

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 29, 1965

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

Prayer by the Rev. Mr. Ross Hinshaw of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Senate Reports of Committees
Ought to Pass in New Draft**

Report of the Committee on Legal Affairs on Bill "An Act relating to Disposal of Dangerous Buildings in Municipalities" (S. P. 318) (L. D. 1018) reporting same in a new draft (S. P. 515) (L. D. 1491) under same title and that it "Ought to pass"

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 New Draft read twice and tomorrow assigned.

**Ought to Pass with
Senate Amendment**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve Authorizing Improvements to Road to WCBB Transmitting Facilities in Litchfield (S. P. 171) (L. D. 537)

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

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

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

SENATE AMENDMENT "A" to S. P. 171, L. D. 537, Resolve, Authorizing Improvements to Road to WCBB Transmitting Facilities in Litchfield.

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

'Road to WCBB transmitting facilities; allocation for.

Resolved: That there is allocated from the State Highway Fund the sum of \$31,000 for the fiscal year ending June 30, 1966 to aid in repairing the Oak Hill Road, Route #1, in the Towns of Litchfield and Wales.'

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

**Ought to Pass with
Committee Amendment
Amended in Senate**

Report of the Committee on Towns and Counties on Bill "An Act Authorizing Town of Island Falls to Construct Certain Road" (S. P. 492) (L. D. 1457) 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" as amended by Senate Amendment "A" thereto.

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. 492, L. D. 1457, Bill, "An Act Authorizing Town of Island Falls to Construct Certain Road."

Amend said Bill by striking out in the 2nd line of section 1 the figure "\$2,132" and inserting in place thereof the figure '\$6,396'

Further amend said Bill by striking out all of the last sentence of section 1 and inserting in place thereof the following: 'Such construction shall begin approximately 1.7 miles due east or Route #2 and continue easterly.'

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

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S. P. 492, L. D. 1457, Bill, "An Act Authorizing Town of Island Falls to Construct Certain Road."

Amend said Amendment, in the 3rd line, by striking out the figure "\$3,396" and inserting in place thereof the figure '\$10,192.50'

Senate Amendment "A" to Committee Amendment "A" was adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence and the Bill assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on Inland Fisheries and Game on Bill "An Act Providing for a Limited Open Season on Moose" (S. P. 284) (L. D. 846) reporting same in a new draft (S. P. 518) (L. D. 1492) under title of "An Act Providing for a Limited Open Season on Moose in Aroostook County for Conservation Research Purposes" and that it "Ought to pass"

Report was signed by the following members:

Messrs. MANUEL of Aroostook
HOFFSES of Knox
McDONALD
of Piscataquis
— of the Senate.

Messrs. COOKSON of Glenburn
ROBERTS
of South Berwick
BALDIC of Waterville
GAUDREAU of Lewiston
CHAMPAGNE of Fairfield
POULIN of Skowhegan
— of the House.

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

Report was signed by the following member:

Mr. ANDERSON of Ellsworth
— of the House.

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

In the House: Reports were read.

On motion of Mr. Martin of Eagle Lake, the Majority "Ought to pass" Report was accepted in concurrence, the New Draft read twice and tomorrow assigned.

Divided Report

Majority Report of the Committee on Public Utilities on Bill "An Act relating to Transportation of Commodities for Hire by

a Common Carrier" (S. P. 298) (L. D. 912) reporting same in a new draft (S. P. 521) (L. D. 1498) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. VIOLETTE of Aroostook
BOISVERT
of Androscoggin
— of the Senate.

Messrs. D'ALFONSO of Portland
PIKE of Lubec
DOYLE of Caribou
SAWYER of Brunswick
— of the House.

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

Report was signed by the following members:

Mr. LETOURNEAU of York
— of the Senate.

Messrs. ERWIN of York
PENDERGAST
of Kennebunkport
SEARLES of Bangor
— of the House.

Came from the Senate with the Reports and Bill recommitted to the Committee on Public Utilities.

In the House: Reports were read.

On motion of Mr. D'Alfonso of Portland, recommitted to the Committee on Public Utilities in concurrence.

Non-Concurrent Matter

An Act relating to Tuition for Students Attending Secondary School Outside of Residence (S. P. 335) (L. D. 1080) which was passed to be enacted in the House on April 13 and passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" on April 7.

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

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

Petitions, Bills and Resolves Requiring Reference

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

Claims

Resolve to Reimburse Mrs. Hazel Costigan, of Milford, for Well Damage (H. P. 1101) (Presented by Mrs. Ruby of Bangor)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act relating to Condensed Summary of State's Annual Financial Report" (H. P. 1102) (Presented by Mr. Katz of Augusta and Mr. Starbird of Kingman Township)

(Ordered Printed)

Sent up for concurrence.

Orders

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

Mrs. WHEELER: Mr. Speaker, I would inquire if H. P. 23, L. D. 26, Bill "An Act Increasing Salary of Commissioner of Labor and Industry," is in the possession of the House.

The SPEAKER: The gentlewoman from Portland, Mrs. Wheeler, inquires whether House Paper 23, L. D. 26 is in possession of the House, and the Chair will answer in the affirmative.

Thereupon, on motion of the same gentlewoman, the House voted to reconsider its action of yesterday whereby it accepted the "Ought not to pass" Report.

On further motion of the same gentlewoman, the Bill was tabled pending acceptance of the "Ought not to pass" Report and specially assigned for Thursday, May 6.

House Reports of Committees Leave to Withdraw

Mrs. Baker from the Committee on Legal Affairs on Bill "An Act Revising the Laws Relating to

Fire Protection and Prevention" (H. P. 834) (L. D. 1061) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Healy from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Lease of Moosehorn National Wildlife Refuge, Washington County" (H. P. 722) (L. D. 960) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

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

Ought Not to Pass

Mr. Anderson from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Financial Assistance to Institutional Teachers in Obtaining Professional Credits" (H. P. 681) (L. D. 918)

Same gentleman from same Committee reported same on Bill "An Act Appropriating Moneys for Construction of a Reception Diagnostic Treatment Center for Persons Committed to any Penal Institution" (H. P. 721) (L. D. 959)

Mr. Birt from same Committee reported same on Resolve Appropriating Funds for Recreational Aid for the Mentally Retarded at Pineland Hospital and Training Center (H. P. 608) (L. D. 800) (Reconsidered Later in the Day and Tabled)

Mr. Bragdon from same Committee reported same on Bill "An Act relating to Cost of Relocating Water Utility Facilities in Federal Aid Highways" (H. P. 881) (L. D. 1178)

Reports were read and accepted and sent up for concurrence.

Mr. Dunn from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Providing

for State Contributions to Industrial Pollution Abatement" (H. P. 791) (L. D. 1068)

Report was read.

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

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: As sponsor of this bill I feel it is my duty to at least explain the intent of this proposed legislation and the effect it would have had upon our industrial economy in the state.

As you will note by the bill, amounts of one half the cost of industrial pollution treatment plants up to \$500,000 could be given to the industry by the state. This would help many small industries both those who might wish to come to this state and existing industries. The state by its previous action has helped municipalities with their pollution plants and it now seemed only fair to assist industry in the same manner. We are all aware that for a prosperous state we need to help existing industries and do all in our power to encourage new industry to come to our state.

I will, however, at this time move to accept the report of the committee.

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

Mr. Healy from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Development of a Day Care Project in Bangor" (H. P. 723) (L. D. 961)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Create a Maine State Board of Human Research and Development" (H. P. 904) (L. D. 1232)

Report was read.

(On motion of Mr. Roy of Winslow, tabled pending acceptance of

the Committee Report and specially assigned for Tuesday, May 4.)

Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Providing for a State Government Information Bureau" (H. P. 986) (L. D. 1349)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Richardson from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure" (H. P. 137) (L. D. 333)

Report was read.

(On motion of Mr. Harriman of Hollis, tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 6.)

Mr. Richardson from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act to Provide for Review of Law and Fact in Appeal Cases under Workmen's Compensation Act" (H. P. 639) (L. D. 864)

Same gentleman from same Committee reported same on Bill "An Act relating to a Power of Sale in a Mortgage and Sale under a Power in a Mortgage" (H. P. 923) (L. D. 1251)

Mr. Conley from the Committee on Legal Affairs reported same on Bill "An Act relating to Taxes Paid by Town of Wells to Ogunquit Village Corporation" (H. P. 435) (L. D. 564)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Libhart from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act Describing Boundaries of Town of West Paris" (H. P. 356) (L. D. 459)

Report was read.

(On motion of Mr. Hammond of Paris, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 4.)

Ought to Pass in New Draft New Draft Printed

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salaries of Clerk and Assistant Clerk of the House of Representatives" (H. P. 880) (L. D. 1177) reported same in a new draft (H. P. 1103) (L. D. 1502) under title of "An Act Increasing Salaries of Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives" and that it "Ought to pass"

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

Ought to Pass Printed Bills

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve Appropriating Funds for Maine's Share of Financing a Permanent Secretariat to the New England Governors' Conference (H. P. 617) (L. D. 826)

Same gentleman from same Committee reported same on Bill "An Act Appropriating Funds to Aid in Dredging the Harbor at Owl's Head" (H. P. 1059) (L. D. 1441)

Reports were read and accepted, the Bill read twice, Resolve read once and tomorrow assigned.

The following paper from the Senate was taken up out of order by unanimous consent:

Passed to Be Engrossed

Bill "An Act to Appropriate Moneys for the Expenditures of State Government for the Fiscal Year Ending June 30, 1965" (S. P. 523) (L. D. 1500)

Came from the Senate given its several readings under suspension of the rules and passed to be engrossed without reference to a Committee.

On motion of Mr. Birt of East Millinocket, was read three times under suspension of the rules and passed to be engrossed without reference to a Committee in concurrence.

On further motion of the same gentleman, by unanimous consent sent forthwith to the Senate.

Ought to Pass

Printed Bills (cont'd.)

Mr. Davis from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Amending Provisions of Charters and Bylaws of Corporations Relating to Preemptive Rights" (H. P. 644) (L. D. 869)

Mr. Richardson from same Committee reported same on Bill "An Act to Authorize Corporations without Capital Stock to Commingle Funds" (H. P. 279) (L. D. 361)

Mr. Boissonneau from the Committee on Legal Affairs reported same on Bill "An Act relating to Organization of Lewiston Fire Department" (H. P. 351) (L. D. 454)

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

Ought to Pass with Committee Amendment

Mr. Birt from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers" (H. P. 674) (L. D. 901) 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. 674, L. D. 901, Bill, "An Act Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers."

Amend said Bill by striking out all of the last paragraph before the Statement of Facts.

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

Mr. Healy from the Committee on Appropriations and Financial

Affairs on Bill "An Act Providing for New Ferry Landing at Forest City Landing, Peaks Island" (H. P. 113) (L. D. 137) 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. 113, L. D. 137, Bill, "An Act Providing for New Ferry Landing at Forest City Landing, Peaks Island."

Amend said Bill by inserting after section 2, a new section, as follows:

Sec. 3. Operational and maintenance costs. Annual rental shall be paid to the State of Maine. Operational and maintenance costs will be paid for under lease contract by Casco Bay lines.'

Further amend said Bill, in the last line before the Statement of Facts, by striking out the words "when approved" and inserting in place thereof the word and figures 'July 1, 1965'

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

Mr. Hunter from the Committee on Legal Affairs on Bill "An Act relating to Licensing of Embalmers, Funeral Directors and Funeral Homes" (H. P. 964) (L. D. 1299) 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. 964, L. D. 1299, Bill, "An Act Relating to Licensing of Embalmers, Funeral Directors and Funeral Homes."

Amend said Bill in section 3 by striking out in the 5th line the underlined word and figure "be \$10" and inserting in place thereof the underlined words and figure 'not exceed \$20'; and by striking out in the 8th line the words and figure "on the 31st day of December, annually" and inserting in place thereof the words 'one year

from date of issuance'; and by striking out in the 16th line the word and figure "be \$10" and inserting in place thereof the words and figure 'not exceed \$20'; and by striking out in the 17th line the underlined word and figure "be \$2" and inserting in place thereof the underlined words and figure 'not exceed \$5'; and by striking out in the 21st line the underlined figure "\$10" and inserting in place thereof the underlined figure '\$20'; and by striking out in the 22nd line the underlined figure "\$10" and inserting in place thereof the underlined figure '\$20'; and by striking out in the 24th line the underlined figure "\$15" and inserting in place thereof the underlined figure '\$25'

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

Mr. Libhart from the Committee on Legal Affairs on Bill "An Act relating to General Powers of Cities" (H. P. 642) (L. D. 867) 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. 642, L. D. 867, Bill, "An Act Relating to General Powers of Cities"

Amend said Bill by striking out in the 5th and 6th lines the underlined words "be presumed to"; and by inserting in the 6th line after the underlined word "towns" the underlined words 'or municipalities'

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

House at Ease

Called to order by the Speaker.

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

Mr. ANDERSON: On page three, item five, I now move that we reconsider where we accepted the "Ought not to pass" Report.

The SPEAKER: The gentleman from Orono, Mr. Anderson, now

moves that we reconsider our action of earlier in the day whereby we accepted the Committee "Ought not to pass" Report on item five, Resolve Appropriating Funds for Recreational Aid for the Mentally Retarded at Pineland Hospital and Training Center, House Paper 608, L. D. 800. Is this the pleasure of the House?

The motion prevailed.

On further motion of the same gentleman, tabled pending acceptance of the Committee "Ought not to pass" Report and specially assigned for Thursday, May 13.

Third Reader Tabled and Assigned

Bill "An Act relating to Costs and Attorney's Fees under Workmen's Compensation Law" (S. P. 417) (L. D. 1312)

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

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and specially assigned for Friday, May 7.)

Passed to Be Engrossed

Bill "An Act relating to Exemption from Sales Tax of Boats Sold to Nonresidents" (S. P. 504) (L. D. 1470)

Bill "An Act Increasing Salary of Legislative Finance Officer" (H. P. 252) (L. D. 320)

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

Amended Bills Recommitted

Bill "An Act Increasing Salaries of Official Court Reporters" (S. P. 164) (L. D. 494)

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

(On motion of Mr. Danton of Old Orchard Beach, recommitted to the Committee on Judiciary and sent up for concurrence.)

Bill "An Act to Provide Aerial Photos of Maine's Forest Lands" (S. P. 279) (L. D. 841)

Bill "An Act Increasing Compensation of Members of Personnel Board" (H. P. 253) (L. D. 321)

Bill "An Act Increasing Salary of the Adjutant General" (H. P. 544) (L. D. 716)

Bill "An Act Increasing Salaries of Members of Harness Racing Commission" (H. P. 545) (L. D. 717)

Resolve Appropriating Money to Continue Review of Maine Criminal Statutes (S. P. 445) (L. D. 1384)

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 as amended by Committee Amendment "A" and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act to Appropriate Moneys for the Expenditures of State Government for the Fiscal Year Ending June 30, 1965 (S. P. 523) (L. D. 1500)

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

The SPEAKER: Off the record, does any member of the Appropriations Committee desire to inform the members of the House what this is all about?

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

Mr. JALBERT: First tell me what it is all about; then I will try to explain it. What item?

The SPEAKER: We are referring to a matter which just came up as an enactor, in reference to \$91,000 of money to be used from the surplus to take care of some interest payments.

Mr. JALBERT: Mr. Speaker, Members of the House: One item of \$19,200 refers itself to that part of the Central Maine Vocational Institute, the interest on the bonds, and four other matters that were forgotten, let's say, to be placed under the—the interest on the bonds was not tacked up against the program involved.

This being an emergency measure and a two-thirds vote of all

the members elected to the House being necessary, a division was had. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and on motion of Mr. Birt of East Millinocket, by unanimous consent sent forthwith to the Senate.

Constitutional Amendment Tabled and Assigned

Resolve Proposing Amendment to the Constitution Relating to Bond Issues to be Voted Upon by the People (H. P. 612) (L. D. 804)

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: This act has merit, of course, as all acts do. However, as an individual voter in this body, I am disturbed that we can pass a constitutional amendment relative to bond issues which do not go to the people. I personally fear that this is a dangerous precedent, and the amendment which has been offered relative to this measure removes the amounts that may be passed by this body.

There are many arguments in favor of such a move. One I think is a strong argument, that is, that the people in the State of Maine usually care less about bond issues and invariably vote "yes" relative to them and that it does clutter up the local elections, many of them not being voted on one way or the other. However, I do think, and still maintain, that a referendum of one percent of the people that voted in a gubernatorial election with the limitation of ninety days for initiating such a referendum in opposition to these measures, I still think that it is a dangerous precedent, but you here in the House must govern yourselves by your own conscience. I, as an individual, feel that I must vote against a measure of this nature.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled

pending final passage and specially assigned for Thursday, May 6.

Passed to Be Enacted

An Act relating to Public Notice in Probate Proceedings (S. P. 294) (L. D. 909)

An Act relating to Organization of Loan Companies (S. P. 509) (L. D. 1479)

An Act relating to Equipment and Inspection of Motor Vehicles (H. P. 671) (L. D. 898)

An Act relating to Remedy for Paupers' Refusal to be Removed (H. P. 902) (L. D. 1212)

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.

Enactor Laid Aside

An Act relating to the Reporting of Traffic Accidents (H. P. 1025) (L. D. 1388)

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

At the request of Mr. Scott of Wilton, this matter was laid aside temporarily.

Enactor Indefinite Postponement Lost

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

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

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

Mr. BERRY: Mr. Speaker, Members of the House: I move that L. D. 583 be indefinitely postponed and I would speak briefly to the motion.

The SPEAKER: The question before the House now is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this bill and its accompanying papers be indefinitely postponed. The gentleman may proceed.

Mr. BERRY: Mr. Speaker, Members of the House: I think this matter was quite fully discussed

the other day. I do hope that the members have had a chance to reflect upon the impact of this upon the people of the state. I would recall to you that it has been suggested, and an amendment was proposed, that the limit be lifted from \$30,000 to \$50,000 for jury awards in the case of death. I would additionally remind you that while there is a little bit of difference that in the event of death under Workman's Compensation there is a ceiling of a value of a human life apparently of \$10,000. I say this again that this bill, this act, has been on the books for many, many years and it has worked apparently no hardships that we have had cited here.

There was cited a case in court, but I would invite your attention to the fact that it was a federal court that was cited to you. I think this does not have its origin in the needs to satisfy the desires of the people of the State of Maine and I would urge you to support my motion for indefinite postponement and when the vote is taken I would request a roll call.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I had hoped the enemies of this excellent bill would be silent after two disastrous assaults. On the first one they were turned back eighty-five to forty-seven. On the second one they were turned back ninety to forty.

Now, ladies and gentlemen, I have been around this House for about five years in regular and special sessions and I know that sometimes when a roll call is asked by the opponents of a good bill, why they ask for it. They like to isolate the individual members of this House and then the telephone calls start coming and then the wheedling and the coaxing starts. I think that the members of this House had excellent debate when both these assaults on the bill were turned back and I congratulate the

members of this House for their good judgment.

Ladies and gentlemen, this is a bill for progress, and it is a bill for the progress of the widows and orphans of Maine who aren't organized and can't come here to defend themselves and to ask for justice. And it is up to us to give them that justice and we have given them on two occasions and I don't think we should deny them this morning. So, I hope that we won't have to go through all the shenanigans of a roll call on this motion and if we don't have a roll call, I would ask for a division. And I urge you to defeat this motion for indefinite postponement.

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

Mr. SULLIVAN: Mr. Speaker, Ladies and Gentlemen: I agree one hundred percent with the gentleman that just spoke. Thank you.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I fully concur with the extraordinarily able gentleman from Houlton, Mr. Berman. This matter has been well debated every inch of the way. It has been accepted by this House overwhelmingly, but the insurance company lobby refuses to give up and I suspect that this is the reason why this antiquated principle has managed to survive in this state for so long a period of time. It has been indicated during debate that insurance rates will go up by this lobby, and a report from reliable sources within this state indicate that this is not true. The House has supported the unanimous view of the Judiciary Committee up to this point and I hope that it continues to do so.

It seems to me that the value of life can be better determined by a judge and jury who are aware of all the facts and circumstances instead of a death limitation placed arbitrarily by

this body, that the value of human life should be given the same consideration as animals. I hope that the motion by the gentleman from Cape Elizabeth, Mr. Berry, is defeated.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I assure you of one thing, that I have not been lobbied by any insurance man. Not one has come to me on this bill. As a matter of fact the only two people I have spoken to about this bill, three people; two of them are lawyers, one of them happens to be my seatmate. I have voted for this bill consistently. I asked, however, another member of the House yesterday, how did you happen to vote against this bill? And he explained the argument to me. Now, I am going to pose the same argument in a question form to any member of the Judiciary Committee for them to answer. I still don't know how I'm going to vote, but their answer is going to make my decision for me.

Let's assume for instance that I hit and instantaneously kill a doctor whose practice is anywhere from \$50,000 on up a year. He is thirty years old. So, the average span of his life would be sixty years. So multiplying thirty times \$50,000 comes up to quite a sum of money, so that I am sued for \$200,000. It wouldn't make any difference to me anyway because I haven't got penny one. But let's assume that I did have penny two. I am sued for \$200,000 and I have got fifty and a hundred thousand, I have got a \$100,000 coverage. Maybe you might be able to answer this question, Mr. Speaker, as an attorney. I know I am intriguing you anyway, if nothing else.

I am sued for \$200,000. Perish that thought, but assuming that I am. The verdict comes out \$150,000, the insurance company picks up the tab for \$100,000. I then have a judgment against me for \$50,000. So if I have got an extra suit that is gone too, and

I don't want to lose that extra suit. My serious question is this: What happens in a case that I am sued, what happens to the other \$50,000? Am I liable for that \$50,000 personally? I ask the question be answered by a member of the Judiciary Committee, not a layman.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to any member of the Judiciary Committee and any member of the Judiciary Committee may answer if he so desires.

The Chair recognizes the gentleman from South Portland, Mr. Gillan.

Mr. GILLAN: Mr. Speaker, Members of the House: The gentleman from Lewiston, Mr. Jalbert, has posed an extreme situation, but it would be no different if you struck a man, found guilty of negligence, and he was disabled for life and the number of disabling injuries are much more than the fatals. Now, following that same proposition we should put a limitation on what you can recover for disabling injuries other than fatal. Thank you.

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

Mr. JALBERT: Would you ask me if I am satisfied with the answer, please.

The SPEAKER: If the gentleman is not satisfied, he may so state.

Mr. JALBERT: Mr. Speaker, I am not. I didn't get my question answered. Am I liable for that \$50,000?

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

Mr. BERMAN: Mr. Speaker, first off, I don't think that Mr. Jalbert would be too negligent. Secondly, I think that if Mr. Jalbert struck someone he probably wouldn't be driving so fast that he would kill him instantaneously, and that he would be in the position that Mr. Gillan has ably explained to him. Thirdly, I think that Mr. Jalbert is a very reasonable man and if Mr. Jalbert would tell the people, the widow and the orphan of this

man whom he had wrongfully destroyed, that he had only \$100,000 coverage in insurance that an arrangement, a satisfactory arrangement could be worked out.

This often happens under the present situation where we have a limitation and there is not sufficient coverage. Mr. Jalbert is worried about the situation where someone obtained a judgment against him for the excess. Well, if Mr. Jalbert, by his powers of persuasion, is not able to persuade these people to be satisfied with the insurance coverage, then I think that Mr. Jalbert's powers of persuasion may have diminished.

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

Mr. JALBERT: Mr. Speaker, the eloquent gentleman from Houlton, Mr. Berman, has not answered my question, but he has in a way theoretically told me that I am liable. On that basis, I hope this bill is indefinitely postponed.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I am considerably concerned over the aspect of this problem which was pointed out by Mr. Jalbert and I am also concerned about an aspect which was mentioned before here, that is, that we should not consider this bill solely in terms of insurance, because I would remind you that there are occasions when a person may have an accident and by oversight or neglect he doesn't happen to have insurance, such as he might buy a new car and not have insurance on his new car. So that we shouldn't consider this bill solely in terms of when there is insurance coverage.

I would also like to point out what may be the basic policy behind this law which has existed for many years and that is the policy that there should be a limit on the amount of money which may be profited to a person as a result of a death. When a person is injured for life, this doesn't apply because you can pretty accurately estimate the extent of his disability, but when we get into the area

of projecting earnings, we are necessarily in an area of estimating and while it is true that in settlement negotiations in a personal injury case it is possible to point out to the other side how much insurance coverage you have, when you are going before a jury you cannot tell the jury how much insurance coverage you have and if your limit happens to be ten and twenty or fifty and a hundred you can't tell that to the jury and the jury doesn't know that when they arrive at their verdict. And if the verdict happens to be in excess of the coverage you are stuck.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: In answer to a question propounded the other day by my friend from Cape Elizabeth, Mr. Berry, as to cases in the State of Maine that may have gone over the limit that was established at that time, I suggested a case which occurred in federal court in Bangor. Now, I think under the suggestion today that there is a difference between federal and local court, I must say that since this accident occurred in the State of Maine, jurisdiction was derived simply through diversity of citizenship. The State of Maine law had to be applied by the federal court sitting in Maine. So Maine law was applied and it was Maine law that limited and would have limited in that case a jury decision.

The fact remains that there are deaths which occur in the State of Maine, and they happen every year, that are actually limited by this law.

Let me point out something that hasn't been pointed out before. We found through the course of this debate that insurance rates in this area, as we all know, are set actuarially based on the experience and because there are so few deaths in the State of Maine resulting from negligent operation of an automobile, that actuarial rates would not accurately reflect a proper rate to be charged for the insurance. Rates for the

whole country are used, and because thirty-seven states or more do not have any death limitation at all and the recoveries in those states must be figured in in order to arrive at a proper rate, we in the State of Maine are actually paying more for our insurance coverage than rates determined solely upon the losses in this State would project.

In other words, because this State is among the very small minority in allowing a death limitation, we are actually paying for insurance that we do not get, insurance coverage that we do not get. Let's assume a death with a \$100,000 coverage as my friend from Lewiston, Mr. Jalbert, has suggested, and let's assume a death. We have got a hundred thousand dollar coverage by our policy, yet our insurance company only has to pay \$30,000. The rates were projected for the \$100,000 coverage. Our insurance company only has to pay \$30,000. We are paying for insurance which we do not get.

Let me go back just a moment because we have discussed this thing thoroughly. The real basis why I feel that we all should join in passing this bill, and that is that no recovery can be had by the widow, by the children, unless the driver or the person who is being charged is negligent. He does not have to pay, his insurance company does not have to pay, unless he is negligent, unless he has done something wrong. Why should he be protected at the expense of the widow and orphans?

Now, in addition to this, this state also has the requirement that not only must he, the person who is going to be charged, who is going to have to pay, is wrong—has done something wrong, is negligent, not only must that occur, but also the person who is recovering must be free from negligence of his own. This double burden, this double requirement. We protect the innocent drivers completely. We protect the innocent completely. The only time that there is any recovery possible is when something is done that constitutes negligence.

Now, in balancing the equities here, there doesn't seem to be any choice in my opinion but what we must favor the widows and orphans in the case of death the same way we favor them when there is a disabling, lifetime disabling injury. It is as simple as that, ladies and gentlemen, and I hope that you will not vote for a roll call and I hope that you will vote to pass this bill finally.

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

Mr. JALBERT: Mr. Speaker, for the purpose of an amendment I move that this lie upon the table until the next legislative day.

Mr. Danton of Old Orchard Beach requested a division.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, has requested a division. 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 made and returned the count.

A division of the House was had.

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

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

The Chair recognizes the gentleman from Waldoboro, Mr. Waltz.

Mr. WALTZ: Mr. Speaker, Ladies and Gentlemen: Previously, I have been for this bill, but by gosh, I can't understand why with so many representatives of the law in this body that they can't come out and answer a positive yes or no to Mr. Jalbert's hypothetical question. Several of them got up and ambled around and tried to describe the merits of this bill, sell us on it, but they haven't come out yet and answered his question. Now, I am wondering. Suppose I get into that particular

situation, what happens to me on that extra \$50,000 the court has assessed me? Why can't someone come up and say sure they are going to sue you, or it is out the window? It means nothing. I would like a real honest to goodness answer on that deal.

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

Mr. JALBERT: Mr. Speaker, the question, the answer that I was given by a good attorney was: go into bankruptcy.

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

Mr. POULIN: Mr. Speaker and Ladies and Gentlemen of the House: I have been sitting here listening to the different debates and some of them are pretty complicated. Fortunately I carry a hundred, two hundred thousand dollar liability and from what I understand, if I should be unfortunate and kill somebody and was brought into court my insurance company would only have to pay \$30,000 even though I am paying for a hundred and two hundred thousand. So it seems to me if it is going to be just \$30,000 why bother carrying a hundred and two hundred?

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I am merely standing up this morning not as an attorney but as a layman and I am just wondering and I have been wondering, that if I should be sued for being so unfortunate as to injure somebody or kill somebody because of negligence and I own a ten thousand dollar home and we'll say like the Representative for Lewiston, Mr. Jalbert, I own two suits. Now, whether I be sued for \$30,000 or whether I be sued for \$150,000 I am going to lose those two suits. I am going to lose the house. So, how much farther ahead am I going to be? I am go-

ing to be out of a house, my two suits and I'll be lucky if I can get out with my shirt, so the \$30,000 or the \$150,000 would make very little difference when it comes to that.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House, fifty-five pupils of the eighth grade at the New Cumberland Elementary School and they are accompanied by their teachers Mr. Thomas Joyce and Mr. Douglas Livingston and they are the guests of the gentleman from Cumberland, Mr. Richardson. On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

At the same time the Chair would like to recognize in the balcony of the House a group of students from the seventh and eighth grades from the South Bristol Elementary School. They are accompanied by their teacher Mrs. Thompson. They are the guests of the gentleman from Bristol, Mr. Lewis. On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: After hearing all this debate this morning I am not confused to a great deal, but I feel as though I must answer some of the questions brought out here. The gentleman from Madawaska, Mr. Levesque, was worried about losing his suits and his house. Well, I would like to tell him this. When he came into this world he came in bare and after that suit he will go out bare.

But, I do want to take this opportunity to thank the members of the Bar Association for having enlightened me on a lot of little details. This is the first time I ever got any free legal advice, and more than that, when I look at them, see them get up all in accordance with one another, I really

believe this is a good bill. Because it is very rare that you find a group of lawyers that will agree, and this morning I think they have all agreed a hundred percent and I am going to agree with them.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: In respect to the comments made by my friend from Old Town, Mr. Binnette, I would say that the legal advice he got was probably worth just about what he paid for it. Now, ladies and gentlemen, I am a member of the Judiciary Committee and I was a signer of this bill. As I attempted somewhat subtly to point out to you when we earlier debated this bill, I am an insurance lawyer. It is my work to defend cases such as the type that you have heard discussed today. Now, the whole problem here is that when you injure a man and you have ten thousand, twenty thousand limits on your policy, if you render him a hopeless cripple for the rest of his life or as is sometimes I think rather cruelly said, a vegetable by reason of brain injuries and he spends the rest of his life in an institution, the law of this state and the law of no other state imposes any limitation on the amount of damages recoverable in that action. Now, why in that instance should we have no limit, but in the instance of a man who has been killed and whose wife and children may very well become public charges, why in that case do we pick out an arbitrary figure of \$30,000 or \$50,000 and say that's all you are worth. Why is it in Maine cheaper to kill somebody in an automobile accident than it is to render them a cripple?

I submit to you that the arguments about insurance rates and so forth and so on are merely as I said before a bugaboo. If you go to your insurance agent you can't possibly foresee whether or not the accident you get into is going to involve killing someone or merely maiming them. The effect on insurance rates, I think, would be extremely small, if even notice-

able. I urge you to defeat this motion to indefinitely postpone this bill. As I have told you before the Maine Trial Lawyers Association has brought four bills into this Legislature. This is the only one, I say again, the only one, that deserves your support. It is in the best interests of the people of Maine; it should receive your support.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Ruby.

Mrs. RUBY: Mr. Speaker and Ladies and Gentlemen of the House: As part of my training for driver education, I have to be a little versed in insurance. Dow Air Force has a series of films that they show my youngsters. Recently, one of my classes viewed a film on just this particular thing we are talking about this morning. I'll make it very brief. A young man left a cocktail lounge, on his way home was speeding, caused an accident. He appeared in court. I am going to substitute figures because I don't remember the exact figures, but we will say he was sued for \$150,000. He had maimed his girlfriend; he had killed a man. The insurance company we will say paid \$100,000. He and his dad had to work for the rest of their lives, they lost their farm, in order to pay off the \$50,000.

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

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to say a word about this bill this morning, but I am still opposed to it, and I oppose it because if this bill is passed to be enacted today, everyone in this House had better go out and buy all the insurance they can get to protect themselves and their families.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: First, I would like to say that a wrongful death recovery is not a give-away program. The plaintiff must prove negligence and so forth, but he also must prove the money

damages sustained by the estate, and this must be proved to the satisfaction of a jury, twelve of your peers. And then the jury, as the bill states itself, makes what is a fair and just compensation or a determination of what is a fair and just compensation.

If you want to put a limit on fairness and justice, vote for Mr. Berry's motion. If you do not want to put a limit on fairness and justice, vote to pass the bill.

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

Mr. COTTRELL: Mr. Speaker, I move we adjourn.

The SPEAKER: The gentleman from Portland, Mr. Cottrell, moves that we now adjourn. All those in favor of adjourning will say aye; those opposed, no.

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

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen: I request each and every one of you to turn around and look up at the gallery. Look at the fine young people we have up there. Are any of us able at this time to place a price tag on them when they get to be eighteen, nineteen, twenty or thirty years old? This is what the insurance lobby likes. They want to put a price tag on them. The Judiciary Committee unanimously agreed that there should not be a price tag.

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

Mr. CONLEY: Mr. Speaker, I think we have had enough debate on this bill. I now move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Conley, now moves the previous question. For the Chair to entertain the previous question it must have the expressed desire of one-third of the members present. All those in favor of 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 arisen, the previous question is in order.

The question before the House now is, shall the main question be put now, which is debatable by any member for no longer than five minutes, and you may not debate the merits of the bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The reason I don't think based on time that the question should be put now is that there have been a lot of questions asked and a lot of comments made that should be digested, number one; and number two, it is my understanding that we legally have advertised for a public hearing to start at 10:30, and on that basis, Mr. Speaker, I feel that we should go along with what we legally advertise for so that we should go along with a motion to adjourn and I so move.

The SPEAKER: The question before the House now is on the motion of the gentleman from Lewiston, Mr. Jalbert, that we adjourn until 9:30 tomorrow morning pending shall the main question be put now.

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

Mr. KENNEDY: Mr. Speaker, a parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. KENNEDY: If the main question debated as being put now, is any other motion in order?

The SPEAKER: The motion to adjourn would be in order. Is the House ready for the question? The question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that we adjourn until 9:30 tomorrow morning. All those in favor of adjourning until 9:30 tomorrow morning will say aye; those opposed, no.

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

The SPEAKER: The question before the House is, shall the main question be put now? All those in favor of the main question being put now will say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House now is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this bill and its accompanying papers be indefinitely postponed and the gentleman from Cape Elizabeth, Mr. Berry, has requested that when the vote be taken it be taken by the yeas and nays. In order for the Chair to entertain the yeas and nays, it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

Thirty-one members arose.

The SPEAKER: More than one-fifth having arisen, a roll call is in order. The Chair will restate the question. The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that item 2, An Act Repealing Compensation Limitation in Actions for Injuries Causing Death, Senate Paper 202, L. D. 583, be indefinitely postponed. If you are in favor of this matter being indefinitely postponed, when your name is called you will answer "yes"; if you are opposed to this matter being indefinitely postponed, you will answer "no" when your name is called. The Clerk will call the roll.

ROLL CALL

YEA — Benson, Southwest Harbor; Berry, Birt, Bragdon, Brewer, Burwell, Cote, Cressey, Cushing, Drouin, Dunn, Erwin, Farrington, Fortier, Gaudreau, Gauvin, Gilbert, Hammond, Hanson of Lebanon; Harriman, Haynes, Huber, Jalbert, Lang, Lund, Mosher, Norton, Payson, Pendergast, Pike, Pitts, Prince, Rackliff, Ruby, Sahagian, Scott,

Storm, Stoutamyer, Waltz, White, Guilford; Wight, Presque Isle; Wood, Young.

NAY — Anderson, Ellsworth; Anderson, Orono; Avery, Baker, Orrington; Baker, Winthrop; Baldic, Beane, Berman, Bernard, Binnette, Blouin, Boissonneau, Bourgoin, Brennan, Buck, Carroll, Carter, Champagne, Conley, Cottrell, Crommett, Crosby, Curran, D'Alfonso, Danton, Dickinson, Doyle, Drigotas, Dudley, Dumont, Edwards, Eustis, Evans, Fecteau, Fraser, Mexico; Fraser, Rumford; Gifford, Gillan, Glazier, Graham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hawkes, Healy, Hunter, Durham; Jewell, Katz, Kennedy, Keyte, Kittredge, Laberge, Lane, Lebel, Levesque, Lewis, Libhart, Lincoln, Littlefield, Lowery, Lycette, Martin, McKinnon, Meisner, Millay, Mills, Mitchell, Nadeau, Peaslee, Poulin, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Roy, Sawyer, Searles, Starbird, Sullivan, Truman, Watts, Wheeler, Whittier, Wuori.

ABSENT — Bedard, Benson, Mechanic Falls; Bishop, Bradstreet, Bussiere, Carswell, Cookson, Davis, Dostie, Faucher, Hanson, Gardiner; Howes, Hoy, Hunter, Clinton; Jordan, Kilroy, Knight, Lent, Palmer, Susi, Ward.

Yes, 43; No, 86; Absent, 21.

The SPEAKER: The Chair will announce the vote. Forty-three having voted in the affirmative, eighty-six having voted in the negative, twenty-one being absent, the motion does not prevail.

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

Mr. BERMAN: Mr. Speaker, as we have done previously in this session, I move that the rules be suspended and this bill be sent forthwith to the Senate so we will be done once and for all with it.

The SPEAKER: This bill has not been passed to be enacted yet.

The gentleman from Lewiston, Mr. Jalbert, now moves that we

adjourn until 9:30 a.m. All those in favor of adjourning will say aye; those opposed, no.

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

Sixty-four having voted in the affirmative and fifty-seven having voted in the negative, the motion prevailed and the House stood adjourned until 9:30 o'clock tomorrow morning.