

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

Thursday, April 15, 1965

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

Prayer by the Rev. Mr. Robert Canfield of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Joint Resolution Requesting State Government, When Planning for Public Buildings, to Provide Certain Facilities for Handicapped Citizens (S. P. 496)

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

**Senate Reports of Committees
Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act to Make Allocations from Bond Issue for Construction and Equipment of Pollution Abatement Facilities" (S. P. 178) (L. D. 544)

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

In the House, the Report was read and accepted in concurrence, the Bill read twice and tomorrow assigned.

Tabled and Assigned

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Revising the Urban Renewal Law" (S. P. 316) (L. D. 1042)

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

In the House, the Report was read.

(On motion of Mr. Bussiere of Lewiston, tabled pending acceptance of Committee Report and specially assigned for Tuesday, April 20.)

**Ought to Pass with
Committee Amendment**

Report of the Committee on Natural Resources on Bill "An Act

Requiring Permits to Dam Waters for Recreational Purposes" (S. P. 342) (L. D. 1087) 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. 342, L. D. 1087, Bill, "An Act Requiring Permits to Dam Waters for Recreational Purposes."

Amend said Bill by inserting at the end before the period the following:

' , provided that no such application or permit shall be required before constructing, repairing, rebuilding or altering a dam, the purpose of which is to create an impoundment to be principally used for manufacturing, industrial or utility purposes'

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

Report of the Committee on Natural Resources on Bill "An Act to Revise the Forestry Laws" (S. P. 436) (L. D. 1377) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bills 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. 436, L. D. 1377, Bill, "An Act to Revise the Forestry Laws."

Amend said Bill in that part designated "§501." of section 2 by adding at the end of the 3rd sentence before the period the following underlined words **'except in his official capacity'**

Further amend said Bill in that part designated “§501-A.” of section 3 by striking out all of the last underlined paragraph and inserting in place thereof the following:

‘The department is authorized to carry on research in the fields of forestry, insects and diseases and at least annually shall review its research and coordinate proposed projects with the school of forestry of the University of Maine.’

Further amend said Bill in that part designated “§501-B.” of section 3 by striking out all of the 2nd underlined sentence and inserting in place thereof the following:

‘All forest rangers shall be sworn to the faithful discharge of their duties and all persons employed by him shall not be concerned directly or indirectly in the purchase of state lands, nor of timber or grass growing or cut thereon except in their official capacity.’

Further amend said Bill in that part designated “§1201.” of section 34 by striking out the 2nd sentence of that part which relates to Piscataquis County and inserting in place thereof the following:

‘Townships B.K.P., E.K.R.: 3, R. 5; 2, R.6.’

Further amend said Bill in that part designated “§1201.” of section 34 by striking out all of the last sentence of that part which relates to Somerset County and inserting in place thereof the following:

‘Municipalities: Moose River, Moscow, Brighton Plantation, Caratunk Plantation, Dennistown Plantation, Highland Plantation, Pleasant Ridge Plantation, The Forks Plantation, West Forks Plantation.’

Further amend said Bill in that part designated “§1553.” of section 54 by inserting at the end the following new sentence:

‘In the event of drought which prevents burning the commissioner shall allow logs which are too large to be chipped to remain in the right-of-way until it is eco-

nomically feasible for their removal.’

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

Non-Concurrent Matter

Joint Resolution Memorializing Congress to Promote the Protection of our Gold Reserves (H. P. 1076) (L. D. 1454) which was adopted in the House on April 9.

Came from the Senate adopted 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

Bill “An Act relating to Hunting by Nonresident Aliens” (H. P. 699) (L. D. 937) which was indefinitely postponed in non-concurrence in the House on April 13.

Came from the Senate passed to be engrossed as amended by House Amendment “B” in non-concurrence.

In the House:

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

Mr. LEVESQUE: Mr. Speaker, I now move that we recede and concur with the Senate.

The SPEAKER: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, Ladies and Gentlemen of the House: We have killed this bill several times and it seems to come back. This combination of bills right here as it is written is going to cost the Department of Fish and Game some \$60,000 at the best you can do and I at this time would like to once again move that this be indefinitely postponed.

The SPEAKER: The gentleman from Glenburn, Mr. Cookson, now moves that this bill and its accompanying papers be indefinitely postponed.

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

Mr. ANDERSON: Mr. Speaker, I move we insist on our former action.

The SPEAKER: The question before the House is on the motion of the gentleman from Glenburn, Mr. Cookson, that we indefinitely postpone.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This bill is, of course, the non-resident alien bill which was indefinitely postponed last Tuesday in the House. The gentleman from Glenburn, Mr. Cookson, pointed out that this has been killed several times. This is not necessarily true. The amendment requiring or giving seventy year olds complimentary fishing licenses has been removed by the Senate and the original bill is what is coming to us today. So, this is nothing more than the original committee report which was ten to nothing "ought to pass." Therefore, I would urge that the motion for indefinite postponement be defeated and I would further say that this is not the seventy year old bill whatsoever. It is merely the nonresident alien bill which I discussed on Tuesday.

The SPEAKER: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, Members of the House: This non-resident alien license, I was one who signed this out as a majority "ought to pass." But since that time the department has checked up as to the availability of guides in that area and it just doesn't make sense to pass this. We sold about 1,700 licenses up there last year and if you had to have guides for these people, we just wouldn't sell the licenses, that's all. So we would be losing, you figure it at \$25 a license and you'll see what we lose. So, for that reason the department now is not in favor of this bill and I must go along with them.

Mr. Anderson of Ellsworth requested a division.

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

Mr. MARTIN: Mr. Speaker, Members of the House: The gen-

tleman from Glenburn, Mr. Cookson, pointed out that 1,700 licenses would be affected. This is quite true because 1,700 licenses were sold to nonresidents in this area, amounting to approximately \$14,500 which he feels would be a loss to the department. This is where I have to disagree with him because I feel it would not be. I might point out that this amount per hunter of revenue to the state is somewhat less than what comes from other areas of the state, because in this area the \$25 is all that you are getting from this non-resident and nothing else. This bill is merely an attempt to solve the problem of the nonresident alien coming on the southwest border of the state where oftentimes, and I have known this to be true, the individual is caught only after he has killed his twenty-second deer and transported it back to Canada. This is nothing more than an attempt to correct some of these situations here and it is certainly impossible for anyone to patrol this area effectively, so if such a provision were provided then to some degree this would help in the patrolling of this area.

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

Mr. BRAGDON: Mr. Speaker, I would like to pose a question to the gentleman from Eagle Lake, Mr. Martin, as to whether or not the Canadian Province of Quebec would be agreeable to issuing the same privileges to Maine hunters.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses a question through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may answer if he so desires.

Mr. MARTIN: Would the gentleman from Perham care to restate the question?

Mr. BRAGDON: I understand that this is the privilege that is being extended to Canadian hunters, mainly in the area between, we'll say, the St. John River and the Canadian boundary, and they are given—it proposes to give them free licenses if I understand the bill correctly where they now would be paying for them if we

don't pass this bill. My question was—can we hope for a corresponding—a reciprocal, I guess is the word I want, arrangement with the Province of Quebec in case some of our Maine hunters wish to go across the border the other way?

The SPEAKER: Does the gentleman understand the question?

Mr. MARTIN: The only thing I understand is the fact that this bill is not an attempt to give free licenses and this is the only thing that I could gather from the question of the gentleman from Perham, Mr. Bragdon.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Possibly in answer to the question of the gentleman from Perham, Mr. Bragdon, is that in the Province of New Brunswick which is directly covering three-quarters of the eastern border of the State of Maine, it is now a part of their law and has been for some fifteen or twenty years that in order for a nonresident to go hunting in New Brunswick he must have a guide for each hunter. Here we are asking a guide for three hunters, and I understand that in the Province of Quebec they are now processing about the same thing as you will find in the Province of New Brunswick. In other words a nonresident that goes to hunt in the Province of Quebec will have to have a guide similar to what we now have had in New Brunswick for a number of years.

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

Mr. BRAGDON: Mr. Speaker, I point out that the gentleman from Madawaska, Mr. Levesque, I think only partially answered my question. It was not in regard to hiring guides. It was whether or not we could get free licenses in these provinces, because I feel that we are issuing free license to Canadians.

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

Mr. LEVESQUE: Mr. Speaker, under certain conditions similar to the State of Maine, they now issue complimentary licenses both in Quebec and New Brunswick.

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

Mr. LIBHART: Mr. Speaker, through the Chair I would like to ask the gentleman from Madawaska, Mr. Levesque, a question. Do the Canadian laws as far as you know, limit themselves to non-resident aliens or are their laws simply restricted against all non-residents regardless of whether they are aliens or what have you?

The SPEAKER: The gentleman from Brewer, Mr. Libhart, has posed a question through the Chair to the gentleman from Madawaska, Mr. Levesque. Does the gentleman from Eagle Lake, Mr. Martin, care to answer that question?

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The New Brunswick law itself is for all nonresidents. Therefore, even though someone from Quebec comes over to hunt in New Brunswick they also need a nonresident license. But this was, of course, not an attempt to provide such a system in Maine. This bill simply provides for non-resident aliens.

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

Mr. BUSSIÈRE: Mr. Speaker, Ladies and Gentlemen of the House: This bill was introduced by Representative Bourgoin of Fort Kent and because Representative Bourgoin is not here this morning I would suggest in order to allow him a chance to debate on this bill, to table this until next Tuesday.

The SPEAKER: The Chair understands that the sponsor of the bill is the gentleman from Eagle Lake, Mr. Martin. Is the Chair correct? And the gentleman from Eagle Lake, Mr. Martin, answers in the affirmative.

Mr. BUSSIERE: Mr. Speaker, I withdraw my motion.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Glenburn, Mr. Cookson, that this bill and its accompanying papers be indefinitely postponed. The gentleman from Ellsworth, Mr. Anderson, 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.

Seventy having voted in the affirmative and fifty having voted in the negative, the motion prevailed.

The SPEAKER: The question before the House now is on the motion of the gentleman from Madawaska, Mr. Levesque, that we recede and concur. All those in favor of receding and concurring will say aye; all those opposed will no.

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

The SPEAKER: The question before the House now is on the motion of the gentleman from Ellsworth, Mr. Anderson, that we insist on our former action. Is this the pleasure of the House?

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

Mr. LEVESQUE: Mr. Speaker, may I ask that this be tabled until next Wednesday?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that this matter lie upon the table assigned for next Wednesday pending the motion of the gentleman from Ellsworth, Mr. Anderson, to insist.

Mr. Anderson of Ellsworth requested a division.

The SPEAKER: The gentleman from Ellsworth, Mr. Anderson has requested a division. All those in favor of this matter lying upon the table assigned for next Wednesday will kindly rise and re-

main standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-one having voted in the affirmative and seventy-six 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 Ellsworth, Mr. Anderson, that we insist on our former action.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: This is not my bill but I certainly feel that there is a great need for it and I will attempt briefly to tell you the reasons why I feel it's needed.

This document now has been explained by Representative Martin from Eagle Lake, that we have got a problem in that area of the state. And if you people don't think that we do have a problem, you should get in touch with some of the game wardens in the area, you should get in touch with some of the border patrols in the area as to what is happening to the deer herds in the northern part of the State of Maine and how they are somehow or other taking the moose herds in the State of Maine, chasing them across the boundary lines so that they can get rid of them in another country, because we have no laws for shooting game of that nature in our state.

Now, this we feel will help towards the preservation of our deer herd that is now being sold on the open market in New Brunswick and in the Province of Quebec at almost any restaurant that you want to go and eat. Now, surely they are using some of theirs, but when you can find tracks crossing the international boundaries at almost any place along the boundary then I think we have got a problem. And, as Representative Martin has pointed out, these people kill the deer. After they have killed the deer, then they go and apply for a license. No control whatsoever from the department, it's impossible. Those are wilderness areas.

With the skimobile and the other motorized over snow vehicles that they have today, it's just a matter of split second timing before anybody can catch them.

So, if we feel that we can accomplish this by allowing these people to have a license but also to be accompanied by a guide, then we feel that we have at least eliminated some of the trouble we are faced with. Because we feel that what is going to be our trouble in that area is also the trouble of the other areas of the State of Maine. Some of these deer might migrate south in different areas of the state. So this is primarily what we are trying to do with this document, is to eliminate some of this problem that we have been faced with over the years that these deer are being killed and transported into Canada by droves, by trucks, by skimobile, by ski tow or what have you. They use all the modes of transportation available to them in any form, shape or manner that you can have. So, this morning I ask you to search your conscience and see if this can help our area in preserving the deer herd in northern Maine. I thank you.

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

Mr. BRAGDON: Mr. Speaker, as I understand the explanation and I followed the gentleman from Madawaska as closely as I could, it seems to me that the only problem we are eliminating is charging the license fee—eliminating the license fee. It seems to me that they're going to do the same thing, that the only thing we're eliminating we're eliminating charging them for it, and they are going to take them across free now as I see it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen: I will be rather brief but I would like to make a few comments in regards to this question, the comment by the gentleman from Perham, Mr. Bragdon.

We are not attempting to remove the license whatsoever, but I certainly feel that if the twenty-five dollars, or if this were to go through, it would help in the patrolling as far as the game warden service is concerned and to some degree when the individual is not with a guide then he would be subjectable to penalties as provided by the Department of Inland Fish and Game. And this in itself would help in keeping that area to at least the minimum of convictions.

Now, one comment that I would like to make is the fact that this Legislature or at least some members of it have been so interested in conservation in the past in regards to the bear bill that we cried over it last week. And we have now come to a degree where there is a measure here in this Legislature which will help conservation and we are going to kill it, and I certainly feel that this is certainly not keeping up with what we are supposed to be in favor of all the time.

Mr. Anderson of Ellsworth requested a division.

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

Mr. GILBERT: Mr. Speaker, Members of the House: The more I listen, the more confused I become. I understand that we now have the original bill back as it was presented. The original bill, I read right here, it says that "A non-resident alien must be accompanied, at all times while hunting, by a regular Maine guide licensed under Chapter 307, who may guide no more than 6 of such nonresidents at any one time." Now how did we get free licenses and everything else out of it? Will somebody explain that? I would like to vote intelligently some way or other.

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

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

Mr. MARTIN: Mr. Speaker, this bill comes back from the Senate as the original of course, but as

amended by House Amendment "B". And House Amendment "B" provides that "any alien who has resided in this State continuously for 5 years may purchase any resident license issued under chapters 301 to 335." Also the number of individuals per guide was cut from six to three. Further, "this paragraph shall not apply to those members of the Canadian Immigration Customs Forces who receive complimentary licenses now" and this is merely included in the bill because this is true under a different section of our law, Section 2601. So, this is what we are voting for this morning.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Ellsworth, Mr. Anderson, that we insist on our former action on Bill "An Act relating to Hunting by Non-resident Aliens," House Paper 699, L. D. 937. All those in favor of insisting on our former action will kindly rise and remain standing until the monitors have made and returned the count.

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

Thereupon, the House voted to recede from its former action and concur with the Senate.

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

Non-Concurrent Matter

Bill "An Act Providing for Safety Seat Belts for Motor Vehicles" (H. P. 436) (L. D. 565) which was indefinitely postponed in non-concurrence in the House on April 2.

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

In the House:

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

Mr. CONLEY: Mr. Speaker and Members of the House: It is not my intent to stand here this morning and debate this bill as I think it has been before us and has had a great deal of discussion. I do, however, feel that since this House already once this session has enacted this measure and the other body at the other end of the hall has amended this measure to make it even a stronger bill, and the fact that it has been well established by the National Highway Safety Committee that at least five thousand lives last year could have been saved through the use of seat belts, I would therefore move that we now recede and concur with the Senate.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Conley, that we recede from our former action and now concur with the Senate.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I sincerely hoped this morning that we wouldn't have to discuss such a minor bill again and I'll try to be brief. I think enough has been said already.

However, the last time we voted on this bill in the House we voted quite unanimously not to pass it. In view of the new information that we have received and all the amendments, the bill is hardly recognizable now for amendments from its original status. For that reason this House voted quite unanimously not very many days ago to not pass it. Now, if we recede, if we go along with the motion before the House and recede and concur, this means that we're going to change our mind once more. This would be wrong in my opinion. Now these are some of the things we have found out during this interim while the bill was shuffling back and forth between the two Houses.

We have letters from all the major manufacturers in this country that say in 1966 seat belts will be in all 1966 models. Now, that means the new cars that come out in September of 1966, they're going to have seat belts anyway. We

have letters to verify this. So they're going to be in September 1966 have seat belts anyway. Now, assuming that we change our mind and be known as the reversible 102nd, here's what we'll be doing. This bill then will go in effect ninety days after we adjourn which might be August, but if we keep talking like this that might be September or October. So I hope that you will be kind enough to vote against the motion of receding and concurring so that we can insist on our former action. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: One has spoken for this bill and another has spoken against it. This bill has been debated four times. I move the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one-third of the members present. All those in favor of entertaining the motion for the previous question 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-third having risen, the motion for the previous question is in order.

The question before the House now is, shall the main question be put now, which is debatable for no more than five minutes by any one member. All those in favor of having the main question put now will say aye; all those opposed will say no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question before the House now is on the motion of the gentleman from Portland, Mr. Conley, that we recede from our former action and now concur with the Senate.

Mr. Brewer of Bath requested a division.

The SPEAKER: The gentleman from Bath, Mr. Brewer, has requested a division.

The Chair recognizes the gentleman from Lewiston, Mr. Cote, and

inquires for what purpose does the gentleman rise.

Mr. COTE: I request a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, now moves that a roll call be taken. 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 this vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

The Chair recognizes the gentleman from Portland, Mrs. Carswell, and inquires for what purpose does she rise.

Mrs. CARSWELL: Mr. Speaker, parliamentary inquiry.

The SPEAKER: The gentleman may make her inquiry.

Mrs. CARSWELL: Is a motion in order for a division on the roll call?

The SPEAKER: It is not.

A sufficient number did not arise.

The SPEAKER: Obviously less than one-fifth of the members having risen, the motion for a roll call is not in order.

All those in favor of receding and concurring with Senate will now kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-seven having voted in the affirmative and thirty-seven having voted in the negative, the motion prevailed.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House forty-six students of the Junior High School of Fryeburg, accompanied by their teachers Thomas Doughty and Brian Dolly and their chaperones Mrs. John Target and Mrs. Carl Warren. They are the guests of the gentleman from Denmark, Mr. Dunn. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

Orders

On the part of the House, the Speaker appointed the following

Conferees on the disagreeing action of the two branches of the Legislature on Bill "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities," House Paper 546, Legislative Document 768:

Messrs. PITTS of Harrison
BUSSIÈRE of Lewiston
KENNEDY of Milbridge

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

Mr. JALBERT: Mr. Speaker, I would inquire if the Clerk is in possession of House Paper 503, L. D. 656, Bill "An Act relating to Minimum Wages for Firemen."

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, inquires if the Clerk has possession of House Paper 503, L. D. 656, Bill "An Act relating to Minimum Wages for Firemen." The Clerk answers the question in the affirmative.

Mr. JALBERT: I now move that the House reconsider its action of yesterday whereby this bill was indefinitely postponed and I would ask to speak on the motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that we reconsider our action whereby this bill and its accompanying papers were indefinitely postponed on April 14. The gentleman may proceed.

Mr. JALBERT: Mr. Speaker, Members of the House: During the previous day's debate several colleagues have indicated that they could support this bill if they could be assured that no one and a half time would be involved, no time and a half, I have personally spoken to several members and they have agreed to this. Accordingly, if this pending motion carries, we will then be in a position to adopt House Amendment "A" which appears on your desk under Filing No. H-219 which straightens this out. Let me explain the purpose of the amendment. Our present minimum wage does not carry a time and a half time clause. However, if the Committee on Labor draft aimed at

revising the minimum wage law were to include such a provision and the Legislature adopts it, firemen would not be covered under it. This is clear and simple. There should be no misunderstanding. So I do hope that you will move to reconsider so that I can present the amendment which will clarify the situation.

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

Mr. BERRY: Mr. Speaker and Members of the House: I would urge the members of this House to vote against the motion for reconsideration. A very minor objection on my part is the time and a half. The most valid objection to this piece of legislation is the removal of home rule and I must say that I have heard the gentleman from Lewiston, Mr. Jalbert, talk this philosophy quite a bit, that he likes home rule. I would say this is the nub of this problem. The people of the various municipalities have the right and are fully capable of setting the salaries, wages of municipal employees.

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

Mr. JALBERT: Mr. Speaker, Members of the House: In answering my very dear friend from Cape Elizabeth, Mr. Berry, I might say that I have probably fallen out of love with home rule because I supported six bills in this session concerning the City of Lewiston that various boards in Lewiston objected to. So, I don't know, maybe since my sojourn in the hospital I might have had a change of heart as far as home rule is concerned. So that should defeat that argument. And now, in view of the fact that he also had an objection to time and a half, the fact that I have fallen out of love with home rule I am sure will convince the gentleman to go along with reconsideration.

When the vote is taken, I move for a division.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that very closely affects the size of town that I come from. My municipal officers in Brewer have asked me to oppose this bill in any form. Now, I think the real objection to putting firemen into our minimum wage law is that it ignores the real reason for exempting them in the first place. It seems to me that this is a very simple matter. When our minimum wage laws were originally drawn it is my belief that municipal employees were not excepted because of any love for home rule, and I take it that that is good thinking.

If the towns will not pay a decent wage, then certainly this Legislature has the right to require them to. Now I take it this is a prerogative of the state, it has always been our prerogative and probably always will be if we continue to be a democracy. But the real reason is that firemen particularly were exempted because under our system, in our fire departments, our firemen are allowed to sleep while being paid, eat while being paid, and because of this we obviously wouldn't be able to afford to pay them on the scale that the ordinary worker is paid when he is working an eight hour day.

Now with all due regard to firemen who are a brave lot, and when they work they work hard and their livelihood is a dangerous one, and I certainly will be the first to suggest that they should be adequately paid. But in Brewer we constantly have a waiting list for people who want to go on the fire department at our present wage scale, and we have a good department and we have a good insurance rating in Brewer.

I am afraid that if this bill is passed, or a bill like it is passed, it most certainly is going to increase our costs. It might do other things too. It might put firemen on an eight hour day so that actually the individual fireman's take-home might be less than it would be under the present system. Because if he is allowed only

to work a forty or a forty-eight hour week without any overtime it may very well be that the crews in our firehouses will be reduced because we can't afford to pay a bigger crew and that the fireman himself will be taking home less wages, and if our crews in our fire departments are reduced substantially then some of our towns are going to be re-rated by the insurance departments and it will cost the rate payers on their fire insurance more money.

Now, I think there are an awful lot of arguments against this bill. Now, my friend, Mr. Bishop from Presque Isle, has pointed them out and I haven't really heard any real reason for exempting — for taking off the exemption. Now they are a special group because they sleep and eat on the job. And as long as this situation exists then they deserve the exemption, not on the basis of home rule or any other thinking but for this reason alone.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: May I say that these firemen may sleep well while being paid and eat well while being paid but, as I said yesterday, seventy-five cents an hour is pretty cheap and a lot can happen to a fireman in an hour and I think we should take this into consideration and pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Ladies and Gentlemen of the House: In all of the discussion so far that we have heard in regards to this bill, this question of a charter for any city or municipality has not been brought up. In the City of Gardiner, we did have a change in our charter. We came before the Legislature and it was approved by the Legislature. I was then contacted again this morning by the City Manager to definitely oppose this bill. We are paying more than a minimum wage. We also are taking care of the retirement plan, also have hospital in-

surance—the Blue Cross for them, also furnishing them with funds for uniforms.

We believe, and when I say we I speak in particular of the municipal officers of our city, that this is reaching in a little too far when the state comes in and has just one class of employees of the municipality. We are definitely opposed to it. We feel that the system that we have is much better than it will be providing this goes through. Because I think we all must face the facts that the municipal officers if required to expend more money in any way will have to cut out some of the privileges that they now have. We do have many on the waiting list who seem to be very interested in working in the fire department.

I repeat again, our only difficulty is in our police department, where we don't seem to receive the employees that we would like to have sometimes. But I am definitely opposed to this and on behalf of the city I hope that this motion does not go through.

Mr. Gifford of Manchester requested a roll call.

The SPEAKER: The gentleman from Manchester, Mr. Gifford, now moves that when the vote be taken on this question that it be taken by the yeas and nays.

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

Mr. ROSS: Mr. Speaker, Members of the House: As the sponsor of Maine's Minimum Wage Law, I think that I should explain my vote today. I voted against the firemen yesterday because of the time and a half provision. As far as the question of home rule goes, we in the Legislature set minimum wages for teachers. In my religious denomination, which is Episcopalian, our state convention sets the minimum wage for ministers. There are many precedents and I today shall favor the bill.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: As you can very well see, I have survived my inflammatory remarks by the gentleman from

Old Town, Mr. Binnette. And I am happy to report that I am no more pregnant this morning, although I feel that I have conceded quite a bit in eliminating this time and a half provision. I certainly am happy to see this morning that some of the members that really objected to the bill because of the time and a half provision have no more objections. Certainly as the gentleman from Bath, Mr. Ross, has pointed out, we're paying minimum wage for teachers and most of the municipal employees are now receiving a basic minimum wage, and it seems to me inconceivable that we should take the firemen aside and say, well for you people, because you sleep here and because we ask you to work twenty-four hours continuously and because you might go to the fire today or tomorrow and God help, it could be any one of our houses or homes, because of that fire you might not be able to work the rest of your life or you might be crippled for some time. So I think basically that we have an obligation to these firemen and I think it behooves us this morning to try to help them in some way. Thank you.

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

Mr. BERRY: Mr. Speaker, Members of the House: Yesterday and today several references have been made in the debate on this matter to the minimum wages paid to teachers. I would like only to point out to the members of this House that the State of Maine pays a great deal of the salary of teachers and accordingly it is only fair that the state have something to do about their minimum pay.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me that when the State of Maine took it upon itself to set a minimum wage law, it envisioned that all workmen would be entitled to this basic minimum wage. It should not apply to some and not to others. The reason why other municipal employees are not here asking for

that dollar minimum wage is because they already are receiving it. Home rule has been mentioned many many times; I am here as a freshman and I have heard it in almost every bill. It seems that when it's to the benefit of the opponents they bring in home rule. I don't think that home rule was designed to serve as an umbrella of immunity for some communities to hide behind to shelter themselves so that they won't pay the minimum wage law that has been set by our state in the past.

We have in recent times an outstanding example of how at a higher level of government we must expect intervention in order that an equity may be preserved. For example, in recent months it was necessary at the federal level to enact legislation in order to insure certain rights of people in some states. They were hiding behind the theory of state's rights. Today some of the opponents of this bill are hiding behind the theory of home rule. This is very, very analogistic and I hope that this Legislature doesn't buy it.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: As usually has been the case when I have spoken, I had not intended to enter into this debate, but I most certainly cannot agree with my friend from Old Orchard Beach, Mr. Danton, that there is an analogy between state rights and this home rule proposition. What this really boils down to, is that it is very easy to sit here in Augusta and impose a cost on all of the towns in the state without taking any action to provide the funds to pay these costs.

In the Town of Cumberland, for example, we have a volunteer fire department. There is a great deal of discussion about the necessity for full time firemen. I think that the experience that has been suggested here in the House could certainly be repeated in Cumberland; if we paid wages similar to those which are being paid in comparable towns now we would have a waiting list. But if you

passed this sort of bill, you are going to make it virtually impossible for towns such as Cumberland and those with which I am familiar to hire full time firemen and have the advantage of that sort of protection.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: The other day I said that this matter smoked me out; today it chokes me up. I am looking at this list of wages that are paid to firemen and topping the list is the City of Bar Harbor, pays the least, eighty-two cents an hour. I can't believe it. Here is the wealthiest town in the State of Maine and it doesn't want to dignify these firemen by giving them the minimum of a dollar an hour. Ladies and gentlemen, there's something rotten in Denmark—I mean Bar Harbor. I would go along with this bill.

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

Mr. LIBHART: Mr. Speaker, Members of the House: There is one thing this House I am sure basically all agrees with and that is the agreement with the reports we have had that our property tax base in the State of Maine cannot stand any further impingements. Now, every time we do something like this in which we require the towns and cities to increase their tax rate we are putting a higher burden on our property taxes. Now, before this session is over with we are going to have a very dire problem with attempting to find more money for our schools. And no matter what we do the proposition will probably be that we will have to increase again all over the state, property tax rates. We will be doing that again today if we pass this bill.

Now, when we talk about Bar Harbor being the wealthiest town in the state it is just plain wrong. Check with the people down there. Check with my friend from Southwest Harbor, Mr. Benson, as to what has happened to their property tax values down there. Ask

Mr. Benson from Southwest Harbor, how many mansions have been torn down in the last ten years because the property tax rate is so high down there that those people can't afford to maintain those places. Look also at what the total take home pay is when you compare it against the hours worked and take out eight or ten hours for sleeping time, and then make a comparison.

Now, also remember that all of these fire departments are manned by people who are free, who can change jobs as they desire. Remember what I said about there being a waiting list in Brewer. We have had it for years. People like to get on the fire department. Practically every member of the Brewer Fire Department has another job. They get so exhausted working for the fire department that they get their relief by having a full time extra job. And our fire department people in Brewer all drive nice cars and they are doing very well. Some of the crying that is being done in the House this morning is being done wrongly.

My friend from Old Orchard Beach, Mr. Danton, suggests that there should be no exemptions in the minimum wage laws. I will guarantee that we members of this House, when and if we get to the minimum wage bill this session, will have some exemptions in it. We can not pass a bill in this House that will eliminate all exemptions under the minimum wage law. It can't be done. The exemptions exist now. They will continue to exist after we revise the laws this year. Remember also, that if we revise them we are not talking about the dollar minimum, we are talking about the dollar and a quarter. Now, if you want to continue to make the property tax rate in this state held up throughout the rest of the nation as being one that is impossible to justify keep on passing bills of this kind.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House forty-six pupils of the eighth grade of the China Elementary School, accompanied by their teacher John

Boynton and their Principal, Mr. James Cookson. They are the guests of the gentleman from China, Mr. Farrington. On behalf of the House the Chair welcomes you and hopes that your visit will be both educational and enjoyable. (Applause)

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

Mr. JALBERT: Mr. Speaker, Members of the House: In answer to the gentleman from Brewer, Mr. Libhart, Bar Harbor may not be the wealthiest town or city in Maine, but I think the gentleman from Southwest Harbor will agree with me that I don't see him applying—for making an application for the Anti-Poverty Program either. Now, I think also the remarks made about being paid while you're sleeping, being paid while you're eating at the fire station. Remember this, that a great deal of their lives, the firemen's lives, are spent away from their homes, away from their families.

As far as hazards are concerned, there have been some horrible accidents. There is hardly ever a fire where you don't read in the paper that one, two, three or more firemen were killed. As far as I'm concerned, I don't know about any waiting list, but I guarantee you that I have never nor would I ever want to make an application to be a fireman. Particularly one day after having seen an accident in Auburn whereby one truck is coming full blast in one direction and another is in another direction, the policeman is there directing traffic, both trucks hit him, four of the firemen were killed and I saw one of the firemen fly out of the truck and land up against a bridge wall as far away as I am from here to the gentleman from Milbridge, Mr. Kennedy.

On that basis I think they are entitled to more than eighty-two cents an hour.

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

Mr. BLOUIN: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the members that don't always agree with Mr. Jalbert, the gentleman from

Lewiston. In fact I voted against this bill yesterday and the only reason I voted against it, I didn't like the clause in the bill about the time and a half. But today I want to say that I feel that our firemen should be paid a minimum wage at least a dollar an hour. Today I will support this bill. Also, I hate to see anyone think how a person, I don't care what job you're doing, can work for sixty cents an hour, seventy-three cents an hour, eighty cents an hour. I don't believe there is one of you here today that would want to do this job for that kind of money, if you want to be honest about it. So, I hope that you will go along with the gentleman from Lewiston, Mr. Jalbert, on his motion. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I for one am a fireman. I have been on the fire department for two years. I don't think too many of you in here who have never fought a fire know what is the job of a fire department, the chances you take. I am not here to ask a raise in pay. I just want to let you know how the people and the firemen will feel to see you vote against them if you don't want to give them a raise in pay. That is the only thing I want to let you know. Our people, our firemen, will know how our people that represent us think of the fire department. Thank you.

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

Mr. BENSON: Mr. Speaker, Ladies and Gentlemen: While Bar Harbor was being mentioned I was talking to Mr. West in the Attorney General's office. There are several points apparently that should be cleared up.

Bar Harbor being the apparent center of attraction this morning, it is not paying eighty-two cents an hour as has been suggested. They are paying a dollar and one cent an hour at the present time to their firemen. Bar Harbor, con-

trary to popular conception this morning, is not the rich town that it used to be some twenty odd years ago. In 1947, as you all know, we had a rather disastrous fire which destroyed many of the summer properties there that made it the rich town that it has become known as. Among the estates that have been torn down just recently, those I am sure you have all heard of, Mary Roberts Rinehart Estate, the John D. Rockefeller Estate, and the taxes derived from the John D. Rockefeller Estate alone were over \$10,000 a year.

I would not degrade the firemen, the full time firemen of the state for anything. They are a very courageous group and perform their duties well and I commend them highly for it, but I don't think that we should shed tears by the bucket over their duties either, because they choose to do it. I would remind you again of something I believe I mentioned yesterday and that is that probably a very large percentage of the people in this House coming from small rural areas belong to volunteer fire departments. We perform the same duties that the full time firemen perform, only we do it for nothing.

I mentioned that I talked to Mr. West in the Attorney General's office regarding the proposed amendment which would be introduced should we reconsider our action of yesterday. Mr. West's opinion is that to amend a subsection which does not now exist would be rather innocuous; in other words, it would be meaningless.

There is no time and a half provision in the present law. We would be proposing an amendment in anticipation of something that could happen later in this session. Therefore our action of today should we take it would be meaningless, and on this basis I would urge you to vote against the motion to reconsider.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from

Lewiston, Mr. Jalbert, that we reconsider our action whereby this was indefinitely postponed. The gentleman from Manchester, Mr. Gifford, has moved that when the vote is taken it be taken by the yeas and nays. In order for the Chair to order the yeas and nays it must have the expressed desire of one-fifth of the members present. All those in favor of having the vote taken by the 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 motion is in order.

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

Mr. BUSSIERE: Mr. Speaker: Briefly, I would like to comment about the gentleman from Portland, Mr. Healy, saying that there was something wrong about Bar Harbor. There must be something wrong somewhere else too if we don't vote in favor of the motion to reconsider. I don't believe that the firemen should be ignored. We should give them enough butter to go with the bread. Thank you very much.

The SPEAKER: The Chair will state the question once more. The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that we reconsider our action whereby this Bill "An Act relating to Minimum Wages for Firemen," House Paper 503, L. D. 656, and its accompanying papers were indefinitely postponed on April 14.

The Clerk will call the roll.

ROLL CALL

YEA — Baldic, Benson, Mechanic Falls; Bernard, Binnette, Blouin, Bradstreet, Bussiere, Carroll, Carswell, Champagne, Conley, Cookson, Cote, Cottrell, Crommett, Curran, Cushing, Danton, Dickinson, Dostie, Drigotas, Drouin, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gillan, Graham, Hammond, Harvey, Bangor; Harvey, Wind-

ham; Harvey, Woolwich; Haugen, Hawes, Healy, Hunter, Durham; Jalbert, Jordan, Keyte, Kilroy, Knight, Laberge, Lane, Lebel, Levesque, Littlefield, Lowery, Martin, McKinnon, Mills, Mitchell, Nadeau, Palmer, Peaslee, Pitts, Poulin, Prince, Ross, Bath; Ruby, Searles, Starbird, Sullivan, Truman, Wheeler, Whittier, Wuori.

NAY — Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Beane, Benson, Southwest Harbor; Berman, Berry, Bishop, Boissonneau, Bragdon, Buck, Burwell, Carter, Cressey, Crosby, Davis, Doyle, Dudley, Dunn, Erwin, Evans, Farrington, Gifford, Gilbert, Hanson, Gardiner; Hanson, Lebanon; Harriman, Hawkes, Haynes, Huber, Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Libhart, Lincoln, Lund, Lycette, Meisner, Millay, Mosher, Payson, Pendergast, Pike, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Brownville; Sahagian, Sawyer, Scott, Storm, Stoutamyer, Susi, Waltz, Ward, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

ABSENT — Anderson, Orono; Bedard, Birt, Bourgoin, Brennan, Brewer, D'Alfonso, Glazier, Hoy, Hunter, Clinton; Lent, Norton, Roy.

Yes, 72, No, 65; Absent, 13.

The SPEAKER: The Chair will announce the vote. Seventy-two having voted in the affirmative and sixty-five in the negative and thirteen being absent, the motion prevails.

The Chair recognizes the gentleman from Lewiston Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, could you let me know where the bill stands now?

The SPEAKER: An amendment is in order at this time.

Mr. JALBERT: I present House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, offers House Amendment "A" and moves 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. 503, L. D. 656, Bill, "An Act Relating to Minimum Wages for Firemen."

Amend said Bill by adding at the end of the 3rd line from the end, before the single quotation mark, the following: **'However, 1½ times the hourly rate shall not be paid for all work done over 40 hours under this subsection.'**

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

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

Mr. LIBHART: Mr. Speaker, before we adopt this amendment I think it germane to point out that this amendment would effectively prevent any fire department from paying any member of the fire department time and a half after forty hours. They could not do it if they so desired.

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

Mr. JALBERT: Mr. Speaker, Members of the House: That is the idea of the the amendment.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that we adopt House Amendment "A". All those in favor of adopting House Amendment "A" will say aye; all those opposed will say no.

A viva voce vote being taken, the motion prevailed.

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

The SPEAKER: The Chair recognizes the gentleman from Phillips, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I would inquire if we have L. D. 583, Senate Paper 202.

The SPEAKER: The gentleman from Phillips, Mr. Palmer, inquires whether we have in our possession Senate Paper 202, L. D. 583, which is Bill "An Act Repealing Compensation Limitation in Actions for Injuries Causing

Death" which was passed to be engrossed on April 14, and the answer to the gentleman's question is in the affirmative.

Mr. PALMER: Mr. Speaker, I move that we reconsider our action of yesterday whereby this was passed to be engrossed.

The SPEAKER: The gentleman from Phillips, Mr. Palmer, now moves that we reconsider our action whereby this bill was passed to be engrossed. Is this the pleasure of the House? All those in favor of reconsidering our action whereby this was passed to be engrossed will say aye; those opposed will say no.

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

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

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Pendergast.

Mr. PENDERGAST: Mr. Speaker, I respectfully request that this be tabled until the next legislative day.

The SPEAKER: The gentleman from Kennebunkport, Mr. Pendergast, now moves this matter lie upon the table assigned for tomorrow pending further consideration.

Mr. Berman of Houlton requested a division.

The SPEAKER: The gentleman from Houlton, Mr. Berman, requests a division on the tabling motion.

All those in favor of this matter lying upon the table assigned for the next legislative day will kindly rise and remain standing until the monitors have taken and returned the count.

A division of the House was had.

Seventy-five having voted in the affirmative and thirty-eight having voted in the negative, the motion prevailed.

The SPEAKER: The Chair requests the gentleman from Madawaska, Mr. Levesque, to approach the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Levesque assumed the Chair as Speaker pro

tem and Speaker Childs retired from the Hall.

**House Reports of Committees
Leave to Withdraw
Covered by Other Legislation**

Mr. Birt from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Funds for Operating Expenses at Maine Vocational Educational Institute in Penobscot County (H. P. 3) (L. D. 3) reported Leave to Withdraw, as covered by other legislation.

Mr. Healy from same Committee reported same on Bill "An Act Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers" (H. P. 724) (L. D. 962)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Anderson from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Create a Recess Committee to Study Guardianship of Retarded Persons" (H. P. 186) (L. D. 241)

Report was read.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: This being my bill I am going to move that we accept the unanimous "Ought not to pass" Report because I'm having a joint order prepared that this be studied by the Legislative Research Committee.

The SPEAKER pro tem: Is it the pleasure of the House to accept the Majority "Ought not to pass" Report?

The motion prevailed.

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

Mr. Anderson from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Moneys to Extend Water and

Sewer Systems on Indian Island (H. P. 450) (L. D. 604)

Mr. Dunn from same Committee reported same on Resolve Providing Funds for Indian Day Celebration (H. P. 453) (L. D. 607)

Mr. Jalbert from same Committee reported same on Resolve Providing Aid to 24 Hour Club, Inc. of Portland (H. P. 449) (L. D. 603)

Reports were read and accepted and sent up for concurrence.

Recommended

Mrs. Hanson from the Committee on Education reported "Ought not to pass" on Bill "An Act relating to School Buses" (H. P. 1044) (L. D. 1422)

Report was read.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The term "school bus" today includes every motor vehicle owned by a public or governmental agency or private school, all institutions which do not operate for profit, but excludes motor carriers, certified by the P. U. C., which are guaranteed a rate of return on their investment. We do not object to such vehicles making a profit. We do, however, see no justification for such carriers to be exempted from the very basic and essential safety requirements of all other buses with a carrying capacity of over twenty passengers, which is exactly what my bill intends to do. These minimum requirements chiefly include:

1. A visible "School Bus" sign in letters not less than 8 inches in height upon the front and rear of the bus. These standard "descriptive signs" are furnished at cost by the Department of Education.
2. Providing one linear foot of seating for each child.
3. Two doors.
4. Fire extinguishers, flashing lights and other minor safety measures.

The prerequisites are not unreasonable. Most profit making carriers could meet or pass these standards today.

The original School Bus Law was enacted in 1951. Since that time experience has shown us that this law needs to be strengthened by bringing those exempted from it under its scope.

In addition to the standards of the present law, I respectfully request that you give serious consideration to adding that all buses conveying twenty or more school children be painted yellow and all other vehicles transporting less than twenty school children be, in addition to the present minimum safety standards, required to run some sort of a scotch-like yellow tape along the length of both sides of their vehicle.

Now, a spokesman for a bus company has called this Bill "impractical." One can see the reason why. But I wonder if that same gentleman has seen and spoken with the parents of the six year old child as I have, whose body was splattered over a Maine highway a few weeks ago or to the poor unfortunate eighteen year old girl who struck this child after passing a poorly identified, non-yellow, city bus. If that gentleman hasn't, he should do so because I have.

Now I move to substitute the Bill for the Report and I want at this time to apologize to the Standing Committee on Education for leaving them immediately after my presentation of this document. I did not have at the time as much steam for the bill as I have now because I had to return to my own committee and consequently I was unable to refute the spokesman or lobbyist for the commercial bus industry. Since then, it has been brought to my attention by even a member of the committee that the above-mentioned gentleman erred in his remarks on several occasions by either withholding information which he knew or revealing only selected portions of the School Bus Law. I am not criticizing him personally, he is a friend. He was paid to represent a certain interest and he effectively presented only the arguments to benefit that interest.

However, you and I are here representing the general interest

and should be doing what is in the best interest of the public at large.

As far as I am concerned, I want a school bus to be a school bus and I don't want no part of any blood on my hands. I have with me the School Bus Law and I invite any member to inquire about its provisions.

Mr. Speaker, I move for the substitution of the Bill for the Report and I implore you this is not just for me, I implore you to vote for the substitution of this Bill for the Report. None of you here can tell me that you don't practically see daily violations of this Bus Law. And this accident a few weeks ago, should not have happened. It was a regular city bus in one large city, it just said school extra, that's all it said. I have talked to this young lady and I want no part of any more accidents.

Mr. Speaker, I move for the substitution of the Bill for the "ought not to pass" report.

The SPEAKER pro tem. The gentleman from Lewiston, Mr. Jalbert, moves the substitution of the bill for the report.

The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am as much concerned and your Education Committee is as much concerned as Mr. Jalbert, the gentleman from Lewiston. Now, when we had a hearing on this bill I was shocked at the testimony that was given. I was informed by a superintendent of schools that a bus had been passed forty-seven times and no convictions. I was shocked and I think that you people in this House are also shocked to know that you have a law on the books which is constantly being violated. Now, the reason that you got an "ought not to pass" report from our committee was because we feel the present law is not being enforced and is not solving the purpose.

We want a study committee to study this law and that is the reason that you got an "ought not to pass" from our committee and I think that if Mr. Jalbert had believed in this bill as strongly

as he said that he would not have left our committee hearing. He would have stayed there. He would have offered a good rebuttal and I am certain that if he had offered his remarks in a good strong manner and in a good rebuttal that perhaps we would have given this a little longer consideration. Now, gentlemen, when we sit at a committee hearing, and you also do, I think any gentleman that presents a bill should stay and offer his rebuttal and if he believes it is a good bill he should insist on action.

Now, we would like to enforce the law on your school buses. I am as greatly concerned as you are but I would also like to point out that our flashing red lights and our signs on our buses is giving our children a sense of false security. They believe that with these lights and these signs that all they have got to do is get off the bus and run across the street. Now we have mechanical failure in our vehicles, and we also have people who do not know what is going on in front of them. They have a trailer truck between them and the bus and they pull out to go by and there is a child running across the street. Now, we would like to have a House or a Senate order come through, which certainly will be coming, that will say we want a study of this situation and we want to have a law which will be a good law and an enforceable law and we certainly want to protect our children.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I was not going to make the remark that I am going to make and I certainly don't want to take issue with my very good friend from Limerick, Mr. Carroll. Now, I would like to make this comment here. The hearing was scheduled for two o'clock instead of the usual one-thirty of all other committees, the meeting started at twenty minutes of three with the House Chairman who was unfortunately ill not there and five members of the Committee. I had to go around chasing them to set up a quorum and the meeting was

held the day before yesterday. So I am sure that no members of the Senate were there and I am certain that not too much time was devoted to it.

As far as my interest on the bill, that I should stay there for rebuttal, I'm not going to sit down and wait for a committee to make up a quorum of five people and sit there to talk to five, in my opinion, disinterested people, because I'm busy. I have other things to do and I have other places to go to. I believe in attending my own meetings. I wasn't going to make those remarks. I don't think the bill got a fair shake in the first place.

All I am saying to you is this. And I'll say it right here and now, I want a school bus to be a school bus and seventy-five percent of them are not and I don't want any more repetition. The horse is out of the barn. There's one child that's been killed. Just think for one moment if you had seen that body. A sister of mine happened to have seen it. She hasn't got over it yet. Spattered all over the highway because of a private bus that did not meet the proper requirements. I want them met, that is why I am moving that we substitute the bill for the report.

As far as my not going in rebuttal, it is always my opinion that someone who testifies tells the truth and I assume that the gentleman that was testifying would tell the truth. He merely represented his own interest.

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

Mr. RICHARDSON: Mr. Speaker, I would inquire of the Chair whether or not a motion to recommit is in order.

The SPEAKER pro tem: It is.

Mr. RICHARDSON: Mr. Speaker, Members of the House: In the interest of giving everyone an opportunity — — —

The SPEAKER pro tem: Did the gentleman from Cumberland make that motion? Because it is not debatable.

Mr. RICHARDSON: Mr. Speaker, Members of the House: I move that this matter be recommitted

to the Standing Committee on Education.

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

Mr. JALBERT: Mr. Speaker, I hope that the motion does not prevail.

The SPEAKER pro tem: The gentleman from Cumberland, Mr. Richardson, now moves that this matter be recommitted to the Committee.

The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know why this needs to be recommitted back to the committee. It is pretty simple that it is a fact that a school bus should be painted and look like a school bus. I don't see — — —

The SPEAKER pro tem: The merits of the bill cannot be debated on a recommitting motion, just the motion to recommit.

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

Mr. JALBERT: Mr. Speaker, being one who can change his mind I'll support the motion to recommit.

The SPEAKER pro tem: The question now before the House is the motion by the gentleman from Cumberland, Mr. Richardson, that this Bill "An Act relating to School Buses," House Paper 1044, L. D. 1422, be recommitted to the Committee on Education. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

Tabled and Assigned

Mr. Levesque from the Committee on Education reported "Ought not to pass" on Bill "An Act relating to Federal Social Security for Teachers" (H. P. 882) (L. D. 1179)

Report was read.

(On motion of Mr. Martin of Eagle Lake, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, April 20.)

Mrs. Carswell from the Committee on Health and Institutional Services reported "Ought not to

pass" on Bill "An Act Providing for Licensing Private Diagnostic Laboratories" (H. P. 771) (L. D. 1303)

Mr. Boissonneau from the Committee on Legal Affairs reported same on Bill "An Act Ratifying the Ownership of Hungry Island by Town of Bremen" (H. P. 422) (L. D. 534)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Beane from the Committee on Transportation reported "Ought not to pass" on Bill "An Act relating to Temporary Number Plates for Dealers of Camp and House Trailers" (H. P. 573) (L. D. 743)

Report was read.

(On motion of Mr. Dickinson of Mars Hill, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, April 21.)

Ought to Pass in New Draft New Drafts Printed

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys for Maine Civil War Commission" (H. P. 297) (L. D. 400) reported same in a new draft (H. P. 1082) (L. D. 1471) under same title and that it "Ought to pass"

Mr. Boissonneau from the Committee on Legal Affairs on Bill "An Act to Annex Hungry Island to Town of Waldoboro, Lincoln County" (H. P. 81) (L. D. 91) reported a Resolve (H. P. 1086) (L. D. 1472) under title of "Resolve relating to Taxation of Hungry Island in the County of Lincoln" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Bishop from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act Creating the Office of State Archivist" (H. P. 768) (L. D. 1012)

Mr. Ealdic from the Committee on Health and Institutional Serv-

ices reported same on Bill "An Act Increasing Renewal Fee of Certificate to Practice Chiropractic" (H. P. 996) (L. D. 1346)

Mr. Binnette from same Committee reported same on Bill "An Act relating to Operation of Homemaker Service by Department of Health and Welfare" (H. P. 806) (L. D. 1098)

Mr. Baldic from the Committee on Inland Fisheries and Game reported same on Resolve Providing Funds for Conservation Education (H. P. 192) (L. D. 247)

Mr. Bishop from the Committee on Judiciary reported same on Resolve Appropriating Money to Continue Preparation of Court Rules of Criminal Procedure (H. P. 418) (L. D. 530)

Mr. Gillan from same Committee reported same on Bill "An Act relating to the Reporting of Traffic Accidents" (H. P. 1025) (L. D. 1388)

Reports were read and accepted, the Bills read twice, Resolves read once, and tomorrow assigned.

Referred to Committee on State Government

Mr. Fecteau from the Committee on Business Legislation on Bill "An Act relating to Insurance on Public Buildings" (H. P. 931) (L. D. 1281) reported that it be referred to the Committee on State Government.

Report was read and accepted, the Bill referred to the Committee on State Government and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Anderson from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Construct Windbreak on Bridge Between Old Town and Indian Island" (H. P. 386) (L. D. 499) 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. 386, L. D. 499, Bill,

"An Act Appropriating Funds to Construct Windbreak on Bridge Between Old Town and Indian Island."

Amend said Bill by striking out all of the Emergency preamble and the Emergency clause.

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

Mr. Boissonneau from the Committee on Legal Affairs on Bill "An Act Repealing Westbrook Sewerage District and Transferring Assets to City of Westbrook" (H. P. 1039) (L. D. 1413) 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. 1039, L. D. 1413, Bill, "An Act Repealing Westbrook Sewerage District and Transferring Assets to City of Westbrook."

Amend said Bill by striking out all of the first paragraph of the referendum and inserting in place thereof the following:

Referendum; effective date; certificate to Secretary of State. This Act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the qualified voters of the City of Westbrook at the next regular city election which is to be held on December 13, 1965 with an appropriate article being inserted in the call for said election. If a majority of the ballots cast at the special city election which is to be held on the first Monday in October, 1965 shall be in favor of the acceptance of an Act entitled "An Act Providing for a Mayor-Council Charter for the City of Westbrook" as passed by the 102nd Legislature and the total number of votes cast for or against the acceptance of said Act at the said special election equals or exceeds 20% of the total vote for all candidates for Governor in said city at the next previous

gubernatorial election, then this Act shall be null and void and not submitted to a referendum.'

Further amend said Bill by inserting after the word "effective" in the first line of the 2nd paragraph from the end the words 'on January 1, 1966'

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

Mr. Crosby from the Committee on Transportation on Bill "An Act relating to Equipment and Inspection of Motor Vehicles" (H. P. 671) (L. D. 898) 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. 671, L. D. 898, Bill, "An Act Relating to Equipment and Inspection of Motor Vehicles."

Amend said Bill by inserting after section 6, a new section, as follows:

"Sec. 7. R. S., T. 29, Sec. 2122, amended. Section 2122 of Title 29 of the Revised Statutes is amended by adding at the end, a new paragraph, as follows:

"The Chief of the State Police is authorized to make necessary rules and regulations concerning the inspection of special mobile equipment which is registered, but not ordinarily operated over the highway."

Further amend said Bill by renumbering sections 7 and 8 to be sections 8 and 9, respectively.

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

Divided Report

Majority Report of the Committee on State Government on Resolve Authorizing Director of Bureau of Public Improvements to Convey Certain Land in Hallowell to Robert G. Stubbs (H. P. 552) (L. D. 723) reporting "Ought to pass" as amended by Com-

mittee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. STERN of Penobscot
MAXWELL of Franklin
WILLEY of Hancock
— of the Senate.

Messrs. PITTS of Harrison
DOSTIE of Lewiston
EDWARDS of Portland
STARBIRD
of Kingman Township
KATZ of Augusta
LIBHART of Brewer
— of the House.

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

Report was signed by the following member:

Mr. BERRY of Cape Elizabeth
— of the House.

Reports were read.

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

Mrs. CARSWELL: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The gentlewoman from Portland, Mrs. Carswell now moves that this document and all its accompanying papers be indefinitely postponed.

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: May I refer you to the Committee Amendment that was distributed in front of you today, because the title of the bill is misleading.

Originally, this bill attempted to convey certain land presently owned by the Hallowell School to a private individual. The background to the bill is the fact that there is a large undeveloped plot of land in Hallowell to which there is no possible access. It was the attempt of the committee, and we worked on it for some weeks, to resolve this equitably for all concerned.

What we have now done is propose that the Hallowell School convey something less than one acre of land to the City of Hallowell. This is land that is on the

perimeter of the school and it will give a right of way or a road in Hallowell to the underdeveloped property that hopefully will be developed for tax purposes. In exchange, in exchange, the State School for Girls will get back approximately twice as much land, 1.84 acres and to my way of thinking, the land that will be returned to them will be more useful to them than the land that they have given up.

Now I cannot conceivably see how this is going to fall under the question of disposing of state property, because they are going to get back twice as much as they are giving up. There are three people involved in this, there is the Director of the Bureau of Public Improvements, there is the Commissioner of Mental Health and Corrections and the head of the State School. I have spoken personally to two of the three people involved, Bureau of Public Improvements and Mental Health and Corrections, and I find that there is literally, literally no objection, no reservation on their part whatsoever, and I am very, very clear in my mind on this statement.

I think this is an opportunity to give some aid and assistance to Hallowell and at no cost to the state, and the state will end up with twice as much land as they are giving up. I hope that you accept the Majority Report and defeat the motion to indefinitely postpone.

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

Mr. BERRY: Mr. Speaker and Members of the House: I too would like to give the House the background on this bill. I signed a Minority Report and I feel that I should explain to you the full story.

An individual invested \$10,000 and bought some land in Hallowell. He has now come to the State of Maine and is asking the State of Maine to bail him out of a situation that he should have seen before he got into it. There is ample provision for a right of way to this land without passing

this document. A continuation of the existing street across private property will get this solution approved. And why the State of Maine is in the picture at all is beyond me. The Superintendent of the Girls' School is relatively new. She is doing an excellent job with inadequate facilities and inadequate funds. She should be encouraged in every way possible and this way she may be encouraged with no financial expense. The Director of the Bureau of Public Improvements is not for this bill. This has had a great deal of consideration by the Committee as the gentleman from Augusta, Mr. Katz has said. I feel that no harm will be done if this bill is defeated. It would set a bad precedent if it is passed. Ladies and gentlemen, I urge you to support the motion of the gentlewoman from Portland for indefinite postponement.

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

Mr. LIBHART: Mr. Speaker, I think there are a couple of facts that we can add to those we have heard. One of them is that when the present owner of this large tract of land in Hallowell was about to purchase the property, he went to the then Commissioner and asked him if he could see any objection to his at some later date requesting the state to allow him to purchase sufficient land to get to the property that he was purchasing for the purpose of the street. And it is reported to us that the owner has a letter from the now deceased Commissioner to the effect that he could see no objection to it.

Now of course this would not be binding on the State of Maine, but the suggestion that without foresight this individual purchased this land, knowing of the difficulties, is not really I think a correct one. Now it is true that the owner can get to his land by another means. The other means is that he purchase a piece of property in Hallowell which is now covered by some dilapidated buildings and the owner wants a

fabulous sum of money for it. Now it seems to me, and the reason I signed the Majority "Ought to pass" Report, as we reported it out amended, the real reason for doing this is that the State of Maine has in the City of Hallowell a large ownership of land. The State of Maine, unlike the federal government, when it owns property within a municipality does not in any way aid that municipality to meet its tax burden. Now we are told that the Director of the school is opposed to this bill, because she realizes that if it is passed, this land will be developed and there will be more homes built adjacent to the school, and she cites national figures which indicate that this type of school really should be in a rural community. Now we can't help the fact that this school is here. It's been there for years. Perhaps if we had enough money we would move it somewhere else, but we can't do that, and for the State of Maine it seems to me selfishly, to deny the City the income-producing or the tax producing property that would be available if this large tract of land were developed, where it does not in any way contribute to the tax burden of the City of Hallowell, it seems to me downright selfish.

Now I don't know what the thinking of the Director of Public Improvements is now. I do know that when I spoke to him he had no objection, and when I spoke to the Commissioner, he had no objection.

Now during the course of this particular session we have many times had reports on this Floor of state employees apparently making conflicting statements, and I appreciate this and I don't want to get involved in that type of thing, but I do know and can report honestly and truthfully when I spoke to these people that they had no objection at that time. Whether they have changed their minds in the last few hours or last few days, I don't know.

The real issue here is, the State of Maine will not be hurt. It will be getting more valuable property

in exchange for less valuable property. The only objection the Director has is because if this is done, new homes will be built near the school. There are homes all around the school now with the exception of this particular piece of land, and it seems to me in all fairness, and again to try to help our cities and towns reduce their intolerable tax burden, we should allow this bill to be passed.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Windham, Mrs. Harvey.

Mrs. HARVEY: Mr. Speaker and Ladies and Gentlemen of the House: In further relation to this, I would like to read an excerpt from a letter in the Kennebec Journal from a party in Cape Elizabeth, Maine.

"The tour of the buildings indicated a sad state of disrepair and obsolescence, and lacking many of the facilities that are needed if we are to have a modern, functional training center for these less fortunate members of our society, and prepare them for their return to home and community. Since Dr. McCready arrived on the scene in October 1963, many improvements in care for these children have been initiated. But in order to start Stevens on the road to adequate care for its charges, there needs to be more personnel, education, psychiatric and psychological treatment, health, recreation and guidance, as well as more and better facilities for living, eating, recreation, education, and so forth."

I think if Dr. McCready is objecting to the sale of this land, we should consider her wishes. Thank you.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I hope that you will give this L. D. a sound trouncing like you did the other L. D. that wanted to take land from the Girls' Training Center. This is a letter from Dr. McCready to whom it may concern: "Stevens Training Center needs to develop a master plan which will upgrade it to a modern

training center for girls. Time is needed in order to do this properly. The Department of Mental Health and Corrections, the Bureau of Public Improvements have been asked by me to work with me on such a plan. The projections of development of plans, the implementation might take as long as ten years and must be carefully done. We have not yet had time and opportunity to do it. It should be completed before the 103rd Legislature convenes. The training centers should not adjoin thoroughfares but Stevens now fronts on heavily travelled thoroughfare, Winthrop Street, and is very close to the turnpike. This causes many difficulties. A third thoroughfare adjoining the property would increase the problem."

Now Dr. McCready is charged with rehabilitation of these girls. She has a long-range plan in which to do so, and I hope that we don't interfere with it. I hope that you indefinitely postpone this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Katz.

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: I think I should reiterate that nobody is taking away any net land from the school, we are giving them back twice as much as they are giving up. We are giving them twice as much as they are giving up.

Now I am not from Hallowell although I have been in close contact with the officials of the City of Hallowell, and I can tell you ladies and gentlemen, that if there is one thing the Hallowell School for Girls needs more, needs more than more money from the State of Maine, needs more than more money from this Legislature, it is community support. I think it is the height of arrogance for a state to try to control private property, and that's exactly what we are talking about today. It's bad enough that we take huge chunks of lands from municipalities, but when we then in due righteousness try to say what can be done with the adjacent lands, you think back to your own communities, and you will see that this is completely disadvantageous for the towns and

the municipalities in the State of Maine.

Now I would like to say one short brief word. I can think of no bill that the Committee on State Government has had before it, and I think this probably numbers in the vicinity of 100, that we have given more careful, deliberate, conscientious study to than this bill here. It came out with a nine to one report. I ask your support in defeating this motion to indefinitely postpone.

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

Mr. BLOUIN: Mr. Speaker, Ladies and Gentlemen of the House: I support the motion of the gentleman from Portland, Mrs. Carswell, for indefinite postponement, and I think we have heard enough about this bill and I want to move the previous question.

The SPEAKER pro tem: The gentleman from Sanford, Mr. Blouin, has moved for the previous question. In order for the Chair to entertain the motion for the previous question, it must have the expressed desire of one-third of the members of the House. All those in favor of the Chair entertaining the motion for the previous question will kindly rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER pro tem: Obviously, less than one-third having arisen the previous question will not be entertained.

Mrs. Carswell of Portland was granted unanimous consent to speak a third time.

Mrs. CARSWELL: Mr. Speaker, Members of the House: May I say that the Health and Institutional Services Committee is a committee which visits all the institutions, and since 1957 very, very little has been done for the Girls Training Center, and I say that the world today is what its women are going to make it, and we certainly have got to do more for the Training Center.

Now while plans are in the making for this Training Center, I don't think that we should inter-

fere. The Health and Institutional Services Committee have visited all the institutions and they were just surprised that such little has been done for this institution, and they are opposed to letting any land go.

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

Mr. STARBIRD: Mr. Speaker, as Mr. Katz, the gentleman from Augusta mentioned, we put considerable time on this matter, and it was apparently an unsolvable problem to everyone's satisfaction, and I believe that we reached a compromise agreement that was acceptable to all the parties concerned, although of course it was not wholly acceptable. Every compromise is not fully acceptable to everyone concerned, and I believe that this is the best possible solution that we could give to this problem, and when the vote is taken, I would request a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Manchester, Mr. Gifford.

Mr. GIFFORD: Mr. Speaker and Members of the House: I have remained very quiet up to this point on this particular matter, although I am the sponsor of the Legislative Document now under consideration by you. I have done this in part out of reluctance to become in another wrangle, if you will, with my good colleague from Portland, Mrs. Carswell, of the sort in which we engaged on a similar bill on an earlier date. The type of debate which influences but does not prove. I would only ask here this morning for your consideration the merits of the proposal before you, and for your consideration of the principles of fair play and of the interest in this proposal of a large number of people and not of those of a few or of a single head of a state institution.

This bill would be good for the City of Hallowell. It would aid in the development, aid in the economy of the City of Hallowell. Rather than taking land from the Stevens Training Center, it would add land to that center, land which

would be more valuable to it than that which it loses. The arguments which prevailed on an earlier bill certainly do not apply in this instance, and I urge and ask your support in the defeat of the motion to indefinitely postpone this measure.

The SPEAKER pro tem: The Chair recognizes the gentleman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I will only repeat what I said before, I feel that until developmental plans are completed it would be unwise to release any land presently belonging to Stevens Training Center. It is impossible to know now whether the release of any land would be detrimental to the program and goals of Stevens. Certainly I have nothing against the City of Hallowell, but I still feel the state should retain this land for the present.

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

Mr. LIBHART: Mr. Speaker, the only argument that we have heard that Dr. McCready makes is that until plans are developed, nothing should be done. It seems impossible to me that knowing as she full well knows the lay of the land that is owned by the State of Maine in Hallowell, it seems impossible to me that she would contemplate in any way doing anything with the nine-tenths of an acre that is proposed to be conveyed.

Now on the other hand, the almost two acres that are being conveyed to the State of Maine will be adjacent to land where presently existing buildings are or are to be built, giving a wider buffer which she seems to be so interested in to the school. There is nothing that commended itself to our thinking in the committee that indicated to us that this was not a good swap for the State of Maine, and the only thing that we had on the other side was this reluctance on the part of the Director to go along with this plan. Now it seems to me, and I agree with my colleague from Augusta, Mr. Katz, that this is sheer arrogance on the part of the State

of Maine to dictate to the City Hallowell that it cannot develop economically tax-producing land so that the state may have an additional buffer and have a wide open field out there, so that if these girls want to run away, they don't have to run down a busy street, they can run away across a busy field. Now this is sheer arrogance, and I hope that you folks will display your displeasure with it and defeat this motion.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of this House: As a member of that Institutional Committee, I would be remiss in my duties if I did not try to assist them in any way that I could in order to enlarge and improve this institution. I really believe that the Director down there has not had enough time to set up a program in accordance with her likings, and this piece of land that they are trying to swap, I'm wondering if that is the only piece of land left in Hallowell. That's what I'm wondering. Seems as though there must be some land elsewhere that they could develop without having to encroach upon that institution. I therefore would support my colleague, Mrs. Carswell, with her motion to indefinitely postpone this measure.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Portland, Mrs. Carswell, that Resolve Authorizing Director of Bureau of Public Improvements to Convey Certain Land in Hallowell to Robert G. Stubbs, H. P. 552, L. D. 723 and all its accompanying papers be indefinitely postponed. The gentleman from Kingman Township, Mr. Starbird has requested a division. All those in favor of the indefinite postponement of this Resolve and its accompanying papers will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty having voted in the affirmative and fifty-nine having

voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted and the Resolve read once.

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

COMMITTEE AMENDMENT
"A" to H. P. 552, L. D. 723, Resolve, Authorizing Director of Bureau of Public Improvements to Convey Certain Land in Hallowell to Robert G. Stubbs.

Amend said Resolve by striking out in the Title the words "to Robert G. Stubbs"

Further amend said Resolve by striking out everything after the Title and inserting in place thereof the following:

'Land in Hallowell conveyed. Resolved: That the Director of Bureau of Public Improvements, in the name of the State is authorized and directed to execute and convey by quitclaim deed to the City of Hallowell, Kennebec County, a certain lot or parcel of land to be used as a public right-of-way situated in said Hallowell. In return Robert G. Stubbs, of Hallowell, Kennebec County will execute and convey quitclaim deed a certain lot or parcel of land situated in said Hallowell.

The land to be conveyed from the State to the City of Hallowell is bounded and described as follows:

Beginning at a point in the southerly line of land of Robert G. Stubbs which point is the northwest corner of land now or formerly owned by Linwood Choate; thence S 32° W a distance of 810 feet more or less along the westerly line of said land of Linwood Choate, the westerly line of Irvin Libby and the westerly line of Pleasant Street to a point 66' southerly from the southwesterly corner of said Irvin Libby's land; then N 54° W in a westerly direction a distance of 50 feet; thence northerly a distance of 810 feet more or less and parallel to the westerly line extended of Pleasant Street to a point in an old stone wall that marks the southerly line of said Robert G. Stubbs aforesaid land; thence easterly along

said stone wall a distance of 50 feet more or less to the point of beginning. The area of the above described lot or parcel of land is 0.93 acres more or less.

The land to be conveyed to the State from Robert G. Stubbs is bounded and described as follows:

Beginning at a point which is the southwest corner of land owned by the grantor, thence S 54° E in a easterly direction a distance of 800 feet along said grantor's southerly line; thence parallel to the grantor's westerly line a distance of 50 feet; thence westerly parallel to the grantor's southerly line a distance of 400 feet; thence northwesterly 455 feet more or less to a point in the grantor's westerly line; thence S 35° W a distance of 250' along grantor's westerly line in a southerly direction to the point of beginning.

The area of the above described lot or parcel is 1.84 acres more or less.

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

At this point, Speaker Childs returned to the rostrum.

SPEAKER CHILDS: The Chair thanks the gentleman from Madawaska, Mr. Levesque for acting as Speaker pro tem, and for the fine job that he did.

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.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government on Bill "An Act relating to Powers of Board of Trustees of Maine Maritime Academy" (H. P. 877) (L. D. 1173) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MAXWELL of Franklin
WILLEY of Hancock
— of the Senate.

Messrs. PITTS of Harrison
DOSTIE of Lewiston
KATZ of Augusta
LIBHART of Brewer
—of the House

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

Report was signed by the following members:

Mr. STERN of Penobscot
—of the Senate

Messrs. EDWARDS of Portland
STARBIRD
of Kingman Township
BERRY of Cape Elizabeth
—of the House

Reports were read.

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: I move the adoption of the Minority Report, and I would like to speak on the motion.

The **SPEAKER:** The question before the House is on the motion of the gentleman from Portland, Mr. Edwards, that the House accept the Minority "Ought not to pass" Report. The gentleman may proceed.

Mr. EDWARDS: This bill provides unusual and unprecedented powers to the board of trustees for the Maine Maritime Academy. It usurps the powers of the Legislature. I have spoken to the sponsor of this bill on several occasions and requested that he tell us in the committee exactly what it is that the Maritime Academy needs in the way of capital construction. I have not been able to receive a direct answer to this question. Therefore, I had to sign the minority report against this bill. As it is now, the bill will provide a million dollars — the million dollars has been provided, the Academy has the million dollars, but it would allow them to spend this million dollars on dormitories or dining facilities or student union or any other self-amortizing public

improvement, including land acquisition or in anticipation of appropriated state or federal funds. This means if they know that they have money coming in they can borrow up to a million dollars. It leaves them carte blanche, it leaves them a million dollars to spend any way they want to. I repeat the offer. I will support this bill amended if the sponsor will offer an amendment telling exactly what it is that the Maritime Academy needs.

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

Mr. KITTREDGE: Mr. Speaker and Members of the House: I am going to request some member of the House to table this bill, but before I do, I think you should have a little background information on this matter, because it is too important for me to gamble on today.

Going back, the 101st Legislature authorized the trustees of the Maine Maritime Academy to borrow funds for a dining hall. Now when I came on the Board, we found that this dining hall hadn't been built due to several technicalities. Without going into those technicalities today, when this matter first came up before the Committee, I was apprised of the fact that the Director of the Bureau of Public Improvements felt that this would give the Academy too much leeway in borrowing funds, so I said to the Director, well, you write the amendment any way that you think will satisfy the Committee. You know what the problem is, the problem is dining facilities for the midshipmen—and I might add here that those midshipmen do not get their education free, their parents pay \$1875.00 a year if they are a Maine resident. And he did exactly this, he wrote the amendment, and the amendment is the amendment you see before you today, the committee amendment, and to my amazement, it came out of committee with a split seven to three. So I would now at this time like to ask some member of the House to table this matter for

one week until the 22nd of April in order that I can get together the members of the Committee, the people from the Maine Maritime Academy, people from BPI so that we can go ahead with building these dining facilities which are badly needed and which were previously authorized by the 101st Legislature.

The SPEAKER: The record will indicate the report was 6 to 4 and not 7 to 3.

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

Mr. RICHARDSON: Mr. Speaker, I request that this be tabled until April 22nd.

The SPEAKER: The question before the House now is the motion of the gentleman from Stonington, Mr. Richardson, that this matter be tabled pending the motion of the gentleman from Portland, Mr. Edwards, to accept the Minority "Ought not to pass" Report and be specially assigned for Thursday, April 22.

Mr. Edwards of Portland requested a division.

The SPEAKER: A division has been requested. All those in favor of this matter lying upon the table assigned for April 22 will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-seven having voted in the affirmative and twenty-four having voted in the negative, the tabling motion did prevail.

Divided Report Tabled and Assigned

Majority Report of the Committee on Transportation on Bill "An Act relating to Penalty for Weight Violations of Trucks" (H. P. 158) (L. D. 181) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MENDELL of
Cumberland
SHIRO of Kennebec
—of the Senate.

Messrs. BEANE of Moscow
KEYTE of Dexter
HUBER of Rockland
LEBEL of Van Buren
STORM of Sherman
CROSBY of Kennebunk
BUSSIÈRE of Lewiston
—of the House.

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

Report was signed by the following member:

Mr. CAHILL of Somerset
—of the Senate.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker, I move the acceptance of the Minority "Ought not to pass" Report.

The SPEAKER: The gentleman from Rockland, Mr. Huber, now moves acceptance of the Minority Report.

The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, if I am not out of order, I move we table this to April 22.

The SPEAKER: The question now before the House is the motion of the gentleman from Freedom, Mr. Evans, that this matter be tabled until April 22 pending the motion of the gentleman from Rockland, Mr. Huber, to accept the Minority "Ought not to pass" Report.

Mr. Bussiere of Lewiston requested a division.

The SPEAKER: A division has been requested. All those in favor of this matter being tabled until April 22 will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-four having voted in the affirmative and twenty-four having voted in the negative, the tabling motion did prevail.

Divided Report Tabled and Assigned

Majority Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act relating to Registration Fee for Motor Vehicles Operated Ex-

clusively on Certain Islands" (H. P. 1024) (L. D. 1387)

Report was signed by the following members:

Messrs. SHIRO of Kennebec
MENDELL of
Cumberland
CAHILL of Somerset
—of the Senate.

Messrs. BEANE of Moscow
LEBEL of Van Buren
HUBER of Rockland
CROSBY of Kennebunk
STORM of Sherman
KEYTE of Dexter
—of the House.

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

Report was signed by the following member:

Mr. BUSSIÈRE of Lewiston
—of the House.

Reports were read.

(On motion of Mr. Edwards of Portland, tabled pending acceptance of either Report and specially assigned for Monday, April 19.)

Passed to Be Engrossed

Bill "An Act relating to Unemployment Compensation Regarding Remuneration for Holidays" (S. P. 119) (L. D. 345)

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

Third Reader Tabled and Assigned

Bill "An Act relating to Compensation Rates in Certain Technical and Professional Classifications" (S. P. 438) (L. D. 1426)

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

On motion of Mr. Bishop of Presque Isle, tabled pending engrossment and specially assigned for Thursday, April 29, on a division of the House, 58 to 50, requested by Mr. Levesque of Madawaska.

Bill "An Act relating to Citizenship Requirements for Certain State Employees" (S. P. 476) (L. D. 1424)

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)

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)

Bill "An Act Providing for Holding District Court for Western Aroostook at Van Buren" (H. P. 889) (L. D. 1186)

Bill "An Act relating to Lighting of Premises Licensed for Sale of Liquor to be Consumed on the Premises" (H. P. 1085) (L. D. 1461)

Resolve Authorizing State Highway Commission to Study Desirability of Bridge Across Machias River (S. P. 467) (L. D. 1409)

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

Amended Bills

Bill "An Act Revising the Potato Grading Law" (S. P. 422) (L. D. 1357)

Bill "An Act relating to Establishment and Operation of Regional Technical and Vocational Centers" (H. P. 32) (L. D. 44)

Bill "An Act to Hold the Primary Election on the Second Tuesday after Labor Day" (H. P. 473) (L. D. 626)

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.

Third Reader Tabled and Assigned

Bill "An Act for Shrinkage Allowance on Motor Fuel for Service Stations" (H. P. 557) (L. D. 873)

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

(On motion of Mr. Stoutamyer of Madison, tabled pending engrossment and specially assigned for Thursday, April 22.)

Constitutional Amendment Failed of Final Passage

Resolve Proposing an Amendment to the Constitution to Lower the Voting Age to Eighteen Years (S. P. 153) (L. D. 394)

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

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: Fully appreciating the fact that this being a Constitutional Amendment will need to go to the people, I think perhaps to save the State of Maine some money and feeling for sure that this would be turned down by the electorate, I hope that this does not receive final passage.

Mr. Levesque of Madawaska then requested a roll call.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now requests that when the vote is taken it be taken by the yeas and nays. In order for the Chair to entertain a motion for a roll call vote it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the 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 motion is in order.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: I think some of you might recall that I introduced a bill, or a Constitutional Amendment, last session, introducing the idea of permitting those age eighteen to vote, but my Constitutional Amendment also had the qualification that it was for those at age

eighteen who had successfully passed examinations in Government and History and Economics. Now I know the students in my area are not in favor of lowering the voting age to age eighteen. There are other resolves coming up on this matter. I am going to vote against this particular resolve.

The SPEAKER: Is the House ready for the question? The question before the House is the final passage of this Constitutional Amendment. All those in favor of final passage of this Constitutional Amendment will say "yes" when their name is called; those opposed will say "no" when their name is called. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Orono; Beane, Benson, Mechanic Falls; Bernard, Binnette, Bishop, Blouin, Boissonneau, Bradstreet, Bussiere, Carroll, Childs, Conley, Cote, Crommett, Curran, Danton, Dostie, Drigotas, Drouin, Dumont, Edwards, Eustis, Faucher, Fecteau, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gillan, Graham, Harvey, Bangor; Harvey, Woolwich; Haugen, Healy, Hunter, Durham; Jalbert, Jordan, Keyte, Knight, Laberge, Lebel, Levesque, Lowery, Martin, McKinnon, Mills, Mitchell, Palmer, Poulin, Sawyer, Searles, Starbird, Stoutamyer, Sullivan, Truman, Wuori.

NAY — Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Baldic, Benson, Southwest Harbor; Berry, Birt, Bragdon, Brewer, Buck, Burwell, Carter, Champagne, Cookson, Cottrell, Cressey, Crosby, D'Alfonso, Davis, Dickinson, Doyle, Dudley, Dunn, Erwin, Evans, Farrington, Gifford, Gilbert, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Harvey, Windham; Hawes, Hawkes, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kilroy, Lane, Lang, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, Meisner, Millay, Mosher, Nadeau, Payson, Peaslee, Pendergast, Pike, Pitts, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Bath;

Ross, Brownville; Ruby, Sahagian, Scott, Storm, Susi, Waltz, Ward, Watts, White, Guilford; Whittier, Wight, Presque Isle; Wood, Young.

ABSENT — Bedard, Berman, Bourgoin, Brennan, Carswell, Cushing, Fortier, Glazier, Haynes, Hoy, Kittredge, Lent, Norton, Roberts, Roy, Wheeler.

Yes, 57; No, 78; Absent 16.

The SPEAKER: Fifty-seven having voted in the affirmative and seventy-eight in the negative, sixteen being absent, this Constitutional Amendment fails to receive final passage.

Sent up for concurrence.

Constitutional Amendment Failed of Final Passage

Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor (S. P. 168) (L. D. 497)

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I appeared before the Committee in favor of this bill for one prime reason. One of the duties required by our Governor is that he constantly go to all parts of this state for the purpose of presiding at all sorts of dedications. During the last few years our Governor has been criticized by a great many persons for being a ribbon cutter. Anyone is entitled to their own opinion as to a person's ability or his executive capabilities, but to condemn a person for this reason alone, not only is unjust, but in my mind, it is very unfair, because this is one of the duties of this elected official, and it is a duty expected by the voters of this state.

Consequently, if we had a Lieutenant-Governor who was elected statewide, one of his official duties could be that of ceremonial officer of the State, and it would release the Governor from these tedious tasks to attend to more

important functions, that of tending shop, staying here to govern and to devote much more time to his executive duties. Although a Lieutenant-Governor could help in many other areas, this is the main reason that I favor this bill, and when the vote is taken, I request that it be taken by the yeas and nays.

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: I am opposed to the passage of this Constitutional Amendment, and as a signer of the Minority "Ought not to pass" Report of the Committee on State Government, I heard nothing during the public hearing that led me to believe, one, that we have in Maine a problem which dictates the sharing of the powers and duties of the office of Governor. Two, that the creation of the office of Lieutenant-Governor solves a problem, or three, that there is any public interest whatsoever in the creation of this job.

In the states that presently have a Lieutenant-Governor, the pay scale is from \$1,000 to \$10,000 a year, and this in itself is a damning indictment of the unimportance of the job. The PAS Survey which we have heard quoted here so much this session, favored the strengthening of the office of Governor, and did not recommend the creation of a Lieutenant-Governor, but it is in the realm of politics that the disadvantage of a Lieutenant-Governor becomes most apparent. Although under the proposed Constitutional Amendment the Governor and the Lieutenant-Governor would appear with their names paired on the ballot so that you would cast a single vote either for the combination of the Republican ticket or the Democratic ticket, how does the Lieutenant-Governor's name get on the ballot in the first place? How is he chosen and how is he nominated?

It has been the experience in other states there is frequently an attempt to balance the ticket, perhaps a liberal at the head of the ticket offset by a conservative as Lieutenant-Governor or vice-versa.

Experience has indicated that discord frequently results, and the unfortunate example of Massachusetts that we have seen last year is not unique. Last year in Massachusetts you saw the Lieutenant-Governor far from aiding in assistance in the strengthening of the office of Governor; you saw that he spent his term in office building his own empire and during last year's primary election, he defeated the man whom he presumably was working under and for. The advantages of this bill are few. The disadvantages are many. I hope that it is defeated.

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

Mr. BENSON: Mr. Speaker, if I could add just one comment to those just made by the gentleman from Augusta, Mr. Katz, I would point out that under section 14 on the top of page 3 of the bill, there is a provision whereby if the governor were to leave the state, the lieutenant-governor would become then the governor of the state for the residue of the term, and it is so specified in very specific language. I think this might have been an oversight in drafting the bill, but it certainly is one to be considered.

The SPEAKER: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, I would just like to make one comment, that every time a ribbon is cut I believe it is a sign of a little bit of progress.

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

Mr. SULLIVAN: Mr. Speaker and Members of the Legislature: Every corporation of any size has at least one vice-president. I know of a number of corporations that have as many as seven vice-presidents. Now the business of this state in effect is a larger corporation than some of those that I have referred to. Again, when the gentleman seems to suggest that \$10,000 is not a fair salary, I think he better look over many of these corporations and see what their salaries are. I

believe that this state needs a vice-president looking at it strictly from the standpoint of business. Thank you.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: In regards to if the Governor were removed from the state and the lieutenant-governor took over his duties, it says in this further on, the duties shall devolve in the lieutenant-governor for the residue of the term or until the disability shall cease. I think this answers the problem because when the Governor would return, I would think the obligations of the lieutenant-governor, the disability in his filling of the office would then cease under the provisions of this section.

I believe that a lieutenant-governor would be a very great asset in the fact that the — he would be in training, we might say, to fill the office of governor. The President of the State Senate at the present time, if he should succeed to the office of Governor for any reason, very often does not have the training, where a year or two perhaps as lieutenant-governor under the tutelage of a man already in office, a man perhaps who had been in office a previous term, might give him all the education for the office that he would need, and prevent any very sharp break in the continuity. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Payson.

Mr. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to comment on the remarks of the gentleman from Portland, Mr. Sullivan. I know of no corporation which has a board of directors of 152 or an advisory board, such as our Senate, of 34. Thank you.

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

Mr. SULLIVAN: Mr. Speaker, my good friend from Falmouth, he evidently misconstrued what I had to say, or possibly I didn't make myself plain. Incidentally, I

used the word "vice-president" when I should have used the term "Lieutenant-Governor." If I have the right information, there are many corporations here in the State of Maine whose business is much less than the business of this state and they have vice-presidents, some of them three, which in effect means in relation to the state that they are lieutenant-governors. They are simply named vice-presidents in their corporations. Thank you.

Mr. Ross of Bath requested a roll call.

The SPEAKER: The gentleman from Bath 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 the vote being taken by the 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 a roll call vote is in order. The question before the House is on the final passage of this Constitutional Amendment, Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor, Senate Paper 168, L. D. 497. If you are in favor of the final passage say "yes" when your name is called; if you are opposed to the final passage you will say "no" when your name is called. The Clerk will call the roll.

ROLL CALL

YEA—Anderson, Ellsworth; Anderson, Orono; Baldic, Beane, Benson, Mechanic Falls; Bernard, Binnette, Bishop, Blouin, Boissonneau, Bradstreet, Carroll, Champagne, Childs, Conley, Cote, Cottrell, Crommett, Curran, D'Alfonso, Danton, Dostie, Doyle, Drigotas, Drouin, Dumont, Edwards, Eustis, Faucher Fecteau, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gilbert, Gillan, Graham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Healey, Huber, Hunter, Durham; Jalbert, Jordan, Keyte, Kilroy,

Knight, Laberge, Lebel, Levesque, Libhart, Lowery, Martin, McKinnon, Mills, Mitchell, Nadeau, Palmer, Pitts, Poulin, Ross, Bath; Ruby, Sawyer, Searles, Starbird, Stoutamyer, Sullivan, Truman, Watts, Whittier, Wuori.

NAY—Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Hbr.; Berman, Berry, Birt, Bragdon, Brewer, Buck, Burwell, Carter, Cookson, Cressey, Crosby, Davis, Dickinson, Dudley, Dunn, Erwin, Evans, Farrington, Gifford, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Hawes, Hawkes, Haynes, Hunter, Clinton; Jewell, Katz, Kennedy, Lane, Lang, Lewis, Lincoln, Littlefield, Lund, Lycette, Meisner, Millay, Mosher, Payson, Peaslee, Pendergast, Pike, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Brownville; Sahagian, Scott, Storm, Susi, Waltz, Ward, White, Guilford; Wight, Presque Isle; Wood, Young.

ABSENT—Bedard, Bourgoin, Brennan, Bussiere, Carswell, Cushing, Fortier, Glazier, Hoy, Kitredge, Lent, Norton, Roberts, Roy, Wheeler.

Yes, 73, No, 63; Absent, 15.

The **SPEAKER**: Seventy-three having voted in the affirmative, sixty-three in the negative, and fifteen being absent, seventy-three not being a sufficient number, this Constitutional Amendment fails to receive passage.

Sent up for concurrence.

Constitutional Amendment Failed of Final Passage

Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor (S. P. 220) (L. D. 679)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a

two-thirds vote of the House being necessary, a division was had. 74 voted in favor of same and 59 against, and accordingly the Resolve failed of final passage.

Sent up for concurrence.

Passed to Be Enacted

An Act relating to Conferring Degrees by Husson College (S. P. 14) (L. D. 27)

An Act relating to Excise Tax on Aircraft Kept at County Owned Airports (S. P. 48) (L. D. 219)

An Act relating to Credit for Uncollectible Accounts under Sales and Use Tax Law (S. P. 271) (L. D. 819)

An Act to Adopt the Uniform Code of Military Justice for the State Military Forces (S. P. 292) (L. D. 854)

An Act relating to Procedure of Applying to Form a School Administrative District (S. P. 314) (L. D. 1027)

An Act relating to Schooling of Children on Indian Reservations (S. P. 466) (L. D. 1404)

An Act relating to Stock of Merchandise in Retail Stores under Liquor Law (H. P. 152) (L. D. 175)

An Act relating to Minimum Salaries for Teachers (H. P. 199) (L. D. 254)

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

An Act Revising the Gasoline Road Tax and Use Fuel Tax (H. P. 899) (L. D. 1209)

An Act relating to Attending Secondary School Outside of Residence (H. P. 1045) (L. D. 1416)

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

On motion of Mr. Jalbert of Lewiston,

Adjourned until nine o'clock tomorrow morning.