that House Amendment "A" be indefinitely postponed.

Mr. Knight of Westbrook requested a division.

The SPEAKER: The gentleman from Westbrook, Mr. Knight, has requested a division. Is the House ready for the question? The question before the House is on the motion of the gentleman from Belgrade, Mr. Sahagian, that House Amendment "A" be indefinitely postponed. All those in favor of House Amendment "A" being indefinitely postponed will kindly rise and remain standing

until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, am I in order to make a motion for this bill to lay on the table until tomorrow?

The SPEAKER: The gentleman is in order.

Mr. SAHAGIAN: I so move.

The SPEAKER: The question before the House now is on the motion of the gentleman from Belgrade, Mr. Sahagian, that this matter lie upon the table, pending the adoption of House Amendment "A."

Mr. Eustis of Dixfield requested a division.

The SPEAKER: The gentleman from Dixfield, Mr. Eustis, requests a division on the tabling motion. All those in favor of this matter lying upon the table assigned for tomorrow will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-three having voted in the affirmative and sixty-two having voted in the negative, the tabling motion prevailed.

Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor (S. P. 223) (L. D. 682)

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

Amended Bills

Bill "An Act Appropriating Funds for the Establishment of a Speech and Hearing Referral and Training Center at the Farmington State Teachers College" (S. P. 79) (L. D. 224)

Bill "An Act relating to Composition and Election of Superintending School Committee of the

City of Portland" (H. P. 360) (L. D. 463)

Bill "An Act to Grant a New Charter for the Town of Yarmouth" (H. P. 519) (L. D. 672)

Bill "An Act Revising Certain Laws Relating to Prevention of Forest Fires" (H. P. 778) (L. D. 1174)

Bill "An Act relating to Eating Places" (H. P. 950) (L. D. 1286)

Bill "An Act relating to Testing Newborn Infants for Detection of Causes of Mental Retardation" (H. P. 995) (L. D. 1345)

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.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act Authorizing the Appointment of the Commissioner of Agriculture by the Governor." (S. P. 219) (L. D. 678)

Tabled — March 30, by Mr. Levesque of Madawaska.

Pending — Passage to be Engrossed.

Mr. Levesque of Madawaska offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 219, L. D. 678, Bill, "An Act Authorizing the Appointment of the Commissioner of Agriculture by the Governor."

Amend said Bill by adding at the end thereof the following section:

'Sec. 3. Effective date. This Act shall become effective on the first Wednesday of January, 1967.'

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

The Chair laid before the House the second item of Unfinished Business:

DIVIDED REPORT—Majority (6) —"Ought to pass" in New Draft

under same title (H. P. 1063) (L. D. 1439)—Minority (3) —“Ought not to pass”—Committee on Liquor Control on Bill, “An Act relating to Definition of Hotel under Liquor Law.” (H. P. 748) (L. D. 985)

Tabled—April 2, by Mr. Jalbert of Lewiston.

Pending—Acceptance of Either Report.

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

Mr. COTE: Mr. Speaker and Members of the House: I now move that the Majority “Ought to pass” Report of the Committee be accepted.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, now moves that we accept the Majority “Ought to pass” Report.

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

Mr. MEISNER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think this is a good bill. There seems to have been an effort to get a definition of a hotel. It does not have to serve meals. If you read this bill you'll find that this is another one of those bills. It says here that a hotel is a place where meals may be served. It doesn't say that they shall be served. Now, I think for two reasons I am opposed to this. First, on account of motels which are trying to do business and having a difficult time as it is, and to have a hotel where meals may not be sold is a hindrance to these hotels who are trying to have meals and have a good hotel. The second reason that I am opposed to it is, that perhaps some of you can't remember as I can, that this is going backward. I have known where they had what is called in my early days just a saloon where they could have rooms for several purposes maybe. So I hope you will not go along with this motion to accept the majority report.

The SPEAKER: At this time the Chair would like to recognize in the balcony of the House, forty-seven seniors of the American Government Class at Skowhegan High School, accompanied by their

teachers, Mr. David Mattsen and Mr. Richard Benner. They are the guests of the gentleman from Skowhegan, Mr. Poulin. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

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

Mr. COTE: Mr. Speaker, I introduced this bill at the request of the Liquor Commission. Laws being what they are, this says—it gives a definition for a hotel where meals or equipment shall be maintained, where meals shall be served, but it doesn't say anything about the individual who goes into this hotel and doesn't ask for a meal. Many, many times food is wasted. They have this food on their hands. They do not serve the meals and so thereby every five or six weeks they have to throw the food away and buy another supply, and I think it's a good health bill in a way. But, regardless of that, they're willing to pay \$1,000 for a license instead of the \$600 fee, which would mean for the coffers of the State of Maine an additional ninety to a hundred thousand dollars a year.

As I said, people going into these hotels asking for food, if they don't have it on hand they probably send out somewhere for a sandwich or they are served the same sandwich time and time over again. They don't have to serve the food even though they have it on hand, unless they are requested, and if people go in there and don't ask for the food then they don't get served. The Liquor Commission feels that this is a good bill and that's why I introduced it for them and I hope that the majority report sustains.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I have to go along with Mr. Cote this morning because this is a good bill. This is a bill that was sponsored for the Commission and the members of the enforcement division.

It just can't be enforced when all you have to maintain is a freezer in the kitchen with frozen foods and you can keep them frozen for ten years.

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

Mr. DANTON: Mr. Speaker, as I understand this bill, it will eliminate the serving of food in the hotels. I was wondering whether or not a member of the committee could answer this question. Will they be required to get a victualer's license or some kind of a permit from the town before they can serve liquor?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, has posed a question to any member of the Liquor Control Committee who may answer if he so desires.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that a victualer's license would not be required since the institution would then not be serving food.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I heartily concur with the gentleman from Dover-Foxcroft, Mr. Meisner, and I certainly hope that the "ought to pass" report will not prevail.

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

Mr. DANTON: Mr. Speaker, again I pose a question to any member of the committee. Would this then in effect mean that a licensee may procure a license or obtain a license from the state without first going through the licensing board of the community?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, poses a question to any member of the Liquor Control Committee who may answer if he so desires.

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

Mr. LUND: Mr. Speaker, I believe the answer to that would be yes.

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

Mr. COTE: Mr. Speaker, Members of the House: You still have to go through the same procedure you do for any other license. You have to go through the town municipal officers.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton, who requests unanimous consent to address the House for the third time. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. DANTON: Mr. Speaker, what licenses will be needed by the licensee? I again ask any member of the committee.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, once again poses a question to any member of the committee who may answer if he so desires.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I would like to pose a question to any member of the committee. I have looked through the bill here and in spite of the fact that I understood the gentleman from Lewiston, Mr. Cote, to say that they were willing to pay an added license, I fail to find it. Can he enlighten me as to where this license fee increase is provided?

The SPEAKER: The gentleman from Perham, Mr. Bragdon has posed a question to any member of the Liquor Control Committee and if the gentleman from Lewiston, Mr. Cote, desires to answer the question he will be speaking a third time. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. COTE: Mr. Speaker, I am only rising to answer a question. Look at the redraft of 1439. There is a redraft of that bill. The licensing provisions are on that bill. And the serving meals is \$600; not serving meals is \$1,000.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Bishop.

Mr. BISHOP: Mr. Speaker, I move this matter be tabled for one week.

The SPEAKER: The gentleman from Presque Isle, Mr. Bishop, now moves that this matter lie upon the table assigned for one week from today, pending acceptance of the Majority "Ought to pass" Report.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, has requested a division. All those in favor of this matter lying upon the table until one week from today, pending acceptance of the Majority "Ought to pass" Report, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-nine having voted in the affirmative and sixty-nine having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund, who requests consent to once more address the House. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I would simply like to point out one of the consequences that we can expect if this bill passes. In looking at the bill, we are thinking in the immediate time of the present licensees who would be saved some expense if they didn't have to maintain these food preparing facilities. On the other hand, I think we can logically see that if this bill passes it would apply of course to motels, because motels are licensed under the hotel provisions. We could logically expect that every motel would have the requisite number of rooms, ten in some towns and twenty in others. Every motel could if it wished apply and probably receive a license to sell hard liquor.

Mrs. Harvey of Windham requested a division.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to get into this hassle but it brings up some memories that are not too pleasant. Of course, we had before national prohibition, we had prohibition in this state and we didn't have anything but dumps and joints where liquor was served. I patronized some of them. (Laughter) I was living in other states when it became national and one of the things that brought on prohibition was the continual, gradual pushing and so-called liberalizing of our laws so that the whole matter of serving liquor got to be so disreputable that people who didn't care much either way, just went and voted liquor out.

I must confess, I see a series of movements in that direction again; and we in our mind, we know pretty well what are good hotels and what are dumps, joints and dives. And we had in restaurants, we had a pretty good rule put in four years ago which the boys are now trying to so-call liberalize. I just feel that we ought to be put on notice that that same tendency, that same push is going on again and it might possibly have the same results which would be quite disastrous to those of us who like to take a drink every now and then. I don't like this type of action. Call it liberalization if you like, loosening if you like, but I don't believe it's in the public interest.

The SPEAKER: The Chair would like to recognize at this time in the balcony of the House, thirty-eight students of the American Government Class of the University of Maine, who are accompanied by their Professors Eugene Mawhinney and Don Heidorn. This trip was enabled by a grant from the National Center for Education in Politics. They are the guests of the gentleman from Orono, Mr. Anderson. On behalf of the House the Chair welcomes you and we hope that your visit

will be both educational and enjoyable. (Applause)

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

Mr. BERNARD: Mr. Speaker and Members of the House: I would like to ask a parliamentary question.

The SPEAKER: The gentleman may state his inquiry.

Mr. BERNARD: Mr. Speaker, I noticed that Mr. Cote and Mr. Danton and Mr. Lund were up on the floor of the House and it was asked unanimous consent. Now for the benefit of the new members, do you have to have unanimous consent to answer a question or ask a question?

The SPEAKER: The Chair will answer the question in the affirmative.

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

Mr. MEISNER: Mr. Speaker, would I be in order to ask for a roll call?

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Cote, that we accept the Majority "Ought to pass" Report and the gentleman from Dover-Foxcroft, Mr. Meisner, has requested a roll call. In order for the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. All those in favor of a roll call vote will 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 is in order.

The SPEAKER: The Chair would request the Sergeant-at-Arms to escort the gentleman from Madawaska, Mr. Levesque, to the rostrum for the purpose of serving as Speaker pro tem.

Thereupon, Mr. Levesque assumed the Chair as Speaker pro tem and Speaker Childs retired from the Hall.

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

Mr. BRADGON: Mr. Speaker and Members of the House: In as much as this bill obviously extends the privilege of licensing for liquor purposes to all motels, I must place myself on record as being definitely opposed to this extension of that law.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Lewiston, Mr. Cote, that the House accept the Majority "Ought to pass" Report on Bill "An Act relating to Definition of Hotel under Liquor Law," House Paper 1063, L. D. 1439. If you are in favor of the acceptance of the Report you will answer "yes" when your name is called; if you are opposed to the acceptance of the Report you will answer "no" when your name is called. The Clerk will call the roll.

ROLL CALL

YEA—Beane, Bedard, Benson, Mechanic Falls; Bernard, Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Brennan, Bussiere, Carswell, Cote, Curran, Danton, Dostie, Doyle, Drigotas, Drouin, Edwards, Fecteau, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gillan, Harvey, Bangor; Jalbert, Jordan, Keyte, Kilroy, Knight, LaBerge, Lebel, Lent, McKinnon, Mills, Nadeau, Roy, Searles, Truman, Wheeler, Wuori.

NAY — Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Baldic, Benson, Southwest Hbr.; Berman, Berry, Birt, Bradstreet, Bragdon, Brewer, Buck, Burwell, Carroll, Carter, Champagne, Conley, Cookson, Cottrell, Cressey, Crommett, Crosby, Cushing, Davis, Dickinson, Dudley, Dumont, Dunn, Erwin, Eustis, Evans, Farrington, Faucher, Gifford, Gilbert, Glazier, Graham, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Harvey, Windham; Harvey, Woolwich; Haugen, Hawes, Hawkes, Haynes, Healy, Huber, Hunter, Clinton; Hunter, Durham; Jewell, Katz, Kennedy, Kittredge, Lane, Lang, Lewis, Libhart, Lincoln, Littlefield, Lowery, Lund, Lycette, Meisner, Millay, Mitchell, Mosher, Palmer, Payson, Peaslee, Pendergast, Pike, Pitts,

Poulin, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Ruby, Sahagian, Sawyer, Scott, Starbird, Storm, Stoutamyer, Sullivan, Susi, Waltz, Ward, Watts, White, Guilford; Whittier, Wight, Presque Isle; Wood, Young.

ABSENT — Anderson, Orono; Childs, D'Alfonso, Fortier, Hoy, Martin, Norton.

Yes, 43; No, 100; Absent, 7.

The SPEAKER pro tem: The Chair will announce the vote. Forty-three yes, one hundred no, seven absent, the motion is lost.

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

SPEAKER CHILDS: The Chair thanks the gentleman from Madawaska, Mr. Levesque, for acting as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted the gentleman from Madawaska, Mr. Levesque, to his seat on the Floor, amid applause of the House, and Speaker Childs resumed the Chair.

The Chair laid before the House the third item of Unfinished Business:

Bill, "An Act Repealing Compensation Limitation in Actions for Injuries Causing Death." (S. P. 202) (L. D. 583)

Tabled—April 2, by Mr. Danton of Old Orchard Beach.

Pending—Motion of Mr. Berry of Cape Elizabeth to Indefinitely Postpone.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: This bill came before the Judiciary Committee. It was given a full, fair hearing, and after all the opponents and all the proponents were heard, the Committee unanimously reported that it ought to pass.

What this bill in effect does, is remove an archaic death limit that has been in our books. At one time it was \$10,000, later on it was \$30,000, whereby a person who is

accidentally killed cannot claim over \$30,000. This limitation was in the books in many states and these states, being realistic, removed it.

Now it is possible here in this state for the owner of a horse which might be worth \$50,000 or a million dollars to collect the amount of money that that horse was worth, but a human being is limited to \$30,000. I think that the indefinite postponement motion of the gentleman from Cape Elizabeth, Mr. Berry, should not prevail, and I urge your support. I request a division.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to the fact that insurance rates in other states I think pretty much speak for themselves as to why their death limit has been removed, they are very much higher than the State of Maine. Now if we remove this death limit here in the State of Maine you can bet your bottom dollar that the policyholders in the State of Maine, the John Q Public is going to pay higher premiums, and I hope that you do not remove the death limit. I might go along with increasing it, but I don't think we ought to remove it entirely. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Bishop.

Mr. BISHOP: Mr. Speaker, I think the fear that automobile liability policy premiums would increase greatly is not well-founded. Our policies issued to residents of Maine have to take into account the possibility that the insured may be responsible for the death of a person in another state. Now Maine—there are many states in which there is no death limit, so that possibility has to be taken into account.

This bill is designed to eliminate a shocking inconsistency in our law. If a person is injured, there is no limit to what he can recover. If he is killed, his widow, his children, are limited to \$30,000. As the gentleman from Old Orchard Beach, Mr. Danton pointed out, you could

often recover more from the death of a horse.

Another inconsistency is the fact that if the father and husband were killed in New York or California, again there would be no limit to what the survivors could recover. What difference should it make whether he is unfortunate enough to be killed in Maine or in California? I don't think we should concern ourselves particularly with any increase in premiums because as I say, already the companies are faced with unlimited liability in the case of injury, and the additional responsibility will not add greatly to their responsibility. I urge that you do not support the motion to indefinitely postpone.

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

Mr. BERRY: Mr. Speaker and Members of the House: The gentleman from Old Orchard Beach, Mr. Danton, refers to the provisions of the present law as being archaic, and if so, I think we have 151 members in the House who are very archaic, because the last change in the law was as long ago as 1961, and the change previous to that was 1957.

In 1957 the limit was \$10,000 that could be recovered by jury award, and that year it was changed to \$20,000. Four years later it was changed from \$20,000 to \$30,000. I think here we have a bill which certainly is a borderline situation. If a young person with a large earning potential is killed in the prime of life, we have a different situation if he has a family and children than we do somebody who doesn't have that and is unfortunately killed. In an attempt to strike a happy medium through the past years a limit has been set. My quarrel is merely with the complete removal of the limit. I do not take any issue with the fact that there is, has been or should be a limit on what can be recovered. After all, if you are not covered by insurance, and this is not just automobiles we are talking about, this is any form of liability, and if you are not covered by insurance, and there is no limit to what you can be assessed with, this could bankrupt by far many people.

I would hope that this bill could be brought up to date, if that is the complaint of the people interested. However, I would urge you at the present time to support my motion to indefinitely postpone.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I am surprised at my friend from Wilton, Mr. Scott, whom I understand knows something about insurance, when he makes the statement that our insurance rates will go up, and my friend from Presque Isle, Mr. Bishop has not entirely answered his objection.

The fact is, of course, that insurance rates are determined actuarially and they are broken down into sections. Now when an insurance company is determining a rate that would be applied here, it would determine a rate based upon the amount of coverage. If the policy limit was \$20,000, regardless of the top limit, the rate would be based on the \$20,000 maximum limit, and that is how it is determined. Now therefore you see the argument that insurance rates will go up has absolutely no vitality here at all, none whatsoever, because the premium here is based entirely upon the maximum limit of the policy. I think that probably will effectively dispose of that argument, but there is much more to be said for this bill.

Now this bill is designed to eliminate the inconsistencies that have been pointed out. You understand, of course, that if you have a young man who is making we will say \$8,000 a year, he is in his thirties, and he is injured in an accident, and he is maimed for life, and he cannot work for the rest of his life, even our jury awards in the State of Maine have been known to give recoveries of \$150,000, because they try to determine this person's earning potential for the rest of his life and try to compensate him and his family for that loss of earning which has been caused by the

negligence of the driver on the other side. Now don't forget of course that in order to make any recovery, there must be established negligence on the part of the other driver and it must be also established, which is a very harsh rule in the State of Maine, that the person who is getting the recovery is free from negligence himself, completely free.

Now I think if we pass this bill that one of the side effects would be a driver's realizing that in these cases that there would be no limit to what the recovery could be, might tend to make our drivers more sensible. It is completely inconsistent, in my opinion, to allow recovery for people who are maimed for life, but have some earning capacity left, and allow juries to establish an award based on that, and telling juries that they are completely incompetent to assess an award where the person in the prime of life with a good earning capacity has completely deceased, leaving his wife and children without any means of support whatsoever.

Now this bill is a good bill. It is not a lawyer's bill, regardless of what some of my friends would like to have you think. This bill is designed to allow the widow of a deceased to recover in proportion to what the earning capacity of her husband may have been, or whoever the heirs are.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: I find myself in agreement with the lawyers here. I better clear up a little stuff. Anyway, I have looked at this bill, and if a person is in an accident, in any kind of an accident, and is very seriously injured and has to be in a hospital for any length of time, why the hospital charges would eat up the \$30,000 and there would be nothing left for the family.

There is something more that could be said. The lawyers have to be taken care of too. But I believe that this limitation should be

stricken out, and I shall support the bill as it appears in the pages here today.

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

Mr. RICHARDSON: Mr. Speaker, as much as I would dearly love to, I am not going to debate the merits of this bill. However, I would like to point out to the House that as a member of the Judiciary Committee, I joined in signing the unanimous ought to pass reports, and I would like to have the members of the House recall that when we come to pass on other legislation which has been sponsored by the so-called Maine Trial Lawyers Association.

I believe that when you have a status of a law which makes it cheaper to kill somebody than it is to simply injure them, that it is time that that situation was taken care of.

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: I understand this bill came out unanimous ought to pass, and I still say any time you can get ten lawyers to get together and vote unanimous, it must be a pretty good bill.

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

Mr. BUSSIÈRE: Mr. Speaker, I would like to comment about the gentleman from Portland who said that the lawyer will have to support the patient while he is in the hospital. It would have been a good thing if they supported the chiropractor bill.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I am also not going to debate the merits of the bill, but I simply want to point out that it is very easy to debate these things in terms of insurance. I want to remind you that it doesn't always happen that people have insurance, and of course this would apply in

the event you had an accident and didn't have insurance and I think we should consider that too.

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

Mr. ERWIN: Mr. Speaker, this is a lawyer's field day. First of all, I am not going to debate the merits either, but I think if I understood the gentleman from Portland, Mr. Healy correctly, I think that he is under misapprehension. A \$30,000 limit is only a limit for wrongful death. There is no limit, other than the limit of damages which you can prove if you injure or maim someone, so that this bill's limitations are strictly with respect to wrongful death.

I trust the House will forgive me if I become slightly autobiographical, but I don't think I would be completely honest with you as a practicing attorney, who admittedly does not often appear as a plaintiff's attorney or as an insurance attorney either in the trial courts of the State of Maine, if I didn't tell you the one feature of this bill and four others which will come before you, which distresses me. My father was a lawyer, both my grandfathers were lawyers, and so was one of my great grandfathers, and I take great pride in the fact that I am a fourth generation lawyer, and I hope my son becomes a doctor. It used to be when I was a young man that it was widely held throughout the United States of America that if a man was an attorney, he was respected in his community because he was an attorney, and by and large, the fact that this is not always so any more is the fault of the attorneys.

I want you to understand no matter what you do with this bill or with any other of these bills coming out of the Judiciary Committee, that they have their origin not in any social demand by the people of the State of Maine. None of you, as non-practitioners of the law, are involved in this, but there is built into these bills one thing which I don't think is or should be supported only by lawyers. That is that every single one of them seems

to have the effect of raising the size of jury verdicts, and it is interesting to me that when you raise the size of the jury verdict, of course you raise the size of the lawyer's fee. Now a workman is worthy of his hire. I have no objection to this. I have no real objection to a law which will come before you to clarify the law on contingent fees. This one is probably something that is long overdue in this State of Maine, but I think you should bear in mind always when you are told this is not a lawyer's bill, that this bill and the other four coming in right behind it are sponsored by the Maine Trial Lawyers Association. Now these gentlemen are perfectly honorable gentlemen and they have a perfect right to come in here with legislation of this sort, but you people ought to understand that this does not have the unanimous backing of all of the lawyers in the State of Maine, and that all of the lawyers in the State of Maine are not unanimously behind this kind of thinking and this kind of legislation. I would like to debate these bills on their merits from time to time as they show up before this House of Representatives, but as an attorney, I would be much happier debating if one of you had been the sponsor, and not an attorney who stands indirectly to benefit by the passage of this kind of legislation.

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

Mr. LYCETTE: Mr. Speaker, Ladies and Gentlemen of the House: On the premise that this bill, and I stand to be corrected, gives us an unlimited degree as to how much a man can be sued on an accident, I am against it. As a police officer for forty-two years, I followed the courts, and I think the attorneys will agree with me, that there isn't too much happiness over some of the decrees of the jurors. I have often heard it said that perhaps it would be better to have their cases heard by a judge or judges.

Now I as an ordinary man have difficulty enough as a retired gentleman to carry on \$100 de-

ductible insurance, and that's about all I can do. Now if you are going to give these juries permission to sue an unlimited amount, I am against it. Thank you.

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

Mr. LIBHART: Mr. Speaker, \$100 deductible insurance normally concerns itself with collision insurance on an automobile; it has absolutely nothing to do with what we are talking about here. The difference generally speaking, and this can vary on the driving record of the particular insured, but the difference between \$25,000 and \$50,000 of coverage is less than \$5.00 a year. Nothing to do with collision insurance which is expensive.

Now again I say this is not a lawyer's bill; the fact that lawyers happen to be the people who have put this bill in, the Trial Lawyers Association are in favor of it, does not label it a lawyer's bill. I asked my good friend from York, Mr. Erwin, how many lawyers in the last fifty years in the State of Maine estates have sued on the basis of this type of limitation? I don't know of any and I doubt very much if there is anyone here that has ever heard of a lawyer's estate suing on this type of difficulty where a lawyer has been killed through the negligence of another.

Now to call it a lawyer's bill, you would have to say that the purpose of the elimination was to benefit a lawyer's family who happened to be negligently killed by an automobile driver or someone else. This bill is for every individual in the State of Maine. This would allow anyone, the estate of anyone who is killed negligently. The mere fact that the lawyer happens to get involved in the case does not in and of itself make it a lawyer's bill, and I deprecate this kind of thinking—I even doubt whether it is thinking.

Now I hope you folks when you vote on this bill will vote on the merits of the bill and not whether or not it was sponsored by the Trial Lawyers Association of which I am not a member.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't hesitate to tell you that I have been before the judge and the jury, and I think they showed restraint, good judgment, and I would like to call to your attention if we remove this limitation, we are not necessarily saying that the judge will find big judgments. I think they show good judgment in my opinion. I think we have a good judicial system, and I think they have some restraint, and the jury would also, and so all we are doing we are merely saying that we will leave this to the discretion of the judge and the jury. This is where I think it belongs; not with us here today. I don't think that we are in a position to judge the value of one man's life against another; also the circumstances, his age, the method in which the accident occurred, if that's the case. I think there are many things that should be taken into consideration that we cannot take into consideration before this honorable body today. I think it is a case for the judge and the jury, and if we remove the limitation, it will be handled as such, and I hope that the House this morning will accept this majority report from a group of very intelligent people on this particular committee, and go along with the majority report, and I so move that we do. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this Bill "An Act Repealing Compensation Limitation in Actions for Injuries Causing Death," S. P. 202, L. D. 583 be indefinitely postponed. The gentleman from Old Orchard Beach, Mr. Danton, has requested a division.

All those in favor of this bill and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

The Chair laid before the House the fourth item of Unfinished Business:

HOUSE REPORT—"Ought not to pass"—Committee on Education on Bill, "An Act relating to School Construction Aid in Certain Administrative Units." (H. P. 1023) (L. D. 1386)

Tabled—April 6, by Mr. Birt of East Millinocket.

Pending—Acceptance.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few remarks on this bill, and then if I would be in order, make a motion on the bill.

When the Sinclair Bill was first enacted, among the comments that were made in the other body were the fact that it would allow building cost to municipalities of over 700 enrollments, such as Portland, Bangor and cities of this size. Another statement was the fact that this law would improve the education of all of the children in the state. Since the enactment of the law it has been amended once to allow tuition students to be included in enrollment figures.

However, there are presently at least seventeen towns in the state that are not able to unite into districts because it is economically impractical. Most of these towns are meeting the highest standards of education as established by the department, and there were two bills that were killed last week in this body of single town—of cases where single individual towns were attempting to form into districts and the primary reason was to allow them to receive building costs.

When this bill was heard, several superintendents from these towns appeared in favor of the bill. Since then, I have had several letters and telegrams supporting a

view that accredited schools should receive construction costs, and in one of the telegrams the comment is made that quality as well as quantity should be a factor in determining building costs.

I would hope that at some future date when some of the inequities of the Sinclair Bill are being considered, that this area of construction costs be seriously looked into. I would now move the acceptance of the Committee Report.

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

The Chair laid before the House the fifth item of Unfinished Business:

An Act relating to Uniforms for Full-Time Deputy Sheriffs. (H. P. 260) (L. D. 330)

Tabled — April 6, by Mr. Bernard of Sanford.

Pending — Passage to be Enacted.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I tabled this bill last week because the sponsor of the bill, the gentleman from Millinocket, Mr. Crommett, was not present at the time.

I also had time to check and in doing so checked with the agents, the legislative agents of the commissioners in the State of Maine, and their answer to me was what I thought it was going to be, that this bill would not limit the county commissioners of the counties to buy up to four uniforms in their departments. I do not know what the other counties in the State of Maine think of buying an unlimited amount of uniforms. If this bill were passed, the Sheriff's Department in York County could buy as many uniforms as they saw fit.

I know they are going to tell you that this bill here calls only for directing of traffic, as far as the uniforms are concerned. Well we have on Saturday nights in York County, deputy sheriffs in Old Orchard, deputy sheriffs in

Wells, Ogunquit, Kennebunk, Kennebunkport, York. The increase in our budget this year is the highest increase in the State of Maine, \$221,000 increase, and I don't think that we can afford any more increase. Mr. Speaker, I move indefinite postponement of this bill.

The SPEAKER: The question before the House now is the motion of the gentleman from Sanford, Mr. Bernard, that this bill and its accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, I move that this lie on the table until the next legislative day.

The SPEAKER: The question before the House now is on the motion of the gentleman from Millinocket, Mr. Crommett, that this bill be tabled pending the motion of the gentleman from Sanford, Mr. Bernard, that this bill be indefinitely postponed.

Mr. Bussiere of Lewiston requested a division.

The SPEAKER: A division has been requested. All those in favor of this bill lying upon the table assigned for tomorrow will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-five having voted in the affirmative and sixty having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, the purpose for which I asked to have this bill tabled was to get some legal advice, because that was not the intention of the Towns and Counties Committee suggested by the gentleman from Sanford, Mr. Bernard. The Towns and Counties Committee did not accept that thinking and I thought if it was tabled we could get some legal advice, and I would now ask for reconsideration of our action.

The SPEAKER: The motion is not in order. The Chair recognizes

the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I believe that Representative Bernard from Sanford has confused the House on this particular issue, because this law has been on the books only requiring that they could buy four uniforms, each county, for the purpose of directing traffic. Many of the counties have misunderstood this law. I think the right to buy uniforms is still left in the hands of the commissioners. No sheriff's department will be allowed to buy uniforms by themselves. They have had some difficulty in purchasing more than four uniforms. They have done this in several counties through necessity. This is only permissive legislation. It doesn't mean that any county will go out and buy an exorbitant amount of uniforms where it is left in the hands of the commissioners. I merely wanted to explain this to the House so that they could vote properly on the prevailing motion.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I am sorry if I confused a few gentlemen. I didn't mean to. The only question in my mind was that we have limited up to now in the law the amount of uniforms, four uniforms, that the county commissioners may procure for the sheriff's department. If you vote for this bill, Sheriff DeWinters, through the county commissioners, if the county commissioners see fit, I understand he has around 300 deputy sheriffs over here in this county, he could go out tomorrow morning if the commissioners here in Kennebec County are very friendly with him, and buy 600 deputy sheriffs' uniforms. I think this is ridiculous.

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

Mr. BUSSIÈRE: Mr. Speaker, I agree with the gentleman from Sanford, Mr. Bernard, because if

that bill should pass, I think I will put in a bill for the legislature to get the state to buy uniforms for the legislators too, and as far as the traffic supervision, that comes under the state police. They may assist, but very seldom you see any of them, and I agree with the gentleman from Sanford. I go along with the motion for indefinite postponement.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Sanford, Mr. Bernard, that this Bill be indefinitely postponed. All those in favor of this Bill and its accompanying papers being indefinitely postponed will say aye; those opposed, no.

A viva voce vote being taken, the motion did prevail. Sent up for concurrence.

The Chair laid before the House the sixth item of Unfinished Business:

DIVIDED REPORT—Majority (6)—“Ought to pass”—Minority (2)—“Ought not to pass”—Committee on Education on Bill, “An Act relating to Conveyance of Secondary School Pupils.” (H. P. 465) (L. D. 619)

Tabled—April 6, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Richardson of Stonington to accept Minority “Ought not to pass” Report.

On motion of Mr. Evans of Freedom, retabled pending the motion of Mr. Richardson of Stonington to accept the Minority “Ought not to pass” Report and specially assigned for tomorrow.

The Chair laid before the House the seventh item of Unfinished Business:

DIVIDED REPORT—Majority (7)—“Ought to pass”—Minority (3)—“Ought not to pass”—Committee on Natural Resources on Bill, “An Act Requiring Landowner’s Permission to Trap Beaver.” (H. P. 814) (L. D. 1257)

Tabled—April 7, by Mr. Martin of Eagle Lake.

Pending—Motion of Mr. Palmer of Phillips to accept Majority “Ought to pass” Report.

On motion of Mr. Jalbert of Lewiston, retabled pending the motion of Mr. Palmer of Phillips to accept the Majority “Ought to pass” Report, and specially assigned for tomorrow.

The Chair laid before the House the eighth item of Unfinished Business:

HOUSE ORDER Relative to House Rule 57 Being Stricken Out and Making an Insertion in Place thereof.

Tabled—April 9, by Mr. Kirtledge of South Thomaston.

Pending—Passage. (Ordered Reproduced)

On motion of Mr. Birt of East Millinocket, referred to the Committee on Rules and Business of the House.

The Chair laid before the House the ninth item of Unfinished Business:

Bill, “An Act relating to Minimum Wages for Firemen.” (H. P. 503) (L. D. 656)

Tabled—April 9, by Mr. Binnette of Old Town.

Pending—Motion of Mr. Berry of Cape Elizabeth to Indefinitely Postpone.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: This bill, again I repeat, is a bill that is designed to do justice to our firefighters of this state. It is a bill that will eliminate moonlighting. It is a bill that will make wages available to our firefighters so that they can maintain and sustain their families. It is remedying an injustice that has been existing for a long period of time. I feel that this motion of the gentleman from Cape Elizabeth, Mr. Berry to indefinitely postpone should be defeated.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Bishop.

Mr. BISHOP: Mr. Speaker and Members of the House: Again I

am very reluctant to differ with my seatmate, the gentleman from Old Orchard Beach, but I would just like to call attention again to the members of the House what the effect of this bill will be.

In the first place, it will discriminate between municipal employees. If we are going to make a change, if we are going to put any of them under minimum wage, we should do it to all classes of municipal employees, and not single out the firemen. In the next place, their plight is not as desperate as has been represented here. In Presque Isle, for example, the pay of firemen is \$75.00 to \$90.00 weekly, and they work twenty-four hours on and twenty-four hours off for a total of eighty-four hours, which is reduced somewhat by a device known as the Kelly week, which I don't understand, but I think people who are familiar with labor and programming of work weeks will know what that means, with the result that we are paying a minimum of eighty-nine cents an hour and a maximum of \$1.07. The result to the City of Presque Isle with the passage of this measure would be the increase of \$18,000 per year to implement this bill.

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

Mr. BREWER: Mr. Speaker and Members of the House: I have been listening with interest to the debate on this bill the past week or so. There are basically some things that concern me. One, of course, you have heard a number of times that it regulates the municipalities as far as regulating their own rates are concerned. Now this bill, if passed, will put the firemen directly under the provisions of the minimum wage law. You received a copy on your desks today of hourly rates and wages paid to firemen in certain municipalities in 1963. I think it is a little misleading because these rates have been upgraded since then, and I will refer to Bath only, because it is the only City that I am familiar with as far as the rates go. On this sheet, the top wages are \$83.33 which are now of course \$88.00. The hours remain

the same. The hourly rate on this sheet here is \$1.19; now it is \$1.26.

Now we have some minimum wage bills that are kicking around this legislature. I have one on the table; there is one in the other branch that has been recommitted. It is rumored that the Committee is coming out with a new bill which provides for an overtime payment after forty-eight hours. I have not seen the redraft, but I would like to have you think about that for a moment and what it will do to your firemen rates back home, especially in the large cities where Portland's rate in 1963 was \$1.52 an hour and I would assume that it is more now. Where they work fifty-six hours, that means they will be paying time and a half after forty-eight if the minimum wage law is passed in that respect.

I think you have to realize that cities and towns in the state should regulate their own municipal wages, and I would hope that this bill would be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I don't quite agree with my colleague from Presque Isle, Mr. Bishop in regard to this cost. As I look at this sheet here, I see where we are in Old Town on the bottom of the totem pole. I would like to be on the top of the totem pole for once, but they have got the top wages listed here and they come at eighty-nine cents an hour, but if you took the starting pay of these firemen up there in my town, they don't get that. They don't get over seventy-five cents an hour to start, which I do not think is enough. Maybe their hours are a little longer, but I certainly believe that the municipal officers can rearrange their schedules so that they could get more money and shorter hours, because they are not only on duty while in the fire station, but when they have time off, whenever the alarm rings, they throw everything right aside and they go to the fire, so those hours are not counted in, and Lord knows how many fires they have

to attend when they are off duty, so I really believe that this minimum wage law should receive the favorable action of every member here. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker, I think there is a problem here that doesn't appear. In other words, I am not going to argue on the merits of a dollar an hour, but I think that we could create for town or city management a very serious problem. In other words, assume that they cut down the hours of some of these individuals in order to comply to the dollar an hour or they increase the wages a dollar an hour. Human beings being what they are you are going to create a lot of trouble amongst the other employees of the city and town and I think we are sticking our nose into towns and cities business where it doesn't belong.

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

Mr. COTE: Mr. Speaker, I was not going to get into this debate here this morning, but do you realize a fireman is almost a slave? When he goes to work he is on duty twenty-four hours a day, seven days a week and he cannot leave the town or the city without permission of the fire commission. It seems to me that is worth some consideration. I don't think they are in the same category as other town employees being a fireman, because I know in Lewiston no fireman can leave the City of Lewiston unless he has permission from the fire commission, so that makes him practically a slave to his job twenty-four hours a day, seven days a week.

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

Mr. GAUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: We all have to admit that firefighting is hazardous work. In my opinion, the most hazardous part of the job is not the actual fighting of the fire, but the tension

waiting for the bell, especially at night. Now, I have heard a lot of talk about firemen sleeping on the job. I served as Fire Commissioner in Lewiston for five years and believe me if a man is in a deep sleep he will never make it to his truck in one minute which is required by the department. So I ask you, do they really sleep like we do at home, or are they sleeping with one eye open anticipating that bell to ring? Try it at home sometime. I know myself if I'm asleep and the telephone rings at night it takes me more than one minute just to answer the phone.

In Lewiston a medical examination is required every year for a fireman. The reports show that many of the firemen have hypertension. Last year two hundred percent more accidental deaths occurred to the firefighters while performing their duties than the average worker while on his job. Forty-eight percent, that's forty-eight percent of them died from heart disease. Yet, today we are debating whether a man charged with such responsibility and hazards to his health should be included under minimum wage. If we are to continue to recruit capable men, we must at least give them a fair wage. Thank you.

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

Mr. POULIN: Mr. Speaker, Ladies and Gentlemen of the House: I understand the gentlemen from Lewiston are having trouble with their fire department. I believe they can solve their own problems. We in Skowhegan can solve ours, so I believe they should be able to solve their own and not have to come to the House to try to clean their back yards for them.

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

Mr. BLOUIN: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit confused about this bill. I would like to pose a question to the gentleman from Old Town, Mr. Binnette. My question is: if this bill should go through today with the minimum

wage for firemen, don't you have to pay these firemen time and half after forty hours? Forty-four hours?

The SPEAKER: The gentleman from Sanford, Mr. Blouin, has posed a question to the gentleman from Old Town, Mr. Binnette, who may answer if he so desires.

Mr. BINNETTE: In reply to the gentleman from Sanford, I don't believe there are many towns that pay time and a half for their firemen when they work beyond the forty-eight hours or the forty-four hours which you suggested.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I would like to remind the good gentleman from Skowhegan, Mr. Poulin, that this is not a Lewiston bill. And some people have a way of getting up and just hitting off on sarcasm all the time and, not that I can't be sarcastic, not that I would start a revolution, but I'm always happy to join one. As far as dirty linen is concerned, we don't have to wash it in Lewiston, we don't have any.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Roy.

Mr. ROY: Mr. Speaker, Ladies and Gentlemen of the House: As a municipal officer, I feel that I have to stand on this. I think a lot of us are misled, for most of the small towns in the state have volunteer fire departments. In Winslow we have thirty-five volunteer firemen. We in turn pay them a dollar and a half an hour when they are called off from their jobs to attend a fire, which in turn they are not compensated for their time lost at the mill or at the job which they have. I think it is high time that something is done for the firemen of the state which in turn come under the categories of the larger towns and cities. I think they should deserve a little consideration here today. Thank you.

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

Mr. SAWYER: Mr. Speaker, Ladies and Gentlemen of the House: Passage of this legislation

takes away from the community its right to establish municipal wage rates, and thus violates the concept of municipal rights in the matter of wages and hours. Legislation in the area of police and public works personnel could follow, and which could in the future make unnecessary demands on the time of the Legislature. These are matters which rightfully come under the province of the municipal officers. I am concerned about this type of legislation. I am also concerned about the inadequate weekly wages that firemen in some communities receive for the number of hours that they are on duty. Although I do not like this type of legislation, I will have to favor it to correct a difficult situation.

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

Mr. BENSON: Mr. Speaker, Ladies and Gentlemen: A rather interesting question was posed a few moments ago. That was in regard to the minimum wage. I realize that we have not resolved anything under the proposed minimum wage laws, but I think it is fair to tell you that there will be a time and a half provision in the minimum wage laws as it will be submitted to this Legislature from the Labor Committee.

I think that each of us as responsible legislators should be very much concerned what this will do to our municipalities. As you look at this sheet of hours involving many of the municipalities, of course not all of them, that was placed on our desk this morning, you will see where a very large percentage of the towns have firemen working well over the forty-eight hours and these people under the minimum wage law would be entitled to the time and a half provision. I think that you should think very carefully what this will do to your municipal budgets.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Bishop.

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: I rise once more because I can see what the difficulty is

here. There are only about a half a dozen communities that are affected. The larger communities are already paying more than the minimum wage and most of the rest of you are not affected. So have a little consideration for those of us that will be affected by this legislation.

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

Mr. DANTON: Mr. Speaker, Ladies and Gentlemen of the House: The other day the lobbyists against this bill informed me that the only town affected was my town. I am quite surprised to find out that Presque Isle is affected. I guess the lobbyist told the gentleman from Presque Isle, Mr. Bishop, something else. The effect of the other municipal employees coming in and asking for a dollar minimum wage is a very weak argument. I submit to you that most municipal employees other than the firefighters are receiving the minimum wage rate. As far as half time is concerned, this is not being paid, time and a half is not being paid at the present time.

I note that we are concentrating on home rule, and how about county rule? I see an awful lot of bills coming through here affecting the county rule. I see an awful lot of bills going through here that have no regard whatsoever about home rule. If we are such advocates of home rule, I wonder how come the legislators in the past have set up standards for our teachers, not that I'm against paying teachers a decent living wage, but it seems to me that this home rule defense is a very weak defense and it's only a skirt which the opponents of this bill are hiding behind.

In effect, this one dollar an hour minimum wage will eliminate this so-called moonlighting. The increase of wages or cost of the municipalities will not be of any great amount. I urge all of you to defeat this motion of indefinite postponement.

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

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I want to be recorded as opposing this kind of legislation which is a wedge to set up for the municipalities a whole new pyramiding cost of paying municipal officers. And I hope you will go along with us and indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker, Ladies and Gentlemen: I just want to make myself clear to Mr. Danton. Evidently I didn't before. My objection to this was on the basis that if you put them up to a dollar an hour, lower the hours or even if you increase their pay to a dollar an hour which would increase their take home pay if you didn't increase or decrease the hours, that the other employees who may be getting a lot more than a dollar an hour, because this group gets an increase the most of them will ask for an increase for their own department.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This morning you have heard just about all the arguments for and against this minimum wage for the firemen. You have heard them in some areas being made slaves of their labor. You have heard in some instances that it is going to break the town's back by allowing the firemen to receive an honest or so-called honest day's wages for working. You have all had the sheet before you this morning regarding these sheets that have been worked from the municipal executives' handbook. Years ago, we adopted in this country and many other countries the fact that the people should have something reasonable to work by and allowing a forty hour week. Anything in excess of forty hours in most instances would become time and a half

after forty hours. We're not asking here this morning that all municipalities or any municipality pay time and a half, for any hours over forty hours. But if they should be asked, or if anybody should be asked to work after forty hours, he should receive time and a half if it becomes necessary under the law.

You've heard mentioned this morning that some of these municipalities are going to be under a very strenuous budget difficulty if this becomes law. My belief is that if any municipality wants to cut into their budget that there are enough areas that they can economize, that they can take up the slack of paying these firemen at least a minimum wage for their hours of labor. I don't think that I need to go into any further length in this debate. You have heard some very good arguments here this morning. I don't believe that the municipalities are going to suffer this greatly by allowing this particular group of individuals some fair and reasonable amount of dollars and cents per hours if they can be with their family and eliminate some of these eighty-four and eighty-two and eighty-three hours a week.

So, when the vote is taken I request it be taken by the yeas and nays.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I think that we should take into consideration the many dangers that these firemen place their lives into while they are protecting the lives and properties of others. A lot can happen in an hour and to think of seventy-five cents it is pretty cheap. I hope that the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After hearing the distinguished gentleman from Madawaska, who has been in labor all

his life and who should know some of the problems—(Laughter).

The SPEAKER: The House will be in order. The Chair recognizes the gentleman from Madawaska, Mr. Levesque, who I assume rises on a point of privilege.

Mr. LEVESQUE: Mr. Speaker, a personal privilege. I would like to ask the gentleman from Old Town, Mr. Binnette, to qualify my being in labor all my life.

Mr. BINNETTE: Mr. Speaker, he has been in the labor movement. (Laughter)

I believe that he has a great deal of experience in regard to a lot of these problems which confront labor and I most heartily accord with him in regards to the municipalities adjusting their budget. I sincerely believe that they can, especially when they want to increase a salary of some of their executives, they don't seem to have any difficulty in doing that. And when it comes to the little fellow, they seem to have an awful hard time to do it. So, I certainly hope that you will go along with my colleague, Mr. Levesque.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this bill and its accompanying papers be indefinitely postponed. The gentleman from Madawaska, Mr. Levesque, has requested that when the vote is taken that it be taken by the yeas and nays. In order for the Chair to entertain the yeas and nays it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by yeas and nays will 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 the yeas and nays are in order.

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

Mr. BERNARD: Mr. Speaker, Members of the House: I don't know if you people here don't have any hearings this afternoon, but I have a hearing coming up in about

twenty minutes. I would like to see this bill tabled.

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

Mr. BENSON: Mr. Speaker, Ladies and Gentlemen: I have done some very quick figuring while the debate has been going on here and I think it might be pertinent at this time to tell you that just taking at random several cities, the City of Rumford for example, not taking into account any possible minimum wage increase which could very well become effective October first of this year, just taking their present wage and computing that on the basis of time and a half after forty-eight hours, the increase per man in Rumford would be \$1,010, \$1,010 per man in the Rumford Fire Department. Old Town's increase per man at the present rate, using time and a half after forty-eight hours, would be an increase of \$833 per year. Using Bangor's total increase, using time and a half after forty-eight hours, Bangor's increase would be \$41,646 per year. I think those would be interesting figures to think on as we get ready for our roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton, who requests permission to address the House once more. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. DANTON: Mr. Speaker, Ladies and Gentlemen of the House: I think that the gentleman from Southwest Harbor, Mr. Benson, is anticipating an awful lot. First of all, he is anticipating a minimum wage increase, then he is arbitrarily giving the department time and a half and I submit to the House that these figures should not be of any importance to them.

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

Mr. JALBERT: I move we adjourn until nine-thirty tomorrow morning.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that we adjourn until nine-thirty a.m. tomorrow morning.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque has requested a division. All those in favor of adjourning until nine-thirty tomorrow morning pending the motion of the gentleman from Cape Elizabeth, Mr. Berry, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-six having voted in the affirmative and eighty-two having voted in the negative, the motion did not prevail.

The SPEAKER: The question before the House now is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this Bill "An Act relating to Minimum Wages for Firemen," House Paper 503, L. D. 656, and its accompanying papers be indefinitely postponed. The Clerk will call the roll.

ROLL CALL

YEA — Avery, Baker, Orrington; Baker, Winthrop; Beane, Benson, Southwest Harbor; Berman, Berry, Birt, Bishop, Blouin, Boissonneau, Bragdon, Brewer, Buck, Burwell, Carter, Cottrell, Cressey, Crosby, D'Alfonso, Davis, Doyle, Dudley, Dunn, Erwin, Evans, Farrington, Gifford, Graham, Hanson, Gardiner; Hanson, Lebanon; Harriman, Hawkes, Haynes, Huber, Hunter, Clinton; Jalbert, Jewell, Katz, Kennedy, Kittredge, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, Meisner, Millay, Mosher, Payson, Peaslee, Pendergast, Pike, Poulin, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Scott, Storm, Susi, Waltz, Ward, Watts, White, Guilford; Wood, Young.

NAY — Baldic, Benson, Mechanic Falls; Bernard, Binnette, Bourgoin, Bradstreet, Brennan, Busiere, Carroll, Carswell, Champagne, Cookson, Cote, Crommett, Curran, Cushing, Danton, Dickinson, Drigotas, Drouin, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford;

Gaudreau, Gillan, Glazier, Hammond, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hawes, Healy, Hunter, Durham; Jordan, Keyte, Kilroy, Knight, Laberge, Lane, Lebel, Lent, Levesque, Lowery, Nadeau, Palmer, Pitts, Roy, Ruby, Sawyer, Searles, Starbird, Stoutamyer, Sullivan, Truman, Wheeler, Whittier, Wight, Presque Isle; Wuori.

ABSENT — Anderson, Ellsworth; Anderson, Orono; Bedard, Conley, Dostie, Dumont, Gauvin, Gilbert, Hoy, Lang, Martin, Mc-

Kinnon, Mills, Mitchell, Norton, Prince, Sahagian.

Yes, 70; No, 63; Absent, 17.

The SPEAKER: Seventy having voted in the affirmative and sixty-three having voted in the negative and seventeen being absent, the motion prevails.

Sent up for concurrence.

On motion of Mr. Jalbert of Lewiston,

Adjourned until nine-thirty o'clock tomorrow morning.