

# 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, May 6, 1965

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

Prayer by the Rev. Mr. Douglas Robbins of Augusta.

The journal of yesterday was read and approved.

### Papers from the Senate Senate Reports of Committees Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Study of Welfare Programs" (S. P. 258) (L. D. 807) reporting Leave to Withdraw.

Report of the Committee on Business Legislation reporting same on Bill "An Act relating to Interest Rate for Licensed Small Loan Agencies" (S. P. 181) (L. D. 546)

Came from the Senate read and accepted.

In the House, Reports were read and accepted in concurrence.

### Ought Not to Pass Indefinitely Postponed

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Exempting Boats and Boat Motors from Property Tax" (S. P. 225) (L. D. 684)

Came from the Senate with the Report and Bill indefinitely postponed.

In the House, the Report was read and accepted.

### Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Permanently Establish a Maine Commission on Retardation" (S. P. 259) (L. D. 808) reporting same in a new draft (S. P. 527) (L. D. 1505) under title of "An Act to Reactivate Maine Committee on Problems of the Mentally Retarded" and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft 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 Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Funds for Operation of Advisory Committee on Education (S. P. 160) (L. D. 490) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" was read by the Clerk as follows: COMMITTEE AMENDMENT "A" to S. P. 160, L. D. 490, Resolve, Appropriating Funds for Operation of Advisory Committee on Education.

Amend said Resolve by striking out in the 2nd line the figure "\$5,000" and inserting in place thereof the figure "\$2,500"; and by striking out in the 3rd line the figure "\$5,000" and inserting in place thereof the figure "\$2,500"

Further amend said Resolve by striking out all of the 5th, 6th, 7th, 8th, 9th, 10th, and 11th lines and inserting in place thereof the following:

'Committee on Education.'

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Working Capital of Liquor Commission" (S. P. 377) (L. D. 1194) 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. 377, L. D. 1194, Bill, "An Act Relating to Working Capital of Liquor Commission."

Amend said Bill, in the 4th line from the end, by striking out the underlined figure "\$4,500,000" and inserting in place thereof the underlined figure "\$4,000,000"

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

#### **Tabled and Assigned**

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

(On motion of Mr. Gaudreau of Lewiston, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.)

#### **Final Report**

Final Report of the following Joint Standing Committee:

Retirements and Pensions

Came from the Senate read and accepted.

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

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Transportation on Bill "An Act relating to Length of Certain Motor Vehicles" (S. P. 300) (L. D. 914) reporting same in a new draft (S. P. 489) (L. D. 1452) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. MENDELL

— of Cumberland  
SHIRO of Kennebec  
— of the Senate.

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

— 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.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sherman, Mr. Storm.

Mr. STORM: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Sherman, Mr. Storm, now moves that this bill and its accompanying papers be indefinitely postponed. Is this the pleasure of the House?

Thereupon, on motion of Mr. Bussiere of Lewiston, tabled pending the motion of Mr. Storm of Sherman to indefinitely postpone and specially assigned for tomorrow.

#### **Non-Concurrent Matter**

Report of the Committee on Public Utilities reporting "Ought not to pass" on Bill "An Act relating to Hearings for Permits for Contract Carriers" (H. P. 712) (L. D. 950) which was accepted in the House on April 30.

Came from the Senate recommitted to the Committee on Public Utilities in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Manchester, Mr. Gifford,

now moves that we recede and concur with the Senate.

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

Mr. ERWIN: The Speaker, Members of the House: This bill has been before us before and I would only ask the House to notice the date, the sixth day of May. If we do not stop recommitting these matters back to committee, most of the committees are beginning to complete their assignments, we are not going to be here until just the middle of June, we are going to be here until the fourth of July.

I happen to be one Republican who shares the hope of the majority party that we can get out of here much sooner than usual. And I will do everything in my power to see that we do get out of here sooner than usual. I don't think that we serve any public purpose in the State of Maine by allowing the truck lobbies to pull and haul us after these things have been heard in committee, after they have had a unanimous committee report, after we have acted upon them. I think this is a stalling action and I ask for a division on the motion to concur with the Senate.

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

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: I would simply point out that another bill which was considered with this one has been recommitted to the Committee on Public Utilities. They were originally considered together, they could be reconsidered together, and in my opinion should be. And I would hope that the House would go along this morning with the motion to recommit L. D. 950 back to this same committee for reconsideration along with L. D. 912. I do not see where this will hold up the business of the House to any appreciable extent.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Manchester, Mr. Gifford, that we recede and concur with the Senate

and the gentleman from York, Mr. Erwin, has requested a division.

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

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

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

Mr. BUSSIERE: Mr. Speaker, I move that we accept the majority report "ought not to pass."

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

Mr. ROSS: Mr. Speaker, I move that we adhere to our former action.

The SPEAKER: The gentleman from Brownville, Mr. Ross, now moves that we adhere to our former action. Is this the pleasure of the House?

The motion prevailed.

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

#### **Non-Concurrent Matter**

Report of the Committee on Towns and Counties reporting "Ought not to pass" on Bill "An Act Creating a Second Assistant County Attorney for Androscoggin County" (H. P. 867) (L. D. 1164) which was accepted in the House on April 28.

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

In the House: On motion of Mr. Cote of Lewiston, the House voted to recede and concur with the Senate in substituting the Bill for the Report.

Thereupon, the Bill was read twice and tomorrow assigned.

#### **Orders**

On motion of Mr. Burwell of Unity, it was

ORDERED, that Frank Stout-amyer of Madison be appointed

to serve as Honorary Page for today.

The SPEAKER: Frank is the son of the gentleman from Madison, Mr. Stoutamyer. He is a senior in high school and has been admitted to William Penn College with a scholarship. He was a four year letter man and co-captain of the football team. He was awarded two football trophies in high school and he was all conference fullback last year. He represented his school at Dirigo Boys State at the University of Maine last year. On behalf of the House, Frank, the Chair welcomes you and we hope that you will enjoy your duties as honorary page for the day. (Applause)

Mr. Gaudreau of Lewiston presented the following Order and moved its passage:

WHEREAS, as a result of an accident, Captain Willie R. Mailhot of the Lewiston Fire Department lost his life in line of duty on Sunday, May 2, 1965;

BE IT ORDERED, that the Maine House of Representatives extend to the widow, of this competent and dedicated fireman, and family its condolences and expression of sympathy;

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to his wife and family.

The Order received passage.

Mr. Nadeau of Biddeford presented the following Order and moved its passage:

WHEREAS, the members of the House have learned that today is the birthday of Mr. Keyte of Dexter,

BE IT ORDERED, that the members of the House extend to Mr. Keyte their congratulations and their best wishes not only for today but for the entire year.

The Order received passage.

#### House Reports of Committees Ought Not to Pass

Mr. Anderson from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Appropriating Moneys to Maine Maritime

Academy for Construction of Warehouse and Garage" (H. P. 300) (L. D. 403)

Report was read and accepted and sent up for concurrence.

#### Tabled and Assigned

Mr. Birt from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Authorize General Fund Bond Issue in Amount of Four Hundred and Fifteen Thousand Dollars for Vocational Educational Building at the Boys Training Center" (H. P. 15) (L. D. 15)

Report was read.

(On motion of Mr. Jalbert of Lewiston, tabled pending acceptance of Committee Report and specially assigned for Tuesday, May 11.)

Mr. Bishop from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Money for Renovation of Administration Building at Boys Training Center (H. P. 304) (L. D. 407)

Report was read and accepted and sent up for concurrence.

#### Tabled and Assigned

Mr. Dunn from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Moneys for Conversion of Heating System at Boys Training Center (H. P. 305) (L. D. 408)

Report was read.

(On motion of Mr. Binnette of Old Town, tabled pending acceptance of Committee Report and specially assigned for Tuesday, May 11.)

Mr. Healy from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Appropriating Moneys to Maine Maritime Academy for Reconstruction of Dismukes Hall" (H. P. 301) (L. D. 404)

Report was read and accepted and sent up for concurrence.

### **Tabled and Assigned**

Mr. Healy from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Providing Subsidy to Driver Education" (H. P. 792) (L. D. 1128)

Report was read.

(On motion of Mr. Gifford of Manchester, tabled pending acceptance of Committee Report and specially assigned for Tuesday, May 11.)

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) which was recommitted.

Mr. Pitts from the Committee on State Government reported same on Bill "An Act Establishing the Maine Insurance Advisory Board and Reserve Fund for Uninsured Losses" (H. P. 851) (L. D. 1176)

Reports were read and accepted and sent up for concurrence.

### **Leave to Withdraw**

Mr. Bishop from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for an Apprenticeship Representative under State Apprenticeship Council Law" (H. P. 446) (L. D. 600) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

### **Referred to 103rd Legislature**

Mr. Libhart from the Committee on State Government on Bill "An Act to Create the Maine Recreation Authority" (H. P. 1003) (L. D. 1350) reported that it be referred to the 103rd Legislature.

Report was read.

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: My purpose in arising is just to call your attention to this L. D. Earlier this session we overwhelmingly passed a proposed constitutional amendment that would pledge the state's credit for recreational purposes. This is the type of suggested enabling legislation that would normally follow next ses-

sion if the people approve of the constitutional amendment. I would urge you to read it so that you will become knowledgeable on what is in store for us next time. Thank you.

Thereupon, the Report was accepted, the Bill referred to the 103rd Legislature and sent up for concurrence.

### **Ought to Pass in New Draft New Draft Printed**

Mr. Haugen from the Committee on Health and Institutional Services on Bill "An Act relating to Qualified Assistant Pharmacists" (H. P. 51) (L. D. 63) which was recommitted, reported same in a second new draft (H. P. 1111) (L. D. 1517) under title of "An Act relating to Examinations as Registered Pharmacists by Assistant Pharmacists" and that it "Ought to pass"

Report was read.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I merely wish to go on record and thank the committee for the arduous duties relative to the bill that had been before them and congratulate them on a new draft, which I heartily endorse and I move that we accept the "Ought to pass" report.

Thereupon, the "Ought to pass" in New Draft Report was accepted, the New Draft read twice and tomorrow assigned.

### **Ought to Pass Printed Bills**

Mr. Baldic from the Committee on Health and Institutional Services reported "Ought to pass" on Bill "An Act relating to Sterilization of Bedding and Upholstered Furniture" (H. P. 343) (L. D. 446)

Mr. Binnette from same Committee reported same on Bill "An Act relating to Definition of Aid to Dependent Children" (H. P. 625) (L. D. 832)

Mr. Peaslee from same Committee reported same on Resolve Authorizing Disposal of Northern

Maine Sanatorium (H. P. 676) (L. D. 903)

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

#### **Ought to Pass with Committee Amendment**

Mr. Fecteau from the Committee on Business Legislation on Bill "An Act Increasing Amount of Property of Bethlehem Lodge No. 35, A. F. and A. M. (H. P. 1027) (L. D. 1397) 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. 1027, L. D. 1397, Bill, "An Act Increasing Amount of Property of Bethlehem Lodge, No. 35, A. F. and A. M."

Amend said Bill, in the Title, by striking out the punctuation and letters ", A. F. and A. M." and inserting in place thereof a period.

Further amend said Bill by striking out in the 9th and 10 lines the underlined punctuation and letters ", A. F. and A. M."

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

Mr. Cressey from the Committee on Health and Institutional Services on Bill "An Act relating to Educational Qualifications for Barbers" (H. P. 56) (L. D. 68) 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. 56, L. D. 68, Bill, "An Act relating to Educational Qualifications for Barbers."

Amend said Bill by striking out everything after the amending clause and inserting in place thereof the following:

**"3-A. Education. Who has satisfactorily completed a minimum of 2 years of secondary education or its equivalent; "**

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

Mrs. Baker from the Committee on Legal Affairs on Bill "An Act relating to Term of Office of Mayor of Lewiston" (H. P. 349) (L. D. 452) 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. 349, L. D. 452, Bill, "An Act relating to Term of Office of Mayor of Lewiston."

Amend said Bill by adding at the end the following Referendum:

**'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 legal voters of the City of Lewiston at the next regular city election.

The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this Act to the following question: "Shall the Act Relating to Term of Office of Mayor of Lewiston, passed by the 102nd Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This Act shall take effect for all purposes hereof upon its acceptance by a majority vote of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this Act at said election equals or exceeds 20% of the total vote for all candidates for Governor in said city at the next preceding gubernatorial election.

The result of such election shall be declared by the municipal officers of the City of Lewiston and due certificate filed by the city clerk with the Secretary of State.

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

Mr. Cote from the Committee on Legal Affairs on Bill "An Act to Provide Adjustments in Pen-



sions Being Paid to Members of the Police and Fire Departments of the City of Portland" (H. P. 1071) (L. D. 1458) 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. 1071, L. D. 1458, Bill, "An Act to Provide Adjustments in Pensions Being Paid to Members of the Police and Fire Departments of the City of Portland."

Amend said Bill by striking out everything after the amending clause and inserting in place thereof the following:

"**Sec. 4. Ordinance for adjusting pensions.** The City of Portland is further authorized to provide by ordinance for adjusting pensions of members of the police and fire departments and in order to carry into effect such adjustment, said City of Portland is authorized to pay to such members of the police and fire departments, as are on the pension rolls an added amount so that a pension of not more than \$4 per day shall be paid. This section shall not apply to call members of the fire department now on the pension rolls nor to members of the police or fire departments now on the pension rolls who are now receiving a pension greater than they would receive under this section." "

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

#### Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Optional Provisions in Individual Accident and Health Insurance Policies" (H. P. 972) (L. D. 1322)

Report was signed by the following members:

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

Messrs. HARRIMAN of Hollis  
McKINNON of South  
Portland

BERNARD of Sanford  
FECTEAU of Biddeford  
LABERGE of Auburn  
— of the House.

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

Report was signed by the following members:

Mr. BROWN of Hancock  
— of the Senate.

Messrs. AVERY of Kittery  
SCOTT of Wilton  
— of the House.

Reports were read.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I move we accept the "ought to pass" report of the committee.

The SPEAKER: The gentleman from Sanford, Mr. Bernard, now moves we accept the Majority "Ought to pass" Report. The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the minority report, I feel that I should bring this to the members of the House how I feel on this bill. It is a very technical bill and I don't pretend to know all the answers to it. Basically it was designed to prevent racketeers from making money on accident and health insurance. This is done by purchasing several different policies in many different companies. This does not happen too often in the State of Maine at the present time. I signed the "ought not to pass" report because I believe it will apply to medical reimbursement on automobile insurance policies and may also affect the Workmen's Compensation policies as well as the uninsured motorist coverage.

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

Mr. HARRIMAN: Mr. Speaker, Ladies and Gentlemen: I believe this bill which was sponsored by the insurance department, which is permissive legislation, to be a good bill. According to all the evidence presented at the commit-

tee and all the studies I have been able to make, over insurance in the health field is becoming a major problem.

I will admit to my colleague, Mr. Scott, from Wilton, that it is not yet a problem in Maine but Mr. Webb, who was connected for a long while with the State House hospitalization program, believes that we do have a minor problem in Maine and it will be increased. Many people the country over have duplicate health insurance coverage which produces a larger benefit to the policy holder than the actual amount of their claim and their loss of income.

Duplication, when only made to increase anyone's health insurance program, should not be prohibited, but coverage that allows anyone to make a profit on a disability only creates an environment and an incentive for hospitals or professional people to raise their charges, because they know that the policy holder is over insured and increasing the cost of hospitalization and medical care is not in the interest of those persons who are only trying to buy adequate insurance to pay for their actual costs while disabled.

In a significant number of cases, people carrying multiple coverage have made it contribute a handsome profit to them. Approximately, one out of every ten persons in this country carry multiple coverage. Hospital surveys have shown in cases of multiple coverage, that payments have exceeded costs of disability or hospitalization by an average of better than forty percent. In California eight percent of all insured cases in the hospital had a cash profit per illness or disability of \$201.

In one group plan, after an anti-duplication provision was included, the savings per claim was \$240. As I have said, some people make a living on multiple coverage or over insurance and this practice should be curbed, and it should be curbed in the State of Maine where it is only a minor problem.

Multiple health insurance coverage contributes to the patients not returning to work when they should and when they are able, because

he or she is realizing a financial gain from each day of hospitalization. It tends to inflate the medical costs because the medical people realize they are over insured. It contributes to the insurance costs of those who most need this type of coverage and can least afford an increase in rates.

This type of coverage is prevalent enough so that the federal government has considered imposing a tax on those people who have duplicate coverage and have made a profit on their illness.

This bill gives everyone the right to collect 110 percent of their expenses and loss of time, which should be enough, and the passage of this bill will eventually cut the cost of this type of insurance giving more people a chance to buy insurance enough to cover their basic needs. This bill would protect the honest purchaser who buys insurance for a purpose and would not protect those people who buy insurance for a profit. It is a good bill and I hope it receives passage.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and assigned for third reading tomorrow.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Judiciary on Bill "An Act relating to Discrimination in Rental Housing" (H. P. 635) (L. D. 860) reporting same in a new Draft (H. P. 1112) (L. D. 1518) under same title and that it "Ought to pass"

Report was signed by the following members:

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

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



report of the committee be accepted.

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

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

Mr. BENSON: Mr. Speaker, I move that this item be tabled pending acceptance of either report until Wednesday next.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, now moves that this matter lie upon the table assigned for May 12, pending the motion of the gentleman from Lewiston, Mr. Cote, that we accept the Majority "Ought to pass" Report.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests a division. All those in favor of this matter lying upon the table assigned for May 12, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-one having voted in the affirmative and sixty-eight having voted in the negative, the motion to table did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read twice.

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

**COMMITTEE AMENDMENT**  
"A" to H. P. 742, L. D. 979, Bill, "An Act Establishing the Fire Fighters Arbitration Law."

Amend said Bill by striking out all of that part designated "Sec. 984." and inserting in place thereof the following: "Sec. 984. Recognition of bargaining agent

The Commissioner of Labor and Industry upon signed petition of at least 50 per cent of the fire fighters employed in any municipality that they desire to be represented by an organization shall conduct a secret election to determine whether the organization represents a majority of the fire fighters, and upon determination that they do, he shall certify them as a bargaining agent. The labor

organization certified as representing a bargaining agent shall be recognized by the municipal authorities as the sole and exclusive bargaining agent for all of the members of the municipal fire department unless and until a decertification election shall be held and the labor organization declared by the Commissioner of Labor and Industry as not representing a majority of the fire fighters in the municipalities.' "

Further amend said Bill in the next to the last line of that part designated "Sec. 988." by inserting after the underlined word "shall" the underlined word "not"

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

### Divided Report

Majority Report of the Committee on State Government reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution to Require a Roll Call Vote Upon all Bills on Final Passage (H. P. 377) (L. D. 479)

Report was signed by the following members:

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

Messrs. KATZ of Augusta  
LIBHART of Brewer  
EDWARDS of Portland  
STARBIRD

of Kingman Township  
— of the House.

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

Report was signed by the following members:

Messrs. BERRY of Cape Elizabeth  
PITTS of Harrison  
DOSTIE of Lewiston  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Pitts.

Mr. FITTS: Mr. Speaker, Members of the House: I move that we accept the Minority "Ought not to pass" Report.

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

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: This is a proposed constitutional change and it is going to put each and every one of you on the spot. It is going to take courage to vote for it — perhaps a little weak head too, because if you vote for this, in all future sessions of this Legislature right up here there is going to be a score board and right over there there is going to be a score board and every time a bill comes up for final enactment you are going to have not to stand up and be counted, but you are going to have to push a button on your desk and it is going to be recorded electronically exactly how you voted on each and every measure.

Now, this is bad legislation if you don't want to be counted. It is bad legislation if you don't want the folks back home to know too much of how you are voting. It is good legislation if you believe that a big scoreboard right here is going to make you just a little bit more thoughtful before you vote. It is good legislation if you are concerned, but particularly towards the end of the session when things get really important around here, the rate of absenteeism starts to creep up, and each and every vote will indicate whether you were in your seat or not when this vote was taken. It is good legislation too, if it makes the type of legislation that we put out of here just a little bit more responsible because of the fact that we have to be recorded when we vote.

You know some people in here called my attention to the fact that sometimes when a division is taken and then a roll call is called for, sometimes votes seem to change. Now I have never particularly noticed that myself but perhaps some of you have. So if you believe that it is

advantageous to be put on the record as to how you vote, if you would like the folks back home and the newspapers to know how you vote on every single bit of legislation on its final passage, vote for this.

Now, briefly, let me tell you the mechanics. Incidentally if you don't have enough—it is going to take a little courage to vote for this; if you are not quite sure you had better vote against it. This is my bill and it is patterned completely after the bill introduced at the 101st Legislature by the then distinguished gentleman from Old Orchard Beach, Representative Jerome Plante. So if he is the mother, I am the father, or vice versa. (Laughter) There is nothing new about this. This is not revolution. It is progressive. There are thirty-two roll call machines in operation in the United States now. There are twenty-five other states where the poor peasants in the House and Senate have to go on record every time, such as this presumes. There are thirteen other states where only one person or two people or three people can demand a roll call. So you might say that there are thirty-eight states in the United States right now where other less fortunate legislators have to go on record.

It takes about six seconds for a roll call vote under this proposed system. Let me again say to you, I think it is good government of the very, very best, most progressive kind. Let me say that this is an amendment so that it will have to go to the people, and I truly hope that you will take this first progressive step towards more responsible government in here.

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

Mr. BINNETTE: Mr. Speaker, I would like to pose a question to any member of the Committee. What would be the cost of such an installation?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, poses a question to any member

of the Committee and any member of the Committee may answer if he so desires.

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

Mr. KATZ: Mr. Speaker, it is a very pertinent question. The electronic equipment, which actually has nothing to do with the constitutional amendment, the electronic equipment would cost twenty-five thousand seven hundred and fifty dollars down. It would cost fourteen thousand dollars annually for five years, which is a total cost of about ninety-five thousand, seven hundred and fifty dollars. Then it would have to be installed. It is a reasonably simple operation. It is just a good deal like our microphones. It is wiring for operating a board instead of for sound. Once it has been installed, the maintenance costs are just as minor, so I understand, as the cost of our present amplification system.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Speaking about the cost, I think what we possibly overlooked is this, that the average session has had about sixty roll calls. A roll call takes on the average of fifteen to twenty minutes each. So when you talk about cost you just imagine multiplying sixty by fifteen or twenty minutes and it is going to save us at least a few days of the session based on the fact that each day costs approximately seven thousand dollars. I think that the cost is minor and the cost would eventually wipe itself off. I would like to comment on the gentleman from Augusta, Mr. Katz's remarks when he said that sometimes when you have a division up against a roll call that some minds have changed. If he doesn't think they have changed he has been wearing blinkers since January sixth.

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

Mr. DUMONT: Mr. Speaker, Members of the House: I too agree with the other gentleman from Augusta, Mr. Katz, that this

is good legislation. The only unfortunate thing is that we don't have it for the record of the 102nd.

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

Mr. EDWARDS: Mr. Speaker, I move that this matter be tabled until one week from today.

The SPEAKER: The gentleman from Portland, Mr. Edwards, moves that this matter lie upon the table for one week.

Mr. Levesque of Madawaska requested a division.

The Chair recognizes the gentleman from Falmouth, Mr. Payson, and inquires for what purpose does he rise?

Mr. PAYSON: Mr. Speaker, I request a roll call. (Laughter)

The SPEAKER: For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. All those in favor of a roll call vote on the tabling motion, will kindly rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

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

The question before the House is on the motion of the gentleman from Portland, Mr. Edwards, that this matter lie upon the table assigned for one week from today. All those in favor of this matter lying upon the table will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Three having voted in the affirmative and one hundred twenty-four having voted in the negative, the motion to table did not prevail.

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

Mr. BERRY: Mr. Speaker, Members of the House: In representing the minority viewpoint on the committee, I think we were unanimous in that the principle of a roll call is fine and if the time

element can be reduced by electronic voting we would all be for it, but I think from a practical standpoint we realize that a sum of one hundred and twenty-five thousand dollars this year is just out the window. And that is why we moved for the minority report. I think this is good legislation but it is just not feasible at this time.

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: I think that I should point out to the House that if this is the basis of the opposition, there is no appropriation called for. This is a constitutional amendment. It is going to go to the people. It is going to be the next Legislature that is going to have to find the money; and may I say that if this is the basis for the minority committee report, we have kind of washed it out and I hope that they now join us with the proponents.

If I understand that this is a motion to accept the "ought not to pass" report, I would hope that those who are in favor of this bill will vote against this motion to accept the minority "ought not to pass" report.

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

Mr. LEVESQUE: Mr. Speaker, a parliamentary inquiry. Has anybody asked for a division on this motion?

The SPEAKER: A division has not been requested.

Mr. LEVESQUE: Therefore, Mr. Speaker, I now request a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests a division on the question. Is the House ready for the question? The question before the House is on the motion of the gentleman from Harrison, Mr. Pitts, that we accept the Minority "Ought not to pass" Report and the gentleman from Madawaska, Mr. Levesque, requests a division.

All those in favor of accepting the Minority "Ought not to pass" Report on Resolve Proposing an Amendment to the Constitution to

Require a Roll Call Vote Upon all Bills on Final Passage," House Paper 377, L. D. 479, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER: The question before the House now is the motion of the gentleman from Augusta, Mr. Katz, that we accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

Thereupon, the Majority "Ought to pass" Report was accepted, the Resolve read once and assigned for second reading tomorrow.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House, forty-three pupils of the eighth grade, Members of the Civic Club of the Saint John the Baptist School of Winslow. They are accompanied by Mother Superior Rose Emily and Sister Mary of the Nativity. They are the guests of the gentleman from Winslow, Mr. Roy. On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for the Election of the Secretary of State and His Succession to the Office of Governor (H. P. 553) (L. D. 724)

Report was signed by the following members:

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

Messrs. LIBHART of Brewer  
BERRY  
— of Cape Elizabeth  
KATZ of Augusta  
PITTS of Harrison  
— of the House.

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

Report was signed by the following members:

Mr. STERN of Penobscot  
— of the Senate.

Messrs. STARBIRD  
of Kingman Township  
EDWARDS of Portland  
DOSTIE of Lewiston  
— of the House.

Reports were read.

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

Mr. STARBIRD: Mr. Speaker, I move that we adopt the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, moves that we accept the Minority "Ought to pass" Report.

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

Mr. MARTIN: Mr. Speaker, before the House votes on this motion probably I should say a few words about it.

The amendment itself would do a number of things, which I feel should be brought to the attention of every member of the House, primarily since I happen to be the sponsor of this L. D. This L. D. itself proposes an amendment to the Constitution providing for the election of Secretary of State and his succession to the Office of Governor. I might point out that the position of the Secretary of State at the present time already exists and his duties are spelled out by the Constitution. The bill would not tend to spread out the authority of the Governor any thinner than it presently is.

The political party of the governor, as well as the individual himself, receives a certain mandate from the people when that governor is elected, since he represents the party as its candidate as well as the people as their elected official. Therefore, it is rejecting the will of the people to change not only individuals but also political parties upon the death of the governor in office. This has happened once with the

death of former Governor Clinton Clauson and a similar situation exists today, with one party the Democratic Party in control of both the House and the Senate, while the Republican Party is presently in control of the governorship. If anything should happen to Governor John H. Reed, then a Democrat would succeed him.

This bill guarantees continuity for four years, barring of course the death or resignation of the successor, of the same political party entrusted in the general election with the state's highest elective office. Therefore, to some degree it resembles our presidential-vice presidential succession pattern at the national level. It would insure a full-time administrator, who would then assume the top office. Such a setup of Secretary of State providing for his succession to the office of Governor is not something that I dragged out from a government book, but merely took it from the present Constitution of the State of Alaska. It has been in operation in Alaska since that state has been formed. It may be pointed out that it is a unique effort which provides for smooth working relationships between the governor and the state's substitute for lieutenant governor, in this case being the Secretary of State. As already pointed out, it worked somewhat like the election of the President and the Vice President of the United States in Alaska. Both run for their separate offices on a joint ticket and both must be of the same political party.

The Constitution of Alaska provides for the partnership of administration. I am not saying that this should be enacted into law, but am merely pointing out that this is a substitute for lieutenant governorship and I would hope that the Republican Minority would take a close look at it if they do not wish to support the lieutenant governor bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Kingman



Township, Mr. Starbird, that we accept the Minority "Ought to pass" Report. All those in favor of accepting the Minority "Ought to pass" Report will say aye; all those opposed will say no.

A viva voce vote being doubted by the Chair, 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.

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

### **Divided Report**

Report "A" of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Trial Terms of Superior Court in Washington County" (H. P. 416) (L. D. 528)

Report was signed by the following members:

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

Messrs. GILLAN  
of South Portland  
BERMAN of Houlton  
BISHOP of Presque Isle  
—of the House.

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

Report was signed by the following members:

Mr. GLASS of Waldo  
—of the Senate.

Messrs. DAVIS of Calais  
DANTON  
of Old Orchard Beach  
BRENNAN of Portland  
RICHARDSON  
of Cumberland  
—of the House.

Reports were read.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen: I move that the House accept Report "A" and I would speak to my motion.

The SPEAKER: The gentleman may proceed.

Mr. KENNEDY: Ladies and Gentlemen of the House: First I

want to thank the Joint Committee on Judiciary for an even break because you will note that this is a five-five report. I also want to thank them for giving me equal time in discussing the merits of this bill. I introduced this bill at the request of the Washington County Bar Association early in the session. The testimony before the Judiciary Committee was comprised of the County Attorney of Washington County, the Clerk of Courts, the Secretary of the Washington County Bar Association and two attorneys from that county.

We have two terms of court at the county seat and one by tradition in the city of Calais, Maine. This is because of the days of the horse and carriage and the transportation by rail to convenience the people in the eastern division of our county, our county being about a hundred and twenty miles long. Since the advent of good highways, our county seat being in Machias which is nearly centrally located, would require about one hour's driving from the longest distance in the county to the county seat. Holding court in other than the shire town is an expensive operation because the records must be moved from Machias to Calais, the prisoners many times from the county jail in Machias to Calais for hearings, and since the advent of the district court system which is now in—one of them being in the City of Calais and the courtroom that had been provided for the Superior Court now being used by the District Court, there would be, I feel and the attorneys in the county feel, much conflict.

I think now is the time to hold all of our Superior Court sessions in the shire town of the county seat which is Machias, Maine. And I will emphasize again that there is only about an hour's driving distance from the largest distance away to Machias. And I would emphasize once more that all of the attorneys in Washington County are in favor of this proposal with the exception of one individual. I can sympathize with this particular attorney, because he serves his district well and ably

and has for many years. Representative Davis from Calais naturally would be in opposition to this proposal, and I sympathize with him because as I have mentioned he is serving his district and serving it well, and he is interested in the interests of that particular area. However, he is the one opponent to this bill. And he has been given equal opportunity to oppose this measure this morning. I appeal to the House to go along and adopt Report "A."

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Davis.

Mr. DAVIS: Mr. Speaker and Ladies and Gentlemen of the House: I want to commend my good friend from Milbridge, Mr. Kennedy, for his excellent presentation of the case in favor of this bill. One correction I would like to make though, Danforth in northern Washington County is about one hundred and twenty miles from Machias. Now it is for that reason that Danforth and other areas in eastern Washington County are so far distant from Machias that one term of Superior Court was set up in Calais and has been maintained for over one hundred years. Now it is true that the travel has improved greatly in that time, but nevertheless it is still a great convenience and a great help to the people of the eastern part of the county to be able to have some of their cases right in their own immediate area, right in their own back door yard. It is only the one term out of the three that we have that the eastern part of the county is able to participate in.

And let me point out, that the area which surrounds Calais and the Calais Court House contains about sixty percent of the population of the county whereas the Machias area, the complex around Machias, is only about forty percent. And Machias is not centrally located in the county. There are sort of two centers of population area in the county and one is Machias and one is Calais. Now, I don't think we are asking too much; and in view of the fact that

this matter was rather extensively discussed and debated before the Judiciary Committee, let us note that the committee being very fair and weighing the arguments carefully did divide right down the middle of five in favor and five against.

Now, I say that we should give the present law a chance to continue. The gentleman from Milbridge, Mr. Kennedy, referred to it as a traditional term. Well, it is not a traditional term, it is a term by statutes, set up by statutes, one term in Calais, two in Machias. Now, I think it all boils down to this, whether the small amount of money, additional money that it costs to operate this term in Calais outweighs the service that this term renders to sixty percent of the population in the county. And we have a good many types of cases and more and more all the time, land damage cases where juries must go out and view the properties. Now it is not very convenient to take a jury all the way from Machias even over to Calais, the Calais area fifty or sixty miles, for a view when they can walk out the courtroom door in Calais at a June term, go a half a mile down the road, take their view and be back in court.

And I just cite this because I know. I have participated in cases of this kind. To me, also, there is no conflict with the District Court. A year ago we had the June term of court in Calais and District Court had just been set up at that time and the District Court operated for two or three days down in the old Municipal Court Room which is still available and still adequate for their purposes. There is no reason why they cannot continue.

Let me point out further, that this bill was before this Legislature two years ago and at that time the committee voted unanimously ought not to pass. Now it is true that the Bar Association with one exception has voted in favor of changing this term, but I submit to you that some of the gentlemen, and good friends they are of mine, on the Bar Association did a very fine lobbying job, and I must com-

pliment them on it, and were able to get twelve of the thirteen lawyers to go along with their proposal.

Now we have split terms of court in at least two other counties that I know of. Oxford County holds court in two separate places and so does Aroostook, and it may be that another county or two does the same thing. Now Machias, the shire town, has all the offices, the Probate Office, you have to go there to do your probate work, to look up your titles, just about everything. There is no reason why our area shouldn't have this one small concession. Not only are we sixty percent of the people, but we pay more than half of the taxes in the whole county and perhaps this is beside the point from as far as the court system is concerned but having court week in Calais is something the people have always looked forward to. It means more people in town. It means more business. It is something that we have had for a hundred years and I don't feel that it is fair that it should be taken away from us, at least not at this time.

Let's allow the District Court to work along for another couple of years and if it is impossible, which I know it isn't — I have talked with the judges myself and they admit that they can hold court just the same. Let's go along with it for a couple of more years and see if it can't carry on as it has for the last century, and if it can't why then we can change it.

Actually, there is a bill in here L. D. 1119 which changes various terms of court in parts of the state. Now this is the bill that was supported by the judges, the judiciary of this state. Now if there is any crying need for this change in the June term, I submit to you that this change would have been included in that omnibus bill, but it was not. It is a private bill. It is a bill in which a certain group of attorneys in the western part of the county are particularly interested and they have had it in here before and they have it in here again. And I hope that the House will not go

along with this, and I thereby move that both reports and the bill be indefinitely postponed and I ask for a division.

**THE SPEAKER:** The question before the House now is on the motion of the gentleman from Calais, Mr. Davis, that this bill and its accompanying papers be indefinitely postponed.

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

**MR. KENNEDY:** Mr. Speaker and Ladies and Gentlemen of the House: As you can see and recognize that my statements are true, that the Representative from Calais does do a tremendous job for his area and his plea is very articulate. I wish that I were able to do as well for my constituents. This morning I am speaking for the welfare of my county. It hasn't been mentioned that should the, and as is now, that one term of the Superior Court being held in Calais, that it is a tremendous distance from Steuben, Maine, the western border of the county, to Calais, Maine. Mr. Davis failed to point out that there is an alternate route from Danforth, Maine to Machias, which is now a good highway. It is well paved and black topped.

Perhaps the founding fathers of the county should have made the shire town more easterly than they did, but as it has been in Machias, Maine for a good good many years and the last session of the Legislature authorized — or perhaps it was the 100th session of the Legislature, authorized the county to spend a large sum of money on the present courthouse in our shire town, it would seem to me that now in the days of better travel, better highways, that the distance from Danforth, Maine to Machias wouldn't be any more of a hardship to those people than it is now from Steuben, Maine to Calais for that term of Superior Court. I do hope that this House will vote against the motion to indefinitely postpone.

**THE SPEAKER:** The Chair recognizes the gentleman from Eastport, Mr. Mills.

**MR. MILLS:** Mr. Speaker, Ladies and Gentlemen of the House:

I am one of those "rose between two thorns." I am from Eastport half way between. But that's beside the point. The question down in Washington County has been a matter of taxation on a county level. Now it's only two years ago the county commissioners spent considerable sums of money to make a new courthouse in Machias. They have gone over the records building and everything else. There is a complete change over in Machias. It is a much better building to hold these court trials in.

As far as the county tax is concerned, we have been burdened with a very heavy county tax. It has been one of the arguments I have had with the county commissioners. They are endeavoring to reduce this county tax by whatever means possible. Now if these Superior Court trials are held in Calais, for the purpose of the trials all the records in Machias have to be moved by trucking up to Calais. They are there and if they haven't got the right records then the courts are held up while they go back and get some more records. There is no question in my mind but what the proper place for these trials should be held in Machias where all the records are available and not in Calais. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Watts.

Mr. WATTS: Mr. Speaker, Members of the House: I am probably a little prejudiced here on this bill. I wish I didn't have to bore you people with county politics and finances, but here is a chance to save some money at least. As you all know, we are under the Federal Economy Act down in Machias and Washington County and a little bit more money wouldn't hurt.

Machias is the hub of the community down there, the hub of the county. It is a smoothly running machine and every time this court is moved to Calais everything is disrupted. And I want to agree with Mr. Kennedy and Mr. Mills that we do have a beautiful new courthouse down in that area and all new offices and the court

is run very smoothly. And in the horse and buggy days, we had a hard time getting to court, but now with the new automobiles and the new roads down there, it is just an hour or two from Machias to any part of the county.

I was approached by Judge Dudley and the county attorney even before I knew I was going to be up here to support this bill. And I hope the Report is accepted.

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

Mr. PIKE: Mr. Speaker, Ladies and Gentlemen of the House: I hate to bore you, but I hate to be the only one of the county delegation left out of this hassle. If you will go back a little way in your history you can think of the awful distances they used to have to travel when Aroostook County was part of Washington County, and really you had to get out your saddlebags. I am in something of the same position as my friend Mr. Mills, sort of not quite half way. Machias is only twenty-eight miles, Calais is about fifty-five miles; but on the whole it does seem to be more sensible with the present conditions to have our court in one place, records there, courthouse is there, jail is there. Not all the lawyers are there, there are some in Calais, some in the western part of the state, but they are pretty well sprinkled around and they move fairly freely. I believe this Report "A" should be accepted.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Members of the House: I don't wish to belabor this matter much further. I would just say once again that it boils down to whether or not the small additional cost which is required to hold this term in Calais outweighs the necessity and convenience of the people representing about sixty percent of the population of the county. And let me add that there is no confusion or no difficulty about holding this term in Calais. There have never been any records lost in my knowledge and there has been no difficulty about

obtaining records. All the necessary court papers are moved over and the term in Calais proceeds just as smoothly as do the terms in Machias.

And I can say this because I have attended, as a member of the Bar, terms at both courts. And perhaps I am biased to the extent that I do live in Calais but, at the same time, I am probably the only person in this House that is really, actually acquainted personally with the facts in this matter. And I know how the court system works and I know how it has worked for the past hundred years or so. And it is not necessary to make this change and as far as the county budget is concerned the few hundred dollars that are involved would have no effect on the rate whatsoever.

And let me point out, that we taxpayers in our area, dug down in our pockets and paid our share of the two hundred fifty thousand dollar courthouse in Machias and all we ask is that we have one term of court once a year in the City of Calais.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Calais, Mr. Davis, that this bill and its accompanying papers be indefinitely postponed and he has requested a division. All those in favor of this Bill "An Act relating to Trial Terms of Superior Court in Washington County," House Paper 416, L. D. 528, and all its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-two having voted in the affirmative and seventy having voted in the negative, the motion did not prevail.

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

The motion prevailed, and the Bill was read twice and assigned for third reading tomorrow.

The SPEAKER: The Chair would request the Page at this time to escort the gentleman from Eagle Lake, Mr. Martin, to the rostrum for the purpose of presiding as Speaker pro tem.

Thereupon, Mr. Martin assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Childs retired from the Hall.

### Passed to Be Engrossed

Bill "An Act relating to Election of Directors of Corporations" (S. P. 116) (L. D. 379)

Bill "An Act relating to Indemnification of Directors of Corporations" (S. P. 118) (L. D. 344)

Bill "An Act relating to Time of Terms of the Superior Court in Certain Counties" (S. P. 355) (L. D. 1119)

Bill "An Act to Authorize the Issuance of Bonds in the Amount of Nine Million Six Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways" (H. P. 482) (L. D. 635)

Bill "An Act to Provide Funds for the Continuing of Maine's Participation in the New England Pavilion at the New York World's Fair" (H. P. 616) (L. D. 825)

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

### Third Reader Tabled and Assigned

Bill "An Act to Authorize the Establishment of an Area State Operated Vocational Technical High School in York County and the Issuance of Not Exceeding One Million One Hundred and Fifteen Thousand Dollar Bonds of the State of Maine for the Financing Thereof" (H. P. 673) (L. D. 900)

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: After the very interesting debate yesterday on this matter, some of the backers of the measure came to me and

asked me where I went from there. I told them that from here on in I was joining them. It was in my opinion enlightening to see the increased amount of feeling for vocational training during yesterday's debate. I can remember the first time I presented a — the first four times I presented a bill for a vocational school in my area, there were only three people at the hearing and the bill quickly came out with a unanimous ought not to pass report. I can see the leaps and bounds that have been made in this area, which to a certain degree protects the seventy per cent of that individual graduating from high school who indicates going no further than high school in the field of education.

So yesterday after my comments to these people, I fully intend to keep my word. I dug up some of the programs that I started in my area concerning vocational training after the measure passed which would give us finally a vote for a vocational school in our area. The moment the bill became a reality I called a group of individuals made up of the Lewiston Youth Commission, the State Grange, the Farm Bureau, various industrialists and labor representatives and citizens interested into a committee.

We made up a questionnaire of a survey which would indicate the education needs of the youth. The questionnaire went to the guidance officers in our area where we expected that we would have people come into the program. We also sent out questionnaires to the seniors who take the general battery aptitude tests after indicating that they are going no further, asking them what their choice was and their selection was in courses. The result of the survey indicated anywhere from auto mechanic down to machine operators, including even police work and heavy duty equipment operators, engineering, printing, mechanic, machinists, electricians and so forth.

This committee met and tended to its duties very diligently, and finally on February 17, knowing that we were going to open up the school on a temporary basis, they

sent their report to the Chief of the Bureau of Vocational Education, Mr. John Snell, and ironically the result of the survey was so accurate that the four recommendations that they made this committee, to the State Board of Education for the beginning of the four programs was automotive mechanics, electricity and building construction and drafting, and these are the four courses that are now being taught at the temporary vocational school in Lewiston, pending the opening of the Central Maine Institute in Auburn, and believe me, it hurts me a little bit when I say that, because some of you who were here fought so long and so hard, and I know the site in Auburn now is a beautiful site, but certainly I was hoping the school would be in Lewiston, but so be it.

I intend to give the copies of the surveys and have copies made for the various members of the York County delegation. I have spoken to the sponsor of the Penobscot School, the gentlewoman from Orrington, Mrs. Baker, and I will give her the same setup.

Now coming to the bill itself, I might say in passing that word got to me yesterday also that the seniors who are taking the tests today throughout the state, the general battery aptitude tests throughout the state, indicated five times more interest now in vocational training than they did only a year ago, so that is also enlightening.

Now restricting myself to the measure at hand, the bill as it is is not well drafted, it does not have in it such as the bill had in Auburn in our program in our Central Maine, as I did when I found out that I did have a chance of passing the bill, I immediately had it tabled and redrafted a good measure. Now this measure should be redrafted, and should the bill have the opportunity to go before the Senate Appropriations Committee, I think it should be drafted in good order. The thought was originally to let it go on the other side and have it done from there, but if we engross it here it means they take care of it on the other side, it would come back here and

reconsider engrossment and the final decision was made that it might be an idea to have the bill tabled here, and I assure you that I would give the sponsor and the backer all the assistance I can in helping the feasibility of drafting a good measure. So for that reason, I would suggest that the bill be tabled say for one week or two weeks pending the opportunity of working out the possibilities of drafting a good bill.

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

Mr. ERWIN: Mr. Speaker, before the motion to table is made, I would merely like to state that we in York County welcome the support and the help from the gentleman from Lewiston, Mr. Jalbert. He has always lived up to his word to me and I am delighted to know that he is going to help us in the eventual enactment of this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker and Members of the House: I want to thank the gentleman from Lewiston, Mr. Jalbert for going along on this bill and helping me out. Now I wish to table this bill for one week.

Thereupon, on motion of Mr. Bedard of Saco, the Bill "An Act to Authorize the Establishment of an Area State Operated Vocational Technical High School in York County and the Issuance of Not Exceeding One Million One Hundred and Fifteen Thousand Dollar Bonds of the State of Maine for the Financing Thereof," H. P. 673, L. D. 900, was tabled pending passage to be engrossed and specially assigned for Thursday, May 13.

Bill "An Act Increasing Appropriation for Stipend Fund for Disbursements to Certain Agricultural Societies" (H. P. 794) (L. D. 1256)

Bill "An Act relating to Appointment of Agent or Guardian Ad Litem in Actions for Equitable Relief in Mortgage Foreclosures" (H. P. 1016) (L. D. 1381)

Bill "An Act Appropriating Money to Match Federal Funds Provided under the Manpower Development and Training Act of 1962" (H. P. 1106) (L. D. 1512)

Bill "An Act Exempting Municipal Development Corporations from Fees under the Securities Law" (H. P. 1107) (L. D. 1513)

Bill "An Act relating to Arrests for Motor Vehicle Violations" (H. P. 1110) (L. D. 1516)

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

Bill "An Act Increasing Retirement Allowances of State Employees Retired on Council Orders" (S. P. 334) (L. D. 1079)

Bill "An Act relating to Retirement of Justices of the Supreme Judicial Court and Superior Court" (S. P. 347) (L. D. 1114)

Bill "An Act to Establish a Bureau of Public Administration at the University of Maine in Orono" (H. P. 439) (L. D. 594)

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 Appropriating Funds for Classroom Building at Erskine Academy" (H. P. 444) (L. D. 598)

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

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I notice on this report, the minority signers, I have a great deal of respect for them, Mr. Bragdon, Mr. Birt and Mr. Dunn, and I feel they must have had a very good reason for signing the minority report, and if I am in order I would like to inquire if they would be willing to explain it.

The SPEAKER pro tem: The gentleman from Wilton, Mr. Scott, poses a question through the Chair to any member of the House who wishes to answer. The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, the reason that I signed the minority report on this, I was bothered quite a while, and I considered both sides of the thing very seriously. I recognized the problem that the people in the area where this school is have.

I think the major thing that bothered me is some of the legislation that is presently on the books as to what is presently before us on districting and the eventual compulsion of districting throughout the state and what is going to happen to these schools at this time, and if we were to put money into this, what eventually will happen to this money, will it be wasted or will we get results. We presently have bills before us compelling districting in the State of Maine by 1970, and I don't know what the final result of this bill would be, but until some of these things are worked out, I was awful hesitant about wanting to put any money into private schools.

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

Mr. RICHARDSON: Mr. Speaker, I would direct an inquiry through the Chair to any member of the House as to whether or not there is an established precedent for grants of funds or whatever this might be called in this type of situation.

The SPEAKER pro tem: The gentleman from Cumberland, Mr. Richardson has posed a question through the Chair to any member who may answer if he so chooses.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: My understanding at the present time there is not outside — there is an appropriation that is in the supple-

mental budget I believe of \$25,000 in each year of the biennium for hardship grants, which the State Department of Education can allocate. We have had at least one bill presented to us from a small school in the northern part of the State of Maine in which they have a hardship case, and this is one that will be seriously considered, but this is the only thing that I personally know of on the books.

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

Mr. STARBIRD: Mr. Speaker, I think he is right, I think we have received grants for various things in times past. I don't know what statute applies to this, but it seems to me that in talking with Mr. Dingley, the Principal, at various times on this subject, I think he has mentioned this.

Thereupon, on motion of Mr. Avery of Kittery, tabled pending passage to be engrossed and specially assigned for Thursday, May 13.

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Bill "An Act Providing for Longevity Pay for State Department Officers Whose Salaries are Fixed by Statute" (H. P. 970) (L. D. 1347)

Resolve in favor of Marine Research Society of Bath for Support and Maintenance of Museum (H. P. 193) (L. D. 248)

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

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Bill "An Act Providing for Additional Trial Term in Penobscot County" (S. P. 514) (L. D. 1486)

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

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At this point, Speaker Childs returned to the rostrum.

SPEAKER CHILDS: The Chair would like to thank the gentleman from Eagle Lake, Mr. Martin, for



acting as Speaker pro tem, and for the excellent job that he did, particularly when I only informed him a few minutes before he came up that he was going to be Speaker pro tem for the day.

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

#### Passed to Be Enacted

An Act Increasing Salaries of Members of Industrial Accident Commission (S. P. 24) (L. D. 36)

An Act Creating Special Legislative Committee to Study Need for Bridge and Causeway to Chebeague Island, Cumberland County (S. P. 110) (L. D. 337)

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

An Act to Eliminate Straight Ballot Voting in Elections and Order of Offices on Ballots (S. P. 191) (L. D. 571)

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

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

Mr. BINNETTE: Mr. Speaker, I move the indefinite postponement of Senate Paper 191, L. D. 571 and all its accompanying papers.

The SPEAKER: The question before the House is the motion of the gentleman from Old Town, Mr. Binnette, that this bill be indefinitely postponed.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I rise in support of this bill which is an excellent bill, and I am against the motion for indefinite postponement and briefly, I will tell you why.

This, I consider, is a bill for progress, because it is a bill which will promote intelligent choice and conscientious deliberation when we exercise a very precious franchise. We all know that the privi-

lege to vote is an unique privilege. It was a privilege that was won by blood and earned by toil, and it is a privilege that can be lost by inertia. It was a privilege born in the American Revolution and extended by war and earned by our mothers a short time ago. We should remind ourselves when we vote on this bill that the greatest of Americans told this country that we shall either nobly save or meanly lose the last best hope on earth.

Now in the living room of the house where I have always lived, in that room there is framed in gold a replica of the signing of the Declaration of Independence, the original of which hangs in the splendid University gallery in New Haven, and next to that wonderful picture, there is an excellent commentary by its great author, and it goes something like this: "I know no safe depository of the ultimate powers of society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is to inform their discretion by education."

Now ladies and gentlemen, this I believe with all my heart, for I think that it is the educated voter, educated not only in a formal classroom, but in the broader and harder and greater classroom of life. It is this voter who can help determine the future course of our country and our state. Ladies and gentlemen, I think that the politician will do a better job in presenting his own candidacy to the people if he presents himself on his own merits, and neither clings to the coat tails nor clutches at the skirts of popular candidates at the top of the ticket. Ladies and gentlemen, I ask your vote against indefinite postponement. I ask your vote for thoughtfulness; I ask your vote for quality, and I ask your vote for progress in Maine.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I do have one comment I would

like to make first, because several persons have asked me this. I would like to remind the members of this House that this is not a Constitutional amendment.

I have debated this twice in the House this year and I am running out of ammunition without repetition. I think that the House is cognizant of the implications of this. I believe that our consideration should not be based on whether or not this would help one political segment or the other. In my opinion, it is logical and equitable piece of legislation, and I will repeat only four very brief reasons why I feel that we should vote for this bill and against the motion.

I think it is a recognition of the intelligence and common sense of the voters of the State of Maine. I believe it eliminates any possibility of unfair pressures. I believe it would be much fairer to all of the candidates on the ticket, and last, but most important, I believe that it would promote better government by encouraging more intelligent individual participation, and I wholeheartedly support the bill and urge you to vote against the motion.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Millay.

Mr. MILLAY: Mr. Speaker, I also support the motion. I call this bill a bill for the people of the State of Maine, and when the vote is taken I move that it be taken by the yeas and nays.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I rise this morning to point out to the people of the House that may or may not know why this bill has reached enactment state.

This bill was discussed thoroughly. I know it was discussed in the Republican caucus; I know it was discussed in the Democratic caucus. I know we all know how we feel on this bill. Now the reason that this reached enactment stage, I think Representative Berman of Houlton also knows this, is the

matter that we put the amendment on the bill in order that the representatives names would not appear on the bottom if this bill passed. I say: if it passed. This is why this bill reached enactment stage, otherwise I know the members of Androscoggin County, the members of York County and the members of other counties would not have even let this bill reach this far. So I would like to point out again to the members that the reason why this is at enactment stage is because of the amendment. I go along with Mr. Binnette on this vote to indefinitely postpone this bill, and I object very much to the remarks from Mr. Ross. I object to the remarks of Mr. Berman that the people in this state are not intelligent enough to vote. When you are going to come out and say that the people of the State of Maine are not intelligent enough to be able to vote the way they want to vote, these remarks I object.

Now when you say they say they don't know how to split their ballots, well I believe that the people of Maine know how to split their ballots, they are learning every day in school how to do it. I think that the older people in the hospitals, the people that reach the age of seventy-five years old, if they want the privilege to vote a straight ballot, they should do so. If the younger people want the privilege to go along and split their ballot they can still do so. We are not taking away anything from the people of the State of Maine.

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 speak in support of the motion of the gentleman from Old Town, Mr. Binnette, to indefinitely postpone this measure, and I agree with the gentleman from Sanford, Mr. Bernard, when he objects to the calling of the voters of the State of Maine as being unintelligent. It seems to me that they have many, many times demonstrated that they are very politically astute and intelli-

gent by the record of their voting.

For example, they voted Governor Muskie two terms and provided him with a majority in the House and in the Senate of the Republican party, or the Republican Party had a majority. It seems to me that they were politically astute, that they were intelligent, that they could split the vote. To make a dramatic illustration, I would like to point out to this House that in Biddeford, Maine we have roughly 10,000 registered voters; 9,000 are registered Democrats; 1,000 are registered Republicans. Two years ago or three years ago, the people of Biddeford, Maine elected a Republican Mayor and supplied him with an all-Democratic Council. Now there are those who might say that this was a fluke. I would like to point out also that they did the same thing the following year. This, I think, demonstrates and illustrates very vividly that the people of Maine know how to split a ticket when they so choose to do. I think that the big box that appears on the ballot today is one of convenience, one of expediency, and as far as intelligence and weeding out is concerned, I think that an awful lot of weeding out or the weeding out boxes takes place during the primaries. Therefore I urge that the motion of indefinite postponement prevails.

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

Mr. HARRIMAN: Mr. Speaker, Ladies and Gentlemen: As a Representative of this Legislature, I was very proud this morning when we passed L. D. 479 to put in the roll call vote so that everybody could stand up and be counted. This to me was one of the very important pieces of legislation in this House.

This item we are now talking about to eliminate the box is to me another very important item.

To my mind it is the second most important item in this House. I think it is in the interest of the State of Maine and

its citizens. I think they are both very contributory factors to much, much better government and I sincerely hope that it passes.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: Notwithstanding the fact that I am enjoying the new and clean sheets at the Holiday Inn by virtue of that block straight ballot voting, I feel that block voting is for the birds. At the risk of incurring the wrath of the sophisticated gentleman from Lewiston, Mr. Jalbert, I am unalterably opposed to this block voting. I think it is for lazy voters and for lazy candidates. We have them ride into the Legislature on the butt of a cigar, and I would be opposed to the indefinite postponement of this bill. Thank you.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I know that you have heard the old story, I wasn't going to get up on this bill. Well, I really wasn't, but it's the second time in two days that the gentleman from Portland, Mr. Healy, in speaking states that for fear of invoking my wrath. Why me? I never got mad at anybody in my life.

I would like to state that as far as this measure is concerned here, it doesn't bother me personally because in twenty years my colleagues and I have not enjoyed even having opposition after the primaries on eight different occasions. So, that the square on top, or not the square on top doesn't bother me in the November election because you are home free. All you have to do is have one vote. And I am not in like the bill of yesterday on the vocational school in York County. I didn't, even though I signed the report one other way, I didn't raise too much lather on the thing.

I think, however, that when anybody says about the freedom of

voting and rights—and freedom of rights and one thing and another, no matter how you shake it, when you tell and you take that square off you are taking away a privilege that the voters are enjoying now. And that is against freedom of voting. My eloquence is not that of the gentleman from Houlton, Mr. Berman, I don't care if he has got forty Declarations of Independence framed up in his house, the fact remains that you are taking away rights that the person enjoys now. If they want to vote that square that is their business, and none of ours.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: This bill is for a certain few people and I am very shocked and disappointed in my fellow legislator from Portland, Mr. Healy, at this position he takes this morning. And I am afraid that he hasn't complete knowledge of the factors involved. He has been too busy possibly making money. And so, at this time, I want to make another statement which indirectly has something to do with this bill. When I see certain other members of the Democratic Party who many times give lip service to certain things but they might remember the words of a certain spiritual leader down through the ages: It is by their deeds ye shall know them.

I also want at this particular time to call the attention to the words of that great president of the United States, Abraham Lincoln, when he said "you can fool some of the people all the time, and all the people some of the time."

It appears to me that there were certain members in both parties who think they can fool some of the people all the time and as Abraham Lincoln said, but you can't fool all the people all the time. I suggest they think that over. I want this bill indefinitely postponed.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: If you will examine this L. D. 571, you will see that it is a nonpartisan issue as it is sponsored by a Democrat.

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

Mrs. RUBY: Mr. Speaker and Ladies and Gentlemen of the House: I would not want to question the intelligence of any person who wanted to vote. However, I feel until the standards of when you register to vote, when you are asked to read the paragraph as long as you can read "Once upon a time," you can read. To me this is not a fair examination of whether a person can read or not. And by eliminating that little box on the top we are going to get in trouble.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would inquire through the Chair of the gentleman from Brownville, Mr. Ross, as to the statement that he just made to the fact that this is a nonpartisan issue. I would then ask him why, if this is true, the Republican Party has not sponsored this in the past sessions when they have been in control for fifty-two years?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, has posed a question through the Chair to the gentleman from Brownville, Mr. Ross, who may answer if he so desires.

Mr. ROSS: Mr. Speaker, I haven't been here for fifty-two years. (Laughter)

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

Mr. SAHAGIAN: Mr. Speaker, Members of the House: My colleague, Mr. Martin from Eagle Lake, is in error when he says the Republicans haven't sponsored this bill in the past. I was the sponsor of this bill at this session,

but for good reasons, for being in favor of this bill, I was willing to move for indefinite postponement because there was a similar bill being presented through the upper branch of our House co-sponsored by a Republican. So therefore, Mr. Martin is wrong when he says that this hasn't been sponsored by the Republicans and I would like to, if I may, call to the attention of the House, I got into this House by the skin of my teeth, by only sixteen votes, after all the ballots were spoiled and thrown away on me. I would have been here with a majority of over two hundred votes if it wasn't for the spoiled ballots. So, I am in favor of the bill and I hope this will pass. Thank you.

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

Mr. JALBERT: Mr. Speaker, in view of the answer given by the gentleman from Brownville, Mr. Ross, that this is a Democratically sponsored bill and the remarks just made by the gentleman from Belgrade, Mr. Sahagian that this is a Republican bill, without the thought of being facetious I would like to ask another question of the gentleman from Brownville, Mr. Ross. Whose chestnut is this?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Brownville, Mr. Ross, who may answer if he so desires.

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

Mr. ROSS: Mr. Speaker, Members of the House: Since we are talking about sponsorship of this particular item, in 1959 I sponsored a bill similar to this. Prior to that a member of the opposition party had sponsored such a bill. In 1963, the present Senate President sponsored such a bill. It has been sponsored, as you can see, by members of both parties.

But I rise primarily to make one correction for the record, to comments from both the gentleman from Sanford, Mr. Bernard and the gentleman from Old Orchard Beach, Mr. Danton, who implied that we said that the people of the State of Maine did not have

good common sense. We said no such thing. We indicate no such thing. We never would say a thing such as that. For instance, let me read to you what I did say on the floor of this House a few weeks ago. And I quote:

"I feel that the people of Maine are sufficiently astute and have enough common sense so that they don't have to be led blindly down the ballot by checking the box at the top."

I admitted that our people are astute and do have common sense and for the members of the House today you will note that the most of the opposition comes from the cities where one party predominates.

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House: I, coming from a member of the majority party and a member of one of the largest delegations that represent the State of Maine here, the City of Portland, fear nothing of this bill. In the primary that was held in the past election, there were eighteen candidates that ran to be successful candidates in the fall election.

I feel that the merits of this bill would make present in this Legislature the best qualified candidates to represent the people of my district. I would like to remind the members of this great majority party that stands here today, that in the election of 1960 when the late and Honorable John F. Kennedy ran for the presidency of this great country that the state that he represented overwhelmingly elected him as the president of this country and at the same time elected a Republican to the governorship, a great senator was again re-elected to the U. S. Senate. I think that it is nothing but ignorance that we fear if we kill this bill this morning. I go on record as supporting it.

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

Mr. SULLIVAN: Mr. Speaker, and Members of the Legislature: The analogy which Mr. Conley gives has no basis in fact. The

fact of the matter is that the ballot as it is now, they can split their ballots and if all of the people of Maine, which I question, all of them, maybe possibly eighty or eighty-five per cent know how to split a ballot. And a ballot as it is now, they can split the ballot. Anybody that has any intelligence can split it if they want to. So all the purpose of this bill is for the interests of certain people who are possibly because their names happen to begin with A, B, C, D, or E, they would have a still greater advantage and when I see certain members of the delegation from Portland who give lip service to being just, fair, and equitable with their lips. But it is by their deeds ye shall know them.

Now, maybe I am not too diplomatic, but I don't believe anybody has ever questioned my sincerity. And nobody has ever questioned my word. And, when I say a thing I will do it. Now, I am sorry to have to be so blunt this morning, but I have to be and I may have a little bit more to say about this later. Thank you gentlemen.

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

Mr. DICKINSON: Mr. Speaker, Members of the House: As a member of the Election Laws Committee which heard this bill, I would like to comment briefly on the partisan aspect implication. As pointed out by the gentleman from Brownville, Mr. Ross, the sponsor of this bill is now a member of the Majority Party, and I remember his comment at that time which I stated once before when this bill was up for consideration here in the House, when he said that his convictions on this matter were the same before becoming a member of the Majority Party as they now are. Thank you.

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

Mr. NADEAU: Mr. Speaker, Members of the House: If we discuss this for twenty-four more hours it won't change one vote, so I move for the previous question.

The SPEAKER: The gentleman from Biddeford, Mr. Nadeau, 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 entertaining 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 for no more than five minutes and the merits of the bill are not debatable.

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

Mr. BUSSIERE: Mr. Speaker, Members of the House: I can't add too much to what has already been said, but I heard the Democratic Party — — —

The SPEAKER: The Chair will remind the gentleman the merits of the bill are not debatable. Question is, shall the main question be put now?

All those in favor of the main question being put now will say aye; all those opposed will say nay.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The main question now is, that this bill be indefinitely postponed. And the motion was made by the gentleman from Old Town, Mr. Binnette. The gentleman from Bowdoinham, Mr. Millay, has requested that when the vote is taken that it be taken by the yeas and nays. 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 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 yeas and nays are in order. The pending question is the motion of the gentleman from Old Town, Mr. Binnette, that this Bill "An Act to Eliminate Straight Ballot Voting in Elections and Order of Offices on Ballots," Senate Paper 191, L. D. 571, be indefinitely postponed. If

you are in favor of this bill being indefinitely postponed, when your name is called you will either answer yea or yes; and if you are opposed to this bill being indefinitely postponed when your name is called, you will either answer nay or no. The Clerk will call the roll.

### ROLL CALL

**YEA** — Baldic, Bedard, Benson, Mechanic Falls; Bernard, Berry, Binnette, Blouin, Bourgoin, Bragdon, Buck, Bussiere, Carroll, Champagne, Cote, Crommett, Curran, Danton, Davis, Dostie, Doyle, Drigotas, Drouin, Dumont, Edwards, Erwin, Faucher, Fecteau, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Glazier, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Hunter, Durham; Jalbert, Jewell, Keyte, Kilroy, Lamberge, Lowery, Martin, Mills, Mitchell, Nadeau, Palmer, Payson, Pike, Pitts, Prince, Richardson, Cumberland; Roy, Ruby, Sawyer, Searles, Starbird, Storm, Stoutamyer, Sullivan, Truman, Waltz, Whittier, Wuori.

**NAY** — Anderson, Ellsworth; Anderson, Orono; Avery, Baker, Orrington; Baker, Winthrop; Beane, Benson, Southwest Harbor; Berman, Birt, Bishop, Boissonneau, Bradstreet, Brennan, Brewer, Burwell, Carter, Conley, Cookson, Cottrell, Cressey, Crosby, Cushing, D'Alfonso, Dickinson, Dudley, Dunn, Eustis, Evans, Farrington, Fortier, Gifford, Gilbert, Graham, Hammond, Hanson, Gardiner; Hanson, Lebanon; Harriman, Haugen, Hawes, Hawkes, Haynes, Healy, Huber, Hunter, Clinton; Jordan, Katz, Kennedy, Knight, Lang, Lent, Levesque, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, McKinnon, Meisner, Millay, Mosher, Peaslee, Pendergast, Poulin, Rackliff, Richardson, Stonington; Ross, Bath; Ross, Brownville; Sahagian, Scott, Ward, Watts, Wheeler, White, Guilford; Wight, Presque Isle; Wood, Young.

**ABSENT** — Carswell, Gillan, Hoy, Kittredge, Lane, Lebel, Norton, Roberts, Susi.

Yes, 64; No, 77; Absent, 9.

The **SPEAKER**: Sixty-four having voted in the affirmative, seventy-seven having voted in the negative, and nine being absent, the motion does not prevail.

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

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

Mr. **BERMAN**: Mr. Speaker, we have had very full debate on this bill. I now move that we reconsider our action whereby we passed this bill to be enacted, and I hope the House votes against it.

The **SPEAKER**: The gentleman from Houlton, Mr. Berman, now moves that we reconsider our action whereby this bill was passed to be enacted. All those in favor of reconsidering our action whereby this bill was passed to be enacted will say aye; those opposed, no.

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

Thereupon, sent to the Senate.

An Act Increasing Salary of Commissioner of Agriculture (S. P. 224) (L. D. 683)

An Act relating to Compensation of Representative of Indian Tribes at the Legislature (S. P. 406) (L. D. 1229)

An Act relating to Penalty for Weight Violations of Trucks (H. P. 158) (L. D. 181)

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

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

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

An Act Increasing Fees of Registers of Deeds (H. P. 763) (L. D. 1000)

An Act relating to Closed Season on Bear (H. P. 886) (L. D. 1183)

An Act relating to Appointments to the Maine Motor Vehicle Dealer Registration Board (H. P. 1089) (L. D. 1481)

**Finally Passed**

Resolve to Reimburse William Young of Alton for Well Damage Resulting from Highway Construction (H. P. 1033) (L. D. 1402)

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

**Orders of the Day**

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

SENATE JOINT ORDER Relative to Interim Joint Committee to Study Lobster Industry. (S. P. 494)

Tabled—April 21, by Mr. Levesque of Madawaska.

Pending—Passage in concurrence.

On motion of Mr. Levesque of Madawaska, retabled pending passage in concurrence and specially assigned for Wednesday, May 12.

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

**DIVIDED REPORT — Majority (8) — “Ought not to pass” — Minority (2) — “Ought to pass” — Committee on Business Legislation on Bill, “An Act Regulating Public Accountants Other than Certified Public Accountants.” (H. P. 618) (L. D. 856)**

Tabled—April 21, by Mr. Anderson of Ellsworth.

Pending—Acceptance of Either Report.

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

**MR. BISHOP:** Mr. Speaker and Members of the House: There is another bill pending which was before the Legal Affairs Committee relating to this same subject to which I understand there are amendments to be offered which might satisfy both of these competing groups. I would like to ask that someone would have this tabled to give me time to study these proposed amendments.

Thereupon, on motion of Mr. Levesque of Madawaska, retabled pending acceptance of either report and specially assigned for Tuesday, May 11.

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

Resolve, Authorizing Director of Bureau of Public Improvements to Convey Certain Land in Hallowell. (H. P. 552) (L. D. 723) (C. “A” H-220)

Tabled—April 23, by Mr. Binnette of Old Town.

Pending — Passage to be Engrossed.

On motion of Mr. Haugen of South Portland, retabled pending passage to be engrossed and specially assigned for Friday, May 14.

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

An Act Defining a Public School. (H. P. 1069) (L. D. 1444)

Tabled—April 23 by Mr. Levesque of Madawaska.

Pending—Passage to be Enacted.

**THE SPEAKER:** The Chair recognizes the gentleman from Manchester, Mr. Gifford.

**MR. GIFFORD:** Mr. Speaker and Ladies and Gentlemen of the House: First of all I would like to identify myself as the sponsor of this Legislative Document. This was an effort to accomplish a worthwhile purpose on behalf of the private academies, seminaries and institutes which have had a long and illustrious history in education in the State of Maine.

However, it appears at this time that it is an impossibility to come up with a bill which does not have undesirable features which loom with greater importance than the desirability of the original purpose. I wish at this time to thank the Committee on Education for its seemingly infinite patience in granting me the time to attempt to solve the problems inherent in this proposal, and with the courtesy and consideration which the House has given me in this matter. At this time, I would move indefinite postponement of



the bill and all its accompanying papers.

The SPEAKER: The gentleman from Manchester, Mr. Gifford, now moves the indefinite postponement of this bill and its accompanying papers. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

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

**DIVIDED REPORT** — Majority (9)—“Ought to pass” as Amended by Committee Amendment “A”—Minority (1)—“Ought not to pass” — Committee on Labor on Bill, “An Act relating to Payments Under Employment Security Law for Dependent Children.” (H. P. 828) (L. D. 1056) (C. “A” H-150)

Tabled—April 27, by Mr. Levesque of Madawaska.

Pending—Acceptance of Either Report.

On motion of Mr. Levesque of Madawaska, retabled pending acceptance of either report and specially assigned for Thursday, May 13.

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

Bill, “An Act relating to Use of Moneys Received from the Potato Tax,” (S. P. 490) (L. D. 1453)

Tabled—April 28, by Mr. Bragdon of Perham.

Pending—Second Reading.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I tabled this bill last week because it came from the other end of the corridor in a much different form from that in which it was presented to the committee, of which I am not a member. However, I am vitally interested in this bill because it affects the industry in which I try to make a living.

I tabled it because I wished to contact the people in the county who were interested in its passage to find out if the bill in its present form was satisfactory to them. Over the weekend I had an oppor-

tunity to contact some of them and I am satisfied that they are in agreement with this bill in its present form, and I now move that it have its second reading.

Thereupon, the Bill was given its second reading.

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

Mr. BISHOP: Mr. Speaker, over the weekend I too talked with some segments of the potato industry and there is one slight change which is incorporated in House Amendment “A” to Senate Amendment “A” under filing H-287 which was distributed yesterday, and I offer this amendment.

Thereupon, House Amendment “A” to Senate Amendment “A” was read by the Clerk as follows:

**HOUSE AMENDMENT “A” to SENATE AMENDMENT “A”** to S. P. 490, L. D. 1453, Bill, “An Act Relating to Use of Moneys Received from the Potato Tax.”

Amend said Amendment by striking out in the 7th line the underlined words “a sum which shall equal at least” and inserting in place thereof the underlined words “the sum of”

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

Mr. BRAGDON: Mr. Speaker, I merely wish to state that I have no objection to this amendment.

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

**SENATE AMENDMENT “A”** to S. P. 490, L. D. 1453, Bill, “An Act Relating to Use of Moneys Received from the Potato Tax.”

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

“R. S., T. 36, §4571, sub-§3-A, additional. Section 4571 of Title 36 of the Revised Statutes is amended by adding a new subsection 3-A to read as follows:

“3-A. Marketing and production. For the 2 years following the effective date of this Act, a sum which shall equal at least \$15,000 annually of the money collected shall be used and applied for the purpose of investigating and determining better methods of pro-

duction, merchandising and marketing of potatoes by a marketing and production committee of 7 members to be appointed by the Maine Potato Commission to carry out the purposes of this section under the supervision and direction of the commission.'"

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted.

Senate Amendment "A" as amended by House Amendment "A" thereto was then adopted and the Bill assigned for third reading tomorrow.

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

HOUSE REPORT — "Ought to pass" as Amended by Committee Amendment "A" — Committee on Business Legislation on Bill, "An Act relating to Unlawful Practices Under Unfair Sales Act." (H. P. 989) (L. D. 1334) (C. "A" H-178)

Tabled — April 28, by Mr. Bernard of Sanford.

Pending — Motion of Mr. Sahagian of Belgrade to Indefinitely Postpone Report and Bill.

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

Mr. FECTEAU: Mr. Speaker, could I have this bill recommitted to the Business Committee?

The SPEAKER: The question before the House now is on the motion of the gentleman from Biddeford, Mr. Fecteau, that this bill and its accompanying papers be recommitted to the Committee on Business Legislation.

Mr. Katz of Augusta requested a division.

The SPEAKER: The gentleman from Augusta, Mr. Katz, has requested a division on the recommitment motion. All those in favor of this being recommitted to the Committee on Business Legislation will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-four having voted in the affirmative and sixty-two having

voted in the negative, the motion did not prevail.

The SPEAKER: The question before the House now is on the motion of the gentleman from Belgrade, Mr. Sahagian, that this bill and its accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Biddeford, Mr. Fecteau.

Mr. FECTEAU: Mr. Speaker, it was just to give me a chance to take off the amendments. I hope that the people of the House will vote against the motion for indefinite postponement.

Mr. Starbird of Kingman Township requested a division.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, requests a division. Is the House ready for the question? The question before the House is on the motion of the gentleman from Belgrade, Mr. Sahagian, that this bill and its accompanying papers be indefinitely postponed. 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.

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

The SPEAKER: The question before the House now is that we accept the "Ought to pass" Report of the committee. Is this the pleasure of the House?

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I see no object in passing such a bill. There are such laws on the books now which protect the purchaser. The fact that the circumstances exist as they do is that the individual fails to complain. Now, if any businessman falsely advertises there are plenty of laws which would — if anyone wished to complain, to take care of this matter. I was told about a certain business advertising potatoes for so much. A customer came several times to buy the po-

tatoes. This individual is justified, if the potatoes were not there, to complain and go through the due process of courts to win his case.

Now, free enterprise is something I don't think today can afford to be badgered by additional laws which are going to serve no purpose if the people don't want to respond. The fact of the matter is, the newspapers upon knowledge of the fact that someone is falsely advertising won't take advertisements. This is to their protection. I really see no need for this particular law at this time. Thank you.

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

Mr. SAHAGIAN: Mr. Speaker, Members of the House: I just want to call the attention of the House to what this bill says in the event that some of the members of this House don't have the amendment. The amendment says: "Amend said bill by adding at the end before the single quotation mark the following new sentences: Failure of the opportunity by the consumer to purchase such merchandise shall be prima facie evidence of violation of this section. In addition to the penalties provided in the chapter, any person refused the right to purchase unlimited quantities of merchandise."

Now, what do you call unlimited quantities? If I am offering, say, a half a dozen suits of clothes or two suits of clothes and somebody comes in and wants to buy five thousand suits, I have got to produce five thousand suits or I am going to be put into the courts and the hands of attorneys, and I even may go to jail for it, because I am not able to provide **five thousand suits of clothes**. I think this is an invasion of our constitutional rights and I think it does away with our individual rights. There is enough in our statutes right now that takes care of those people who do the false advertising, but coming in here and putting in an amendment saying unlimited quantity, that is covering a lot of territory. Thank you.

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

Mr. HARRIMAN: Mr. Speaker, Members of the House: I did not intend to speak on this bill this morning because I wasn't particularly happy with the amendments. But when they criticize the bill for what it intends to do and as I was a signer on the "ought to pass" report originally, I do want to defend it.

This bill was intended in its original form to stop certain people who are making practices of advertising items and then having them available in very limited quantities. In other words, they will have a half a dozen items, or maybe a dozen or maybe twenty selling at less than cost, they will put a sign over them "limit one to a customer" or something of that type, and in thirty, or fifty or sixty minutes they are all gone.

Now, these apply strictly to below cost items. There is nothing that says in this regulation that if you are selling at a profit you can limit the items. But when you advertise shavers, meat or what have you below cost, I don't think if I want to buy two shavers at \$9.98 that cost \$25 and you advertise them at \$9.98 that I should be refused to buy a reasonable amount, which might be two if I want to buy one for my brother-in-law.

The original intent of this bill as far as I am concerned is good. All the smoke screens that have been thrown about, you can't have clearance sales, get rid of obsolete merchandise and so forth has no basis in fact. Thank you.

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: This bill refers mainly to retailing. I am a retailer. There is a problem in the retail business. You can probably name the stores in your own town, but I am against this bill and against the amendment. I think that probably other than the occasional sharpshooter, the problem is generally in the field of supermarkets. Certainly this has

been quoted most liberally here. And I am in sympathy with those who are in competition with unscrupulous retailers who advertise bait advertising to sell things below cost. But, believe me, I have read this bill and I have read the amendment and it just doesn't begin to solve a pesky problem. I honestly, sincerely think that this bill will create far, far more problems than it will solve.

The SPEAKER: Is the House ready for the question? Is it the pleasure of the House to accept the Committee Report? All those in favor of accepting the committee report will say aye; those opposed will say no.

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

Sixty having voted in the affirmative and fifty-six having voted in the negative, the motion prevailed.

Thereupon the Bill was read twice.

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

Mr. PENDERGAST: Mr. Speaker, I rise to ask about these amendments. I am thoroughly confused. I can't even find the amendments in my book. The one —

The SPEAKER: The Clerk will read Committee Amendment "A".

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

**COMMITTEE AMENDMENT**  
"A" to H. P. 989, L. D. 1334, Bill, "An Act Relating to Unlawful Practices Under Unfair Sales Act."

Amend said Bill by adding at the end before the single quotation mark the following new sentences: 'Failure of opportunity by the consumer to purchase such merchandise shall be prima facie evidence of violation of this section. In addition to the penalties provided in this chapter any person refused the right to purchase unlimited quantities of merchandise advertised or offered for sale below its cost basis may maintain an action in any court of equitable jurisdiction to prevent, restrain or enjoin further violation of this chapter.'

The SPEAKER: The question before the House now is on the

adoption of Committee Amendment "A."

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

Mr. HARRIMAN: Mr. Speaker, I move for indefinite postponement of the amendments.

The SPEAKER: The question before the House now is on the motion of the gentleman from Hollis, Mr. Harriman that Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

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

Mr. SAHAGIAN: Mr. Speaker, is the motion in order now to add another amendment to this or to move for indefinite postponement again?

The SPEAKER: The motion is in order to offer another amendment or the amendment may be offered tomorrow after its third reading.

Mr. SAHAGIAN: Then I am not in order to do it now, to offer an amendment?

The SPEAKER: Has the amendment been reproduced?

Mr. SAHAGIAN: It was reproduced here a long time ago and I have a copy of it here.

The SPEAKER: The gentleman may proceed.

Mr. SAHAGIAN: I offer House Amendment "C" and move its adoption.

The SPEAKER: The gentleman from Belgrade, Mr. Sahagian, now offers House Amendment "C" and moves that it be adopted, and the Clerk will read the amendment.

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

**HOUSE AMENDMENT "C"** to H. P. 989, L. D. 1334, Bill, "An Act Relating to Unlawful Practices Under Unfair Sales Act."

Amend said Bill by striking out all of the last underlined sentence.

The SPEAKER: The question before the House now is on the motion of the gentleman from Belgrade, Mr. Sahagian, that we adopt House Amendment "C."

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

Mr. STARBIRD: Mr. Speaker, I move that this amendment also be indefinitely postponed.

The SPEAKER: The question before the House now is on the motion of the gentleman from Kingman Township, Mr. Starbird, that House Amendment "C" be indefinitely postponed.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: I must unhappily admit to you that I am thoroughly confused by this. If there is any other person in the House who feels the same way I would urge him or her, whichever the case may be, to table this thing until tomorrow.

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

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

The SPEAKER: The gentleman from Ellsworth, Mr. Anderson, now moves this matter lie upon the table assigned for the next legislative day, pending the motion of the gentleman from Kingman Township, Mr. Starbird, that House Amendment "C" be indefinitely postponed.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, has requested a division.

All those in favor of this matter, Bill "An Act relating to Unlawful Practices Under Unfair Sales Act," House Paper 989, L. D. 1334, lying upon the table assigned for tomorrow, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

Bill, "An Act relating to Conveyance of Secondary School Pupils." (H. P. 465) (L. D. 619)

Tabled—April 28, by Mr. Evans of Freedom.

Pending—Motion of Mr. Dickinson of Mars Hill to Indefinitely Postpone.

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

Mr. DICKINSON: Mr. Speaker, Members of the House: After studying this bill and satisfying myself that the factors about which I was principally concerned are non-existent, I would like to withdraw my motion to indefinitely postpone. Thank you.

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

Mr. FARRINGTON: Mr. Speaker, Members of the House: I now move that we indefinitely postpone this matter.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I realize that a great many of you as representatives from areas who now furnish transportation to high school students would not be too much concerned with this matter. And whereas in the past each municipality that you represent has had the opportunity to vote on this particular issue, whether or not you will furnish transportation for your high school students, I ask the same privilege for the areas that I represent. We are in the situation as I have previously explained to you, which would place quite a hardship on three of the towns out of the four which I represent and I therefore would urge you to go along and let the people in the localities vote on this measure. Thank you.

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

Mr. CARROLL: Mr. Speaker, I respectfully request that this be tabled until the 11th of May pending.

ing an amendment so that it will not work hardships on any community that has more than one high school that they are sending their children to. Also, it has been brought to my attention there may be some federal funds available in these hardship cases.

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

Mr. LEVESQUE: Mr. Speaker, I now move that this lie upon the table until tomorrow.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves that this matter lie upon the table assigned for tomorrow, pending the motion of the gentleman from China, Mr. Farrington, that this bill and its accompanying papers be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

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

An Act Eliminating Residence Requirements in Public Assistance. (S. P. 227) (L. D. 686)

Tabled—April 30, by Mr. Birt of East Millinocket.

Pending—Passage to be Enacted.

On motion of Mr. Anderson of Orono, passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act relating to the Reporting of Traffic Accidents. (H. P. 1025) (L. D. 1388) (S. "A" S-148)

Tabled—April 30, by Mr. Scott of Wilton.

Pending—Passage to be Enacted.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I have been working on this bill for about a week with the gentleman from Old Orchard Beach, Mr. Danton, and we have just determined who is behind it, it is the state police, and I have a notice here to call them. I haven't had a chance to do it. I am sure the bill isn't right as now written and

I would request that someone table it to next week.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending passage to be enacted and specially assigned for Wednesday, May 12.

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

SENATE REPORT — "Ought not to pass" — Committee on Taxation or Bill, "An Act Exempting Liquor Bottled or Manufactured in Maine from Additional Taxes." (S. P. 326) (L. D. 1048)

Tabled—April 30, by Mr. Cottrell of Portland.

Pending—Acceptance in concurrence.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: For the purpose of introducing an amendment, I would move that the bill be substituted for the report.

The SPEAKER: The question before the House now is on the motion of the gentleman from Portland, Mr. Cottrell, that we substitute the bill for the report. Is this the pleasure of the House?

The motion prevailed and the Bill was substituted for the "Ought not to pass" Report in non-concurrence and read twice.

The SPEAKER: The gentleman from Portland, Mr. Cottrell, may proceed.

Mr. COTTRELL: Mr. Speaker, I would now introduce House Amendment "A".

The SPEAKER: The gentleman from Portland, Mr. Cottrell, now offers House Amendment "A" and moves that it be adopted. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to S. P. 326, L. D. 1048, Bill, "An Act Exempting Liquor Bottled or Manufactured in Maine from Additional Taxes."

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

"Sec. 1. R. S., T. 28. Sec. 451, amended. Section 451 of Title 28 of the Revised Statutes is amended by adding at the end, a new paragraph, as follows:

**'The state liquor tax produced by the prices established by the commission in accordance with this section shall, in no event, in the case of spirituous or vinous liquor manufactured or bottled in this State, be above the tax rate in effect on January 1, 1965.'**

**Sec. 2. Limitation.** This Act shall remain in effect until June 30, 1967."

The SPEAKER: The question before the House now is on the adoption of House Amendment "A". The gentleman may proceed.

Mr. COTTRELL: Mr. Speaker, Members of the House: First of all I would like to explain what this bill would do. It would exempt liquors and wines manufactured in this state from the coming increased taxation that will be applied to liquors. The amendment would give this exemption for two years. The committee originally passed this out "Ought not to pass." The committee heard the amendment, it still did not receive a majority favorable treatment. But several of us thought that the bill had merit and that it should be given a House hearing. It is the intention generally of the Taxation Committee to give favorable tax treatment to any state industry as they compete with out-of-state industries.

It has been the intent of past Legislatures to do the same thing. I find that in the Revised Statutes, Title 28, Section 452, that all malt liquors manufactured in this state are subject to a tax of only five and one-third cents per gallon, whereas those manufactured outside of the state are subject to a tax of twenty-five cents per gallon. Fortunately or unfortunately, we do not have any breweries in this state. I guess there were some at one time.

Another matter I want you to know is that if this tax is exempted it would amount to roughly fifty thousand dollars each year of the two years. In other states they do tax foreign liquors

and wines in this manner. They tax them according to the label. That is, a pint bottle or a fifth, or a quart or a gallon or what not is a label. We have five hundred labels. I have gone to the Liquor Commission and to the lawyers to see if it could be done in this state. And I find the normal charge for a label is one hundred dollars. Five hundred labels at a hundred dollars would be fifty thousand dollars, that is fifty thousand dollars a year. In other words, if it was possible to help our own industries and without it costing us too much, it might be a good idea.

Here, I am going to let others who have been interested in this bill talk and you can do just what you want to under these conditions.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I just want to point out that this doesn't do away with taxes on wines, it only does away with the anticipated increase in taxes for two years, and I want to add one other comment. Most states in New England, I haven't had a chance to check them all, but all those that I checked do do this very thing to their bottlers located within their boundaries. In other words, they try to do that to promote the industry within their own boundaries, and I think if the other states see fit to do it, it might be a good idea for us. As near as I can find out somewhere around 544 employees are directly employed in bottling in this state now and several more indirectly by virtue of trucking it and mailing and other clerical work and so forth, so I think that we have good reason to give this very serious consideration, and these are two of the most outstanding facts, is the fact we are not exempting them from tax, we are merely exempting them from paying an anticipated increase in tax, and that most other states see fit to do it and I think we should.

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

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: After this question has been so ably debated by the gentleman from Portland, Mr. Cottrell, the Chairmain of the Taxation Committee, why I am a little hesitant on arising, but the bill in its original form came out of the Taxation Committee unanimously ought not to pass, and you can see where the bill stands today with the amendment.

Now we speak of possibly not helping our industries within a state. For those of you who did not happen to catch the bills as they were going through the legislature, there were two bills that did go through both houses and have been signed by the Governor, which have been a help in the relief of taxes and to put our liquor industries within the state on an even competitive basis with out-of-state businesses, and those bills, one was exempting a tax on wines or liquors and so forth that were used in the process of cooking within restaurants and so forth; also the one which would allow our Maine industry to sell direct to the ships that were on their way to sea or to any of our bases such as Loring or Bangor or Brunswick without their paying a tax. This definitely leaves them in a position for open competition against out-of-state industries. I believe they were all very happy with it and I can assure you that I was very pleased that we could do that much for the industry.

Of course my feeling on this particular bill and amendment is this, that we have helped the industry in two instances this session. Possibly they need the assistance now. Now this amendment does not lower the prices that we would receive from taxation, but it does tie the Commission's hands as to the tax that could be levied. Now in my opinion we are trying to raise tax money, we are going to need added revenues and so forth. Now that does not mean that there will be

a tax placed on these industries, but this does freeze the price as of January 1, 1965 for a two year period.

To me, liquor is a luxury. Those that want it can buy it. I do the same, and if there is an added tax should happen to go onto it, I for one would be the last one to turn it down for that various reason. I do not feel that this is a necessary bill or an amendment. It sets a precedent. Also, I know that the Liquor Commission is not in favor of this and I understand that it will throw the tax question out of balance in regard to other states. I therefore move for the indefinite postponement of this bill and its accompanying papers.

The SPEAKER: The gentleman's motion is not in order.

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

Mr. BERNARD: Mr. Speaker and Members of the House: The previous Representative stated that this wasn't fair for other states. I don't know if he has investigated how these states operate. I would like to point out to him that the State of Michigan does not only help their industries on taxes. The only liquor that you can buy in the State of Michigan is liquor bottled in the State of Michigan. Now they go way beyond what we want to do in this instance here. The Taxation Committee, believe me gentlemen, was for this bill, but they were against the loss of revenue, and if Mr. Cottrell of Portland can put in an amendment to this bill that would take care of this loss of revenue I think that this would be the greatest thing we could do to help our industries in the State of Maine. We are striving to help all our industries and this is one of our industries that needs help, which we can help at this moment. And again I point out, if the amendment is put in we have no loss of revenue; why can't we help our own industries? The other states are helping their industries.

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



Mr. BRAGDON: Mr. Speaker, the more this is debated the more confused I seem to get. Perhaps everybody else is completely clear on it. However, I would like to ask one question, and that is, am I correct that this — that is, to back up a little, the Governor has proposed, I understand, a markup on liquor. Does this bill prevent this markup from becoming a part of the revenue of the coming year or what —

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses a question to any member of the House and any member of the House may answer if he so desires.

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

Mr. BERNARD: This would have no effect on most of the liquor. This would only affect the liquor bottled in the State of Maine, and as I pointed out, if Mr. Cottrell would put in the amendment that would take care of this there would be no loss of revenue.

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

Mr. SULLIVAN: Mr. Speaker, I am very confused. I would like to ask Mr. Cottrell a simple question and the question is this:

That takes away — we need money for the various things that have been proposed in here and gone through. Now this bill would in effect exempt them from certain taxation. Is that correct. Mr. Cottrell?

The SPEAKER: The gentleman will not pose questions directly to the members. If he has a question he will ask it through the Chair. The gentleman may proceed.

Mr. SULLIVAN: I am very sorry. Then, Mr. Speaker, will you ask the gentleman — I'll ask through the Chair the same question, if he cares to answer it.

The SPEAKER: Is the gentleman through speaking?

Mr. SULLIVAN: Yes, thank you.

The SPEAKER: Will the gentleman kindly take his seat.

The gentleman from Portland, Mr. Sullivan, has posed a question through the Chair to the gentleman from Portland, Mr. Cottrell, and the gentleman from Portland, Mr. Cottrell, may answer if he so desires.

Mr. COTTRELL: Mr. Speaker, if my good friend Mr. Sullivan is confused, I am sorry. I thought it was clear that the exemption on native home Maine-produced bottled wines and liquors in this state are to be exempt until January 1, 1967.

I might say that this is not my bill, it is not my amendment, but I am on the Taxation Committee. And I might say this, that our Taxation Committee I think in an eight to two report is coming out, not to tax our paper industries and our wild lands, and to me this is a business. You may like the liquor business, you may not like the liquor business, but it is a business that is here, and I am not going to carry the ball on this particular thing. There were several of us on the committee that thought it should have a hearing on the Floor of the House and I hope you keep on hearing or do whatever you want with this matter.

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

Mr. SULLIVAN: Mr. Speaker, the gentleman in my opinion has not answered the question. If I may through the Chair I will repeat the question, and if I may, before I repeat the question, it is my understanding that this bill will take away money that should rightfully go to helping the state do what many of the bills that have gone through we want done, in other words, it exempts does it not these gentlemen from paying a just share of their taxation? I will ask again through the Chair if Mr. Cottrell will answer that yes or no.

The SPEAKER: The gentleman from Portland, Mr. Sullivan, has posed a question through the Chair once more to the gentleman from Portland, Mr. Cottrell

who may answer if he so desires. The gentleman may proceed.

Mr. COTTRELL: Mr. Speaker and Members of the House: This will reduce our revenue in this field. Apparently it is obvious. But I have other ways of raising money for the state, which I am not going to disclose at this particular time.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Wood.

Mr. WOOD: Mr. Speaker, this amendment takes care of the Governor's proposed addition in the liquor tax and that's all, and therefore I move this amendment be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Webster, Mr. Wood, that House Amendment "A" be indefinitely postponed. All those in favor of House Amendment "A" being indefinitely postponed will say aye; those opposed, no.

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

Mr. Hanson of Gardiner requested a division.

The SPEAKER: The question before the House now is the adoption of House Amendment "A" to Bill "An Act Exempting Liquor Bottled or Manufactured in Maine from Additional Taxes," Senate Paper 326, L. D. 1048. All those in favor of adopting House Amendment "A" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-five having voted in the affirmative and forty-four having voted in the negative, the motion did prevail, and the Bill was assigned for third reading tomorrow.

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(Off Record Remarks)

On motion of Mr. Levesque of Madawaska,

Adjourned until nine-thirty o'clock tomorrow morning.