

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, May 11, 1965

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

Prayer by the Rev. Mr. Fred More of Augusta.

The members stood at attention during the playing of the National Anthem by the Upper Kennebec Valley Memorial High School of Bingham.

The journal of the previous session was read and approved.

The SPEAKER: On behalf of the House the Chair would like to thank the forty-three members of the Upper Kennebec Valley Memorial High School of Bingham, Maine School Administrative District No. 13, under the supervision of Mrs. Marion Knight, for the very fine concert presented prior to the convening of the Legislature this morning. Last Saturday they performed at the Central Maine Music Festival in Skowhegan.

Again I wish to thank the members of the band for their performance and for their rendition of The Star Spangled Banner which is played on the first legislative day of each week. (Applause, the members rising)

Mr. Levesque of Madawaska was granted unanimous consent to briefly address the House.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I ask unanimous consent that unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized today to send to the Senate thirty minutes after the House recesses for lunch and also thirty minutes after the House adjourns for the day, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence, and that after such matters have been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

The SPEAKER: Is there objection to this being the order of busi-

ness? The Chair hears none, it is so ordered.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that free additional telephone service be provided for each member of the Senate and House to the number of twenty-five (25) calls of reasonable duration from Augusta to Points within the limits of the State of Maine; charge for this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates (S. P. 533)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

**Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Health and Institutional Services on Bill "An Act relating to Training Qualifications for Practice of Hair-dressing and Beauty Culture" (S. P. 424) (L. D. 1359) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Appropriating Funds for Sabbatical Leaves for Faculty Members at the State Teachers Colleges" (S. P. 54) (L. D. 116)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Health and Institutional Services reporting "Ought to pass" on Bill "An Act relating to Governor, Lieutenant Governor and Tribal Committee of the Passamaquoddy Tribe" (S. P. 402) (L. D. 1222)

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

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

Recommitted

Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act relating to Allocations from Gasoline Tax for Public Facilities for Boats" (S. P. 344) (L. D. 1089)

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

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

Divided Report

Report "A" of the Committee on Health and Institutional Services reporting "Ought to pass" on Bill "An Act relating to Qualifications for Practice of Hairdressing and Beauty Culture" (S. P. 491) (L. D. 1456)

Report was signed by the following members:

Mr. CARTER of Kennebec
— of the Senate.

Messrs. CRESSEY
of North Berwick
HAUGEN

of South Portland
BALDIC of Waterville
Mrs. CARSWELL of Portland
— of the House.

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

Report was signed by the following members:

Messrs. DUNN of Kennebec
HILTON of Somerset
— of the Senate.

Mr. BINNETTE of Old Town
Mrs. WHITE of Guilford
Mr. PEASLEE

of Farmingdale
— of the House.

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

In the House: Reports were read.

On motion of Mr. Haugen of South Portland, Report "A" "Ought to pass" was accepted in

concurrence, the Bill read twice and tomorrow assigned.

Final Reports

Final Report of the following Joint Standing Committees:

Education
Highways

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Bill "An Act Increasing Salaries of Members of Harness Racing Commission" (H. P. 545) (L. D. 717) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 29.

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

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

Non-Concurrent Matter

An Act relating to Junk Yards (H. P. 832) (L. D. 1059) which was passed to be enacted in the House on May 4 and passed to be engrossed as amended by Committee Amendment "A" on April 27.

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

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

Messages and Documents

The following Communication:

HARRY S. TRUMAN
INDEPENDENCE, MISSOURI

May 4, 1965

Mr. Jerome G. Plante
Clerk of the House
State of Maine House of
Representatives
Office of the Clerk
Augusta, Maine

Dear Mr. Plante:

I don't believe I have ever received a letter that I appreciated

more than I did yours of April 26th, particularly because of the enclosure that came with it.

It was indeed kind and thoughtful of the Maine House of Representatives to issue the Order of April 23rd, and it was kind and thoughtful of you to send me the Official copy.

Please express my appreciation to each of the Members of the House for me.

Sincerely yours,

(Signed) HARRY S. TRUMAN

The Communication was read and ordered placed on file.

Orders Tabled

Mr. Graham of Freeport presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of Bill: "An Act Relating to Application of School Building Authority to Private Colleges," Legislative Document No. 1462, introduced at the regular session of the 102nd Legislature to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report the results of its study to the 103rd Legislature.

On motion of Mr. Levesque of Madawaska, tabled pending passage and unassigned.

Mr. Martin of Eagle Lake presented the following Order and moved its passage:

WHEREAS, it has been learned that a former member of this House celebrated his 90th birthday, Sunday;

BE IT ORDERED, that the House of Representatives extend to this party familiarly known as "Mike" Burns, who served seven consecutive two-year terms in the House of Representatives beginning in 1919, its congratulations and its best wishes not only for this occasion, but for the years which lie ahead.

AND BE IT FURTHER ORDERED, that the Clerk of the

House is directed to send an attested copy of this Order to Mr. Burns.

The Order received passage.

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

House Reports of Committees Leave to Withdraw Covered by Other Legislation

Mr. Bussiere from the Committee on Towns and Counties on "An Act Increasing Salary of Judge of Probate of Sagadahoc County" (H. P. 103) (L. D. 111) reported Leave to Withdraw, as covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act Increasing Salary of Clerk of Courts of York County" (H. P. 558) (L. D. 728)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Commissioners of York County" (H. P. 559) (L. D. 729)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Attorney and Assistant County Attorney of Aroostook County" (H. P. 861) (L. D. 1158)

Mr. Crommett from same Committee reported same on Bill "An Act Increasing Salaries of Clerk of Courts, County Attorney and Sheriff of Sagadahoc County" (H. P. 177) (L. D. 198)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Attorneys and Assistant County Attorneys" (H. P. 569) (L. D. 739)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of Certain County Officers of Sagadahoc County" (H. P. 572) (L. D. 742)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of Certain County Officers of Somerset County" (H. P. 665) (L. D. 892)

Mr. Farrington from same Committee reported same on Bill

"An Act Increasing Salary of Register of Deeds, Kennebec County" (H. P. 562) (L. D. 732)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salary of Sheriff of Kennebec County" (H. P. 563) (L. D. 733)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Officials of Oxford County" (H. P. 564) (L. D. 734)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Commissioners of Aroostook County" (H. P. 942) (L. D. 1278)

Mr. Hammond from same Committee reported same on Bill "An Act Increasing Salary of Register of Deeds, Northern District, Aroostook County" (H. P. 171) (L. D. 192)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salary of County Attorney and Assistant County Attorney of York County" (H. P. 172) (L. D. 193)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salary of County Treasurer of York County" (H. P. 173) (L. D. 194)

Mrs. Kilroy from same Committee reported same on Bill "An Act Increasing Salary of Register of Deeds of York County" (H. P. 174) (L. D. 195)

Same member from same Committee reported same on Bill "An Act Increasing Salary of Sheriff of York County" (H. P. 175) (L. D. 196)

Same member from same Committee reported same on Bill "An Act Increasing Compensation of Register of Probate of Piscataquis County" (H. P. 262) (L. D. 332)

Same member from same Committee reported same on Bill "An Act Increasing Salary of Register of Probate of Washington County" (H. P. 607) (L. D. 799)

Mr. Sullivan from same Committee reported same on Bill "An Act Increasing Compensation of Sheriff of Washington County" (H. P. 864) (L. D. 1161)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salary of Register of Probate of Washington County" (H. P. 866) (L. D. 1163)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salary of Judge of Probate of Kennebec County" (H. P. 868) (L. D. 1165)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of County Attorney, Assistant County Attorney and Clerk of Courts of Kennebec County" (H. P. 871) (L. D. 1168)

Mr. Wight from same Committee reported same on Bill "An Act Increasing Salary of Sheriff of Knox County" (H. P. 566) (L. D. 736)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salary of Register of Deeds of Knox County" (H. P. 567) (L. D. 737)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salary of Clerk of Courts of Knox County" (H. P. 568) (L. D. 738)

Reports were read and accepted and sent up for concurrence.

Referred to 103rd Legislature

Mr. Graham from the Committee on Education on Bill "An Act relating to Application of School Building Authority to Private and Public Colleges" (H. P. 1078) (L. D. 1462) reported that it be referred to the 103rd Legislature.

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

Ought to Pass with Committee Amendment

Mr. Richardson from the Committee on Education on Bill "An Act relating to Borrowing Powers of East Corinth Academy" (H. P. 1065) (L. D. 1443) 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. 1065, L.D. 1443, Bill, "An Act Relating to Borrowing Powers of East Corinth Academy."

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

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in order for East Corinth Academy to continue its functions it is necessary for the academy to refinance its indebtedness; and

Whereas, a limit to the amount of its indebtedness is essential for such refinancing; and

Whereas, the following legislation is vitally necessary for the academy to exist as such institution and continue its educational duties; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

'Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to the Sale of Fireworks" (H. P. 708) (L. D. 946)

Report was signed by the following members:

Mrs. SPROUL of Lincoln

Mr. JACQUES
of Androscoggin
—of the Senate.

Messrs. HUNTER of Clinton
BOISSONNEAU

of Portland
CONLEY of Portland
LIBHART of Brewer

Mrs. BAKER of Orrington

Mr. COTE of Lewiston

—of the House.

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

Report was signed by the following members:

Mr. SHIRO of Kennebec

—of the Senate.

Mrs. WHEELER of Portland

—of the House.

Reports were read.

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

Mr. KATZ: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report and wish to speak briefly.

The SPEAKER: The gentleman may proceed.

Mr. KATZ: Mr. Speaker and Members of the House: In the rotunda of this building there are two knowledgeable men who are eager and anxious to speak to the membership of the House and the other body on the subject of Class C fireworks; one of them is a manufacturer, who is the Legislative Chairman of the Industry Committee and the other one is a sales representative, his name is Dropeau, and you only have to look at him once to know that he is Walt Dropeau's brother. I hope you all will avail yourselves of the opportunity to speak to these men.

(On motion of Mr. Boissonneau of Westbrook, tabled pending the motion of Mr. Katz of Augusta to accept the Majority Report and specially assigned for Wednesday, May 12)

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House Michael Gagne, Roland Legere, Joseph Lincourt, Richard Lamontagne and Thomas Gagne. They are members of the Key Club of St. Ignatius High School, and they are members of the Government Class of St. Ignatius. They are the guests of the gentleman from Sanford, Mr. Bernard.

On behalf of the House, the Chair welcomes you boys and we hope that your visit will be both educational and enjoyable. (Applause)

Divided Report**Tabled Until Later 2:00 P.M.**

Majority Report of the Committee on Liquor Control on Bill "An Act relating to Sunday Sale of Liquor" (H. P. 524) (L. D. 698) reporting same in a new draft (H. P. 1118) (L. D. 1525) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. FALLOON of Penobscot
JACQUES
of Androscoggin
—of the Senate.
Messrs. FAUCHER of Solon
ROY of Winslow
BERNARD of Sanford
LUND of Augusta
COTE of Lewiston
—of the House.

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

Report was signed by the following members:

Messrs. MEISNER
of Dover-Foxcroft
HAYNES of Camden
—of the House.

Reports were read.

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

Mr. COTE: Mr. Speaker and Members of the House: This is a new draft of several bills that appeared before the Liquor Control Committee. In order to give everyone a chance to look at this new draft before you have a chance to vote on it, I would suggest that someone would table this bill until later in today's session.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Lent.

Mr. LENT: Mr. Speaker, I move to have this item tabled as a special order of the day assigned for 2:00 p.m. this afternoon.

The SPEAKER: The gentleman from Scarborough, Mr. Lent, now moves this matter be tabled and be made a special order of the day for 2:00 P. M. this afternoon. Is there objection? The Chair hears none. It will be assigned for 2:00 P.M. this afternoon.

Passed to Be Engrossed

Bill "An Act relating to Application of Certain Carriers to Gasoline Road Tax" (S. P. 263) (L. D. 917)

Bill "An Act relating to Ownership of Property by Nonstock Corporations" (S. P. 394) (L. D. 1219)

Bill "An Act Providing for a Study and Revision of Maine Corporate Law" (S. P. 500) (L. D. 1466)

Bill "An Act relating to Penalty for Indecent Exposure" (S. P. 501) (L. D. 1467)

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1966 and June 30, 1967" (S. P. 529) (L. D. 1511)

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 Providing for Cost of Living Plan for Retired State Employees, Teachers and Participating District Employees, or Beneficiaries of Same" (S. P. 530) (L. D. 1509)

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

(On motion of Mr. Binnette of Old Town, tabled pending passage to be engrossed and specially assigned for Wednesday, May 19.)

Bill "An Act to Revise the Laws Relating to the Support of Persons in State Institutions" (H. P. 691) (L. D. 928)

Bill "An Act Providing for a Fair Employment Practice Act" (H. P. 896) (L. D. 1206)

Bill "An Act relating to Records of Tests of Water Samples" (H. P. 1113) (L. D. 1520)

Bill "An Act relating to Definition of Aid and Disabled under Aid to the Disabled" (H. P. 1114) (L. D. 1521)

Bill "An Act relating to Escape of Women Sentenced to the Maine State Prison" (H. P. 1116) (L. D. 1523)

Were reported by the Committee on Bills in the Third Reading, read

the third time, passed to be engrossed and sent to the Senate.

In Non-Concurrence

Bill "An Act relating to Weight of 3-Axle Trucks" (S. P. 155) (L. D. 395)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

Amended Bills

Bill "An Act Providing State Aid to Towns for Care of Poor Persons" (S. P. 80) (L. D. 225)

Bill "An Act to Increase Cigarette Tax Two Cents" (H. P. 606) (L. D. 798)

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.

Amended Third Reader Tabled and Assigned

Bill "An Act Increasing Salary of Superior Court Messenger of Cumberland County" (H. P. 784) (L. D. 1037)

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

(On motion of Mr. Conley of Portland, tabled pending passage to be engrossed and specially assigned for Thursday, May 14.)

Resolve Designating Certain Bridges of the Interstate System as "Veterans Memorial Bridges" (H. P. 680) (L. D. 907)

Resolve Authorizing Construction of Bridge to Quigg Island in Stevens Pond, Waldo County (H. P. 1095) (L. D. 1495)

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

The SPEAKER: The Chair would like to recognize at this time in the balcony of the House thirty-one pupils of the seventh and eighth grades of the Clinton

Elementary School, accompanied by their teachers, Mr. Holmstrum and Mrs. Hamm, and they are the guests of the gentleman from Clinton, Mr. Hunter.

On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

Passed to Be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 113 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

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

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

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

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

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

An Act Increasing Retirement Benefits under State Retirement System (H. P. 88) (L. D. 97)

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 relating to Minimum Wages for Firemen (H. P. 503) (L. D. 656)

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

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House. I'm afraid we're about to do something if we enact this bill that we are going to come to regret. Now because I have been involved rather thoroughly with this bill and because my remarks have been quoted out of context in certain papers in the state, I feel that we must say a brief word about it this morning. This bill, as you all understand, would put a group of municipal employees under the minimum wage law. It is my considered opinion that this will not be for their benefit and it most certainly will not be for the benefit of the municipalities involved.

Now all kinds of arguments have been made against this bill. There is one logical argument, in my opinion, which commends itself to our thinking this morning. When the original minimum wage laws in the State of Maine were passed, certain exemptions were made in that law and over the years these exemptions have been carried forward. Now each one of these exemptions have a special reason for being, and the reason that firemen were not included in the minimum wage law is because of the special character of their employment.

Now I said on the floor of this House the other day that the reason was that our firemen are employed on a twenty-four hour day basis. They work a full twenty-four hours normally and have twenty-four hours off. Obviously during those twenty-fours they must eat, they must sleep, and obviously during those twenty-four hours unless there is a fire to be fought or something to be done around the station house there is very little for them to do.

Now this in no way is criticizing the profession of firemen, and it is certainly true that these are very fine people throughout the State of Maine—they do a very valuable service for us, that they should be paid a decent wage, and those communities which are not paying their firemen a decent

wage are doing all of us a disservice because it makes it easier for bills of this kind to be passed in this House. And let this be a warning if it doesn't pass, to those communities whose firemen are not being paid properly, that if they don't pay their firemen properly certainly one of these years a bill of this kind is going to be passed.

Now the state certainly has the right to regulate this, the wages of these people. Municipalities are creatures of the State and if the municipalities don't pay their people properly the state can regulate them. Now we've come to feel over the years that what we do on the local level is something for the local people to decide and their local councils or their local selectmen should be the people responsible. And if the firemen are not being paid, these people are at fault. Now I think if we pass this law, what's going to happen is that firemen are going to go on a forty hour week or a forty-eight hour week.

If we pass the other minimum wage law increasing, eventually, the minimum wage to a dollar and a quarter, it would mean in the City of Brewer under our present system that we would start our rookie firemen at \$127.68 a week. We can't afford that. We'd have to do something different. Undoubtedly what we could do is we would lock the door to the sleeping quarters and the kitchen, put the firemen on a forty-eight hour week and pay them the minimum wage scale, which would mean that they would be getting less money than they are getting to start now.

Now I hope we consider this in its true light, a bill which is definitely not in the best interest of the firemen, regardless of the pressure group these people have formed, the group that has the ability to misquote, quote out of context, and castigate and distribute to us as we see on our desk some of the literature that we see that has no bearing on the issue before us; and I hope that the appeal to your heart is a short lived one and my appeal to your mind will be more convincing.

Each and every one of us lives in a community and if in that community we have firemen on regular duty then this bill is going to mean that we will be paying firemen in the normal community the base pay of \$127 or so a week, you can't get around it under the present work schedules. Now if you want to pass a law to accomplish this result and realizing there are people that are going to be higher up in the echelon that have got to get more money, then of course you must do it. I say you are doing the State of Maine and its municipalities a disservice if you do so.

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

Mr. GAUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: I am not going into detail about the dangers of firefighters. And one recent fire where one fireman was killed and seven were injured speaks for itself. This happened, by the way, on a Sunday while most of us were enjoying our Sunday with our families. One thing I would like to point out is that we as legislators pass bills obliging factories, stores, contractors and so forth to pay minimum wages, yet some legislators do not want to pay the same wages in their own businesses back home. I feel municipalities are businesses. Why should they be exempt from paying a dollar an hour? Thank you.

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

Mrs. RUBY: Mr. Speaker, Ladies and Gentlemen of the House: If this bill goes through, the firemen in my area are definitely going to suffer. The City Manager has stated that if this bill goes through he will hire three more firemen, cut the hours down and yank all the beds out of the firehouse and they will work the clock around.

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

Mr. LIBHART: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and I ask for a roll call.

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

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: I would like to briefly repeat my arguments against this bill, which is, it singles out a single class of municipal employees for special treatment. Now, if you want to undertake to tell the communities in the state they must pay all of their employees a minimum wage, that is one thing. But if you are going to single out one class of employee for special treatment and thereby create all sorts of internal administrative problems for the communities, I think you're imposing an undue hardship on them. That is my reason for opposing this bill. If we want municipalities to include all their employees under minimum wage, let's say so. Let's not pick out firemen, or policemen or someone else.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I think number one, firemen are uniquely situated and number two, as far as I'm personally concerned, I want to single them out because it is only about two weeks ago that about eleven o'clock one morning I paid a visit to the Captain in charge of one of our sub-stations in Lewiston. Four hours later, I heard that he had been run over by a truck at a fire. I want to single them out.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I speak this morning as House Chairman of the Committee on Labor and as an individual. You have heard all the different arguments possibly pro and con regarding the minimum wage for firemen. You have heard the statement by the gentleman from Presque Isle,

Mr. Bishop, this morning that these are special kinds of people. Granted they are special kinds of people. They are there for the protection of life and property throughout their communities. That makes them special.

I don't know how many years ago that the warning has been in this Legislature and many other Legislatures that they should be treated as special people and should be provided as such with the necessary financial backing of the community. Although I fail to see where they would be so special and different from any other organization, be they professional or common ordinary laborers. We have had through the years special legislation for special people in this state, and some of that has been classified as class legislation. I don't think that you will feel that you will be passing out class legislation by giving a basic minimum to the firemen. The communities have been warned over the years that this was something that had to come for the protection of the firemen and the community. Some communities have heeded these warnings that sooner or later they were going to have to come under the state law. Thanks to these communities that have taken the necessary steps to make sure that they did get the necessary protection and get the necessary wages to have a decent living.

I certainly appreciated these people that saw the benefits derived by the firemen in supporting this document to this point. This is not class legislation. This is the basic minimum wage for a fireman who is putting his life on the ladder or at the end of a hose every time he answers the alarm. So, this morning when the roll call is taken, I hope that you will support the previous action of this House. I thank you.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: Earlier during the reading of the journal, we went through many, many items proposing increases in salary of people who

have been elected in office and these people knew what the wages were when they ran for that office, and apparently this increase is being given to them without any debate at all.

Here we are asking for a one dollar minimum wage for fire-fighters, for devoted municipal employees, who are not being singled out because all of the other employees are receiving a dollar an hour; and we have debated it, and debated it, and debated it. I agree with my good friend, the gentleman from Brewer, Mr. Libhart, that they are fine people. And, I also agree with him that they are dedicated people, but I disagree with him when he says that they are being favored. They are not being favored. Also, I disagree with his remarks whereby he in one breath says that they will be paying the rookie fireman \$127 a week or thereabouts; and then in the next breath, he says that they will be getting \$48 a week, and this will be a disservice. Most of these wages today that are being paid by these communities are being paid as a result of an awful lot of so-called moonlighting. Extra hours are being given to these people to give them a fair, living wage in order that they will be able to support their families.

And I think that we have debated it many, many times and long enough. It has gone through the House, gone through the other body; it has come back here, and I urge all of you to support this basic principle of justness and fairness. Thank you.

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

Mr. BINNETTE: Mr. Speaker, Members of the House: After listening to my good friend, Mr. Danton from Old Orchard Beach, there is a lot of truth in his statements. They do moonlight, it is true enough, but if they were on a shorter work week as the gentleman from Brewer states, they would still be able to go out and work if they wanted to. And I doubt very much if many of the members of this Legislature would

want to sit here just waiting, and just waiting to have something come to us. We like to have action. Well I sympathize with those gentlemen for they cannot sit for one minute without being expected to be called out, and they don't know if that's the last minute of their life or not. I think they are doing a great service to the public at a great risk to their own lives. I certainly hope that the membership here will support that little minimum wage of one dollar an hour.

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

Mr. BERNARD: Mr. Speaker, Members of the House: I have to go along with Mr. Libhart when he says we had distorted facts on our desks. On my desk I had a fact that the Sanford firemen were receiving a dollar five cents minimum wage. I gave this report to a meeting two weeks ago in the Town of Sanford. They were very surprised. They called me in for another meeting. They showed me the facts that the firemen in Sanford are now receiving eighty-three cents an hour. The report that I had on my desk was that they were receiving a dollar five. I think from eighty-three to a dollar five is quite a difference.

In Sanford, I am known as a conservative, but I'll never be so conservative as to vote for a bill that would stop the men from getting at least a dollar an hour.

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

Mr. HEALY: Mr. Speaker, may I inquire through the Chair to the gentleman from Brewer, Mr. Libhart, what the base rate is for firemen in his town?

The SPEAKER: The gentleman from Portland, Mr. Healy, poses a question through the Chair to the gentleman from Brewer, Mr. Libhart, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LIBHART: Mr. Speaker, in Brewer we do not pay on an hourly basis and I am not — I will not

guarantee these figures, but it is my understanding that when we start a fireman we start him at \$72 a week. It is also my understanding that none of our firemen in Brewer are getting \$72 a week; They are all getting more than this. They work on this eighty-four hour rotating schedule. It means that they work twenty-four hours, then they have twenty-four hours off; and I believe that most of our firemen, and I think this is rather true throughout the State of Maine, have additional jobs where they will work the intervening days for another concern or on their own or what have you. Working this twenty-four hour day allows them to do this and I think this is taken into consideration when the schedules are made.

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

Mr. JALBERT: Mr. Speaker, I would like to join the gentleman from Brewer, Mr. Libhart, in answering the question that the gentleman from Portland, Mr. Healy, has posed. The near accurate answer is the average of ninety cents an hour, which is twelve dollars below the minimum wage.

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

Mr. BENSON: Mr. Speaker and Ladies and Gentlemen: There are several things I think we might clear up before we vote on this. And I do hope that we vote by roll call, by the way, so that our municipal people will know how we stand on this issue. If I am correct, as the bill is in its present form there is an amendment on it and I have a ruling from the Attorney General's office regarding this amendment. The letter states:

"Dear Mr. Benson: Regarding House Amendment "A" to L. D. 656, "An Act relating to Minimum Wages for Firemen." L. D. 656 places firemen paid regular wages or salaries under the Minimum Wage law. At the present time there is no provision in the Minimum Wage Law about overtime. Hence, House Amendment "A" has no actual effect. Very truly yours,

George C. West, Deputy Attorney General."

That is one thing. Now if we are going to anticipate a minimum wage, I think that in all fairness we should anticipate the two step increase which is rather popularly accepted and that is a dollar fifteen cents effective this coming October and probably a dollar twenty-five cents effective a year later. We have had a number of emotional appeals made to us by proponents of this measure that the firemen are living extremely hazardous lives and are overworked and underpaid. I have much respect for firemen, but I think that I would appeal to the volunteer firemen that are in this House today. If the work that we perform as volunteer firemen is as dangerous as we are led to believe, maybe we should resign our positions as volunteer firemen. We perform this service and we perform it willingly. We do it for the public good and we do not receive pay in most instances. I think that we should approach this problem from a practical point of view rather than an emotional one.

I feel that if we were to enact legislation such as this, which we have already done regarding teachers, school systems, that we should also accept the responsibility of subsidizing the communities to help pay for the additional costs to the community for this type of thing. I certainly have not changed my stand on this. I feel that this would be very unwise and I certainly would encourage this House to vote against singling out the firemen as a special group. I would urge the defeat of this bill and I hope that you will vote on the roll call.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Regarding the question of the gentleman from Southwest Harbor, Mr. Benson, and I had not thought that the gentleman had had a lapse of memory as in committee last week, it was

the decision of the committee that the bill that is now before the other branch take care of the minimum wage bill that will come before us, would be brought back to committee and it was explained for the different purpose why it was going to be recommitted to committee and to take care of the time and a half provisions for the firemen was specifically one of them.

So, this minimum wage bill that is in the other branch will be returned back to committee for the express purpose of amendments to take care of the time and a half provision that is in the firemen's bill to be eliminated.

The SPEAKER: The Chair would like to recognize in the balcony of the House eighty pupils of the seventh and eighth grades of St. Rose of Lima School of Chisholm. They are accompanied by their teachers, Sister St. Charles and Sister May Laurentia. They are the guests of the gentleman from Turner, Mr. Gilbert, and the gentleman from Wilton, Mr. Scott. On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

At the same time, the Chair would like to recognize in the balcony of the House, thirty-five pupils from Edward Little High School in Auburn, accompanied by their teacher, James Randall. They are the guests of our four representatives from Auburn, Mr. Drigotas, Mr. Drouin, Mr. Gauvin, and Mr. Laberge. On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

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

Mr. JALBERT: Mr. Speaker, Members of the House: I merely want to note that under Amendment Filing H-219, it reads as

follows: "however, time and a half, one and a half times the hourly rate shall not be paid for work done over forty hours under this sub-section." And this amendment was presented and passed.

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

Mr. BENSON: Mr. Speaker, Ladies and Gentlemen: I just want to assure you that I have had no lapses of memory. Any bill that is in committee obviously has not passed through this Legislature. Any action we take today which is contingent upon a bill which is still in committee is in anticipation of that bill passing. I have lapses of memory but not in this instance.

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

Mr. POULIN: Mr. Speaker and Ladies and Gentlemen of the House: I have had quite a few discussions on this, but I have one thing that I would like to present to you people, what happened to us in Skowhegan last year. Class legislation, the police department came out and wanted to be put under the state retirement plan. Well it took a big flop until they came out this spring and said all municipal employees will be covered by the state retirement plan and it went right through, even though the tag was almost ten thousand dollars. So, I call it class legislation.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Brewer, Mr. Libhart, that this Bill be indefinitely postponed and he has requested that when the vote be 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 Chair will once again state the question. The question before the House now is on the motion of the gentleman from Brewer, Mr. Libhart, that this Bill "An Act relating to Minimum Wages for Firemen," House Paper 503, L. D. 656, 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; 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: Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Beane, Benson, Southwest Harbor; Berman, Berry, Bishop, Boissonneau, Brewer, Buck, Burwell, Carter, Cottrell, Cressey, Crosby, D'Alfonso, Davis, Doyle, Dudley, Dunn, Evans, Farrington, Gifford, Hammond, Hanson, Gardiner; Hanson, Lebanon; Hawkes, Haynes, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Libhart, Lincoln, Lund, Lycette, Millay, Mosher, Payson, Peaslee, Pendergast, Pike, Poulin, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ruby, Sahagian, Sawyer, Scott, Storm, Stoutamyer, Susi, Waltz, Watts, White, Guilford; Wood, Young.

NAY: Anderson, Orono; Bedard, Benson, Mechanic Falls; Bernard, Binnette, Blouin, Bourgoin, Bradstreet, Brennan, Bussiere, Carroll, Champagne, Conley, Cote, Crommett, Curran, Cushing, Danton, Dostie, Drigotas, Drouin, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gilbert, Gillan, Glazier, Graham, Harvey, Bangor; Harvey, Windham; Haugen, Hawes, Healy, Hunter, Durham; Jalbert, Jordan, Keyte, Kilroy, Knight, Laberge, Lebel, Lent, Levesque, Littlefield, Lowery, Martin, McKinnon, Mills, Mitchell, Nadeau, Palmer, Pitts, Prince, Roberts, Ross, Bath; Ross, Brownville; Roy, Searles, Starbird, Sullivan, Truman, Wheeler, Whittier, Wuori.

ABSENT: Baldic, Birt, Bragdon, Carswell, Cookson, Dickinson, Erwin, Harriman, Harvey, Woolwich; Hoy, Lane, Meisner, Norton, Ward, Wight, Presque Isle.

Yes, 64; No, 71; Absent, 15.

The SPEAKER: Sixty-four having voted in the affirmative and seventy-one having voted in the negative and fifteen being absent, the motion to indefinitely postpone fails.

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

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque, and inquires for what purpose does he rise?

Mr. LEVESQUE: Mr. Speaker, I now move that we reconsider our action whereby we passed this bill to be enacted and I hope that everybody will vote against me.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, 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 - - -

Mr. Benson of Southwest Harbor requested a division.

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

Mr. LIBHART: Mr. Speaker, I move that we table this bill until the next legislative day.

The SPEAKER: The gentleman from Brewer, Mr. Libhart, now moves that this matter lie upon the table pending reconsideration.

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 the next legislative day, pending reconsideration, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

Madawaska, Mr. Levesque, that we reconsider our action whereby this bill was passed to be enacted and a division has been requested. All those in favor of reconsidering our action whereby this bill was passed to be enacted will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, sent to the Senate.

Enactor

Tabled and Assigned

An Act relating to Retirement Benefits for Fire Fighters under State Retirement System (H. P. 534) (L. D. 708)

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

(On motion of Mr. Danton of Old Orchard Beach, tabled pending passage to be enacted and specially assigned for tomorrow)

An Act Revising the Savings Banks Laws (H. P. 620) (L. D. 857)

An Act relating to Game Management Areas under Fish and Game Laws (H. P. 1080) (L. D. 1463)

An Act to Grant a New Charter to City of Biddeford (H. P. 1087) (L. D. 1475)

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.

Resolve Relating to Fish Screen at Outlet of Rangeley Lake (H. P. 227) (L. D. 294)

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

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I feel quite certain that this is another lost cause that I have been seeming to be fighting this whole term, but I hate to see this bill enacted without our at least knowing what we are doing.

First of all, the department of course is very, very strongly opposed to this bill, and it seems to me that what we are doing if we pass it, we are telling the department, you go ahead and spend all the money you can on biologists and you run all the tests and so forth that you can on any problem area and when you get half done, we're going to go into the House of Representatives and we're going to quote from some old guides up in Rangeley and we're going to say that those old guides say such and such. And because those fellows are venerable people and undoubtedly good guides and so forth, we are going to assume that they know more about what they are talking than the biologist that we're paying in the department. And that in a nutshell has been the argument on the floor of this House.

We all know these fish in Rangeley and the fish in all the lakes in the State of Maine belong to the State of Maine and the State of Maine alone has the right to say what is done with them. The department has asked several of us, and me in particular, to oppose this bill because they would like to complete the studies they are making with the fish that belong to the State of Maine and that's the whole of the State of Maine, not the people of Rangeley.

Now their studies so far, as you well know, have shown that the big problem up there is the yellow perch, trash fish, brought in by the ice fishermen probably, and it may be that putting a screen across this stream will do more to harm the fishing in that area than anything else that could possibly be done. It may not be, but until this study which is just about half way through is completed we are not going to know. And by not allowing the department to complete this project we are going to throw a lot of good money down the drain. We are going to slap the department in the face. We are going to slap the biologist in the face and we are going to say, look from now

on if you want to know what is going in a certain area you go up to the old guides and the local people and you ask them what's wrong and write your report based on that, not on any scientific study that you have made.

Mr. Speaker, I move that this bill and all its accompanying papers 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 Brewer, Mr. Libhart, that this Resolve be indefinitely postponed and he has requested a division.

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

Mr. PALMER: Mr. Speaker, Members of the House: In a sense what my friend Mr. Libhart has said is correct. I think that biologists have a definite part in the control of our fish and game throughout the State of Maine. They are trained scientifically to do research work into the diseases and things that do affect our fish and game. But I would like to explain to you what has happened up there and it has happened in other lakes in the State of Maine. This one particular lake, not Rangeley but another one, had excellent salmon and trout fishing in the spring and fall. The streams and tributaries feeding this lake were closed. The biologist came in, tested the water, declared that it was too warm to be good salmon and trout water. They opened the streams and in a very short while they introduced other species of fish, bass and the like. The streams were opened. The salmon and trout were caught out of these streams and the fishing for salmon and trout was finished. The biologists say that a fishway is necessary so that the migration of fish might be made. They have observed the fish going up the tributaries during mid June and July and part of August.

The reason for this is because the waters are so warm in the lakes that they are forced to seek cooler waters, but this they have not given consideration to. I

think the management has something that maybe the biologists are not qualified to do. I think they are qualified in their field, but I think that management is out. Some time ago in the International Encyclopedia Volume XII, from the Dodd, Mead and Company in 1890 something, had made this statement, that two species of trout, weighing ten pounds, being found in the waters of Rangeley Lake and the Rangeley Lake was a favorite resort of artists, tourists and sportsmen.

Since that time, the Fish and Game Department, and I imagine under the direction of the biologists, introduced salmon, smelt and hornpout. Now, don't ask me why they introduced hornpout, but this is part of their management. As a result of this stocking, these fish that were peculiar to this area being found no where else became almost extinct. In 1893 the guides and sportsmen of Rangeley formed an association, the principal reason being that they realized that these trout were going and they tried to get together to do something about it, to pass good legislation, for they felt that these trout and salmon were essential to their area. They are still fighting today to get good legislation passed.

Now we come to the perch situation. Some eight years ago when the fish screen was still in, there were some over four hundred salmon counted at the outlet at Rangeley Lake. Last fall there were four. These fish have gone down, they have not come back, and as a result of not much competition the yellow perch have irrupted tremendously. Here again, the biologists have thrown their hands into the air and they say there is nothing anybody can do to control the yellow perch situation. Now, maybe this is correct, but the guides and sportsmen of Rangeley feel that where there is a will there is a way. And they have started this springtime, netting the perch on their runs, which the biologist says won't amount to anything. Maybe it won't, but maybe it will help keep them down just a little bit

and if this fails they will go on to something else because these men have courage. And I think anybody with the courage that they have to face a situation that is described as being impossible should have the support of everyone. I know that the feelings of most of the people of Rangeley is this, although we have the freedom of speech to go down to Augusta and express ourselves the things are already cut and dried and there is no need of us going down there; but we still feel that we should go down.

I was there at the hearing. I think they presented their case very well. There was little or no opposition to it. I think it is about time that we began to recognize what these people are doing. They are trying to save the salmon and trout waters of their area. Maybe the biologists might learn something from them. The biologists are not ready and they have admitted that they will not fight this perch and trash fish in the waters of Maine. Here is a group that is willing to try to save these waters. They have faced opposition from some members living in that area who would stock it with bass, pickerel, togue, muskellunge, pike. They say anything is better than nothing. I think the thing that we must realize here is that if this government is a government of the people, by the people and for the people, and the people of this area have expressed themselves and their desire to continue to fight for that that is good and beautiful and has throughout the years, and after having fought for some seventy odd years to get favorable legislation, having gone along with the department in every way, shape and manner and now realizing that they themselves must do something, I think it is about time that we gave them a hand with their fight. I hope that you vote against the indefinite postponement of this bill.

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

Mr. EUSTIS: Mr. Speaker, Ladies and Gentlemen of the House: I stand in support of what the

gentleman from Phillips, Mr. Palmer, has said. In fact I will name the pond he referred to, it is called Webb Lake or Well Pond. It is in our own backyard in our area. The biologists did do just what he said they did up there. It is a matter of record. I don't intend to cast any aspersions upon biologists, but I believe they should consider beyond their book learning and their specific features that they devote their attention to, they should consider local conditions which will vary widely in different areas. And as for the guides and the people who live there all their lives, I ask you if they shouldn't know that country and know those peculiarities better than somebody who simply is going by the book. Thank you.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen: The situation is exactly as I presented it to you. It is a question of who do we believe. Do we believe the guides? Do we believe the biologists? Are the guides making fish counts on the stream? Are the guides taking samples over the years of the lake scientifically? The report from several biologists in the Rangeley region from the Maine Department of Inland Fisheries and Game stated February 1965, quite complete on this particular problem, one paragraph.

"There is considerable feeling towards replacing the fish screen at the outlet of Rangeley Lake. The removal of the old fish screen is in no way responsible for present conditions in Rangeley Lake. The problems lie within the lake itself, because of the small number and slow growth of salmon. At present, the fishway at the outlet will bring more fish into Rangeley than will possibly be lost downstream. There was no downstream movement at the outlet in 1964," let me repeat that. "There was no downstream movement at the outlet in 1964," contrary to what has been reported here just now. "We are evaluating downstream vs. upstream movement at the outlet and a decision on whether the screen

should be replaced will have to be made in the future. Until a large run develops again at the outlet, downstream movement cannot be a problem."

My point is simply this. When this study is complete it may be the biologists will want to replace this screen, but let's let them do it.

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

Mr. CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind the members of the House here this morning that this bill came out of the committee five and five and I am somewhat surprised at my good friend from Brewer, the gentleman from Brewer, Mr. Libhart, because so many times I have heard him argue in this session that home rule should be prevalent, and here is one example whereby the people of Rangeley Lakes are trying to do something for themselves. I hope that the motion to indefinitely postpone this bill does not prevail.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Brewer, Mr. Libhart, that this Resolve Relating to Fish Screen at Outlet of Rangeley Lake, House Paper 227, L. D. 294 be indefinitely postponed and he has requested a division. All those in favor of this resolve 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-two having voted in the negative, the motion did not prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Resolve Appropriating Funds for Ramp and Docking Facilities at Long Island Plantation (H. P. 392) (L. D. 504)

Resolve Appropriating Moneys to Maine Educational Television Net-

work for Outside Audience Training (H. P. 448) (L. D. 602)

Resolve Appropriating Moneys for Improvements at Indian Reservation at Pleasant Point (H. P. 609) (L. D. 801)

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

Orders of the Day

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

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

Mrs. Ruby of Bangor presented the following Order and moved its passage:

WHEREAS, Miss Emma A. King, has faithfully served the City of Bangor nearly half a century in the City Clerk's office, issuing hunting and fishing licenses, birth and marriage certificates, and other City vital records, and

WHEREAS, Miss King started her duties in the City Clerk's office in April of 1916, as a young girl of 21, and

WHEREAS, she considers it an outstanding record of not meeting more than two disagreeable citizens of the many thousands she dealt with, and

WHEREAS, Miss King is retiring after her many long years of dependable service to the City of Bangor,

BE IT ORDERED that the House of Representatives extend to Miss King their congratulations on a successful and remarkable career, and

BE IT FURTHER ORDERED, that the Clerk of the House is directed to send an attested copy of this Order to Miss Emma A. King.

The order received passage.

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

Bill, "An Act relating to Disposal of Dangerous Buildings in Municipalities." (S. P. 515) (L. D. 1491)

Tabled — April 30, by Mr. Bussiere of Lewiston.

Pending — Passage to be Engrossed. (Specially assigned for Wednesday, May 5th)

On motion of Mr. Bussiere of Lewiston, passed to be engrossed and sent to the Senate.

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

An Act relating to Chairman and Membership of Board of Finance of City of Lewiston. (H. P. 354) (L. D. 457)

Tabled—May 4, by Mr. Bussiere of Lewiston.

Pending—Passage to be Enacted. (Specially assigned for Wednesday, May 5th)

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

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

HOUSE REPORT—"Ought not to pass" — Committee on Appropriations and Financial Affairs on Bill, "An Act to Create a Maine State Board of Human Research and Development." (H. P. 904) (L. D. 1232)

Tabled—May 4, by Mr. Binnette of Old Town.

Pending—Acceptance. (Specially assigned for Wednesday, May 5th)

On motion of Mr. Roy of Winslow, the Bill was substituted for the "Ought not to pass" Committee Report and the Bill read twice.

Mr. Roy of Winslow offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H.P. 904, L.D. 1232, Bill, "An Act to Create a Maine State Board of Human Research and Development."

Amend said Bill by striking out all of section 2 and inserting in place thereof the following:

'Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$25,000 for the fiscal year ending June 30, 1966 and the sum of \$25,000 for the fiscal year ending June 30, 1967 to the Maine State Board of Human Research and Development to carry out the purposes of this Act.'

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

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

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

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

Pending — Passage to be Engrossed. (Specially assigned for Thursday, May 6th)

On motion of Mr. Bradstreet of Newport, the Bill was passed to be engrossed and sent to the Senate.

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

DIVIDED REPORT — Majority (6)—Committee on Industrial and Recreational Development on Resolve, to Provide Underwater Weed Cutter for Department of Inland Fisheries and Game. (H. P. 337) (L. D. 440) reporting "Ought not to pass"—**Minority (4)**—reporting same in New Draft under Title of Resolve to Provide for Underwater Weed Cutter (H. P. 1099) (L. D. 1499) and that it "Ought to pass."

Tabled—April 28, by Mr. Cote of Lewiston.

Pending—Acceptance of Either Report. (Specially assigned for Thursday, May 6th)

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

Mr. COTE: Mr. Speaker and Members of the House: I introduced this bill in order to take care of certain impurities that we have in our waters called

aquatic growth. Two years ago a bill was introduced in this House calling for some \$14,000 or \$16,000. After several consultations with the Department of Inland Fisheries and Game, this bill was finally killed because the chemicals that were going to be used were going to be harmful to the fish life, so they decided that they would like to have an underwater weed cutter, and after several instances of this bill going to the Inland Fisheries and Game Committee it was referred to the Committee on Parks, so finally the Fish and Game were willing to go along with this bill providing they had the final say on weed cutting. Then one association who was very much interested in the passage of this bill decided to go along on their own, and I understand they are going to buy their own weed cutter.

I still think this is a good bill for all the ponds and lakes of this state but I am willing to wait for two years and see just what happens to the weed cutter of the Sabbattus Pond Association where they will put into being, feeling that they want this for this summer, and if we have to wait for the passage of this bill it would take ninety days after the Legislature, they want to go along this summer with the program, so they have decided to buy themselves a weed cutter, so I now move that this bill in the new draft be indefinitely postponed.

The **SPEAKER** pro tem: The gentleman from Lewiston, Mr. Cote now moves that this bill, new draft be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

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

HOUSE REPORT—"Ought not to pass" — Committee on State Government on Bill, "An Act Increasing Salary of Commissioner of Labor and Industry." (H. P. 23) (L. D. 26)

Tabled — April 29, by Mrs. Wheeler of Portland.

Pending—Acceptance. (Specially assigned for Thursday, May 6th)

On motion of Mrs. Kilroy of Portland, tabled pending acceptance and specially assigned for Tuesday, May 18.

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

HOUSE REPORT—"Ought not to pass"—Committee on Judiciary on Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure." (H. P. 137) (L. D. 333)

Tabled—April 29, by Mr. Harri-man of Hollis.

Pending—Acceptance. (Specially assigned for Thursday, May 6th)

The SPEAKER pro tem: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker and Ladies and Gentlemen of the House: I move we substitute the Bill for the Report and I would like to speak on my motion.

This bill came out of Judiciary Committee unanimous ought not to pass. I don't understand why they could find no merit in this bill. I'm surprised and disturbed. I have the highest regard for the Judiciary Committee and for the people of the legal profession, and when ten of them grouped together could not find any merit in this bill I'm highly disturbed. Even when the great dissenter went along with the majority. This bill spells progress for Maine. This bill is not a lawyers bill, you're all aware of that now; and it's not a bankers bill as the proponents will argue that it is. This is the peoples bill. I repeat this is the peoples bill and especially the poor people.

Now I don't know what ax the lawyers have to grind but someone has to be the good guy and the bad guy and they've decided to make themselves the good guy and the banker's the bad guy, and not one of them could find any merit in such a good piece of legislation. This is the most progressive piece of legislation that has come before the House and I will explain.

The present law, twelve months foreclosure, has been on the books

for over a hundred years. It is antiquated, outdated, outmoded, it's still in the horse and buggy days. Now, how does this help the poor man and how does it hurt the poor man?

Let's take all of the metropolitan areas. Now what I'm going to say is not going to make friends for me with landlords, and I think I had a lot of them as my friends. People today living in metropolitan areas, in cold water flats, I sometimes refer to them as caves, paying twelve to fifteen dollars a week. The economy of our State does not allow these people to make enough money to save enough down deposit to buy new homes, and they continue to pay twelve to fifteen dollars a week rent. Twelve to fifteen dollars a week puts them in a position to own a ten thousand dollar home, but because of this antiquated law that we have of twelve months foreclosure the banks are not inclined to pick up mortgages with three per cent down.

Now why should they? Take a ten thousand dollar house, three percent down is three hundred dollars. If they were to finance this house the general rule, and this is a fact, throughout the State of Maine, indicates that all bank foreclosures generally take, before they initiate foreclosing procedure, seven and one half months, and on top of the seven and one half months you must add the twelve months, now you're up to nineteen months comfortably a year and a half. We'll put it at a conservative position of fifteen months foreclosure.

A man buys a ten thousand dollar house for three hundred dollars down. In one year if he doesn't make another payment on this house, the interest on the ten thousand dollars is six hundred dollars, and the quarter of a year makes it seven hundred and fifty dollars. Taxes reasonably speaking would be two hundred and forty dollars a year. A year and a quarter now, not a year and a half, would be three hundred dollars taxes. Insurance at forty dollars a year, a year and a quarter would

be fifty dollars insurance. Seven fifty eight, eleven hundred dollars is now invested, directly or indirectly, and all the banks have received is three hundred dollars. Would you invest your money that way?

Now the opponents will say that this hurts the farmer. He doesn't have enough time. It's a good argument. Are we to penalize the many for the few? Now in the situation of a farmer or any seasonal operator, whether it be fish or whatever the industry, there's nothing in the law that says you can't have a clause to handle one year foreclosure, eighteen months foreclosure, and if you will argue that they will not accept mortgages as such, then who are these people that are in the finance business, in Caribou, Presque Isle, or wherever seasonal business exists, who are they going to lend their money to? These people know the situation better than anyone else. If they don't lend their money to potato men, they don't lend money, and they don't have anything else to sell but money. They're not going to lend money to a resort area of Old Orchard Beach from Presque Isle I'm sure.

Now the opponents will argue with this tear-jerking story that you're going to put a widow out of her home. This is also wrong. Good people don't lose their houses. Good sensible reasonable people know that if they are in jeopardy of not being able to afford continuing payments of this home, and they have reasonable amount of equity, they take action, dispose of the property, to protect their equity. Any reasonable person would do that. Anyone that has any amount of equity, common sense indicates that he can do nothing else. He is not going to sit and wait for his home to be taken away by foreclosure and then lose his complete equity.

This law is depriving an awful lot of poor people the opportunity of buying the first home in their lives. Why shouldn't they know what the other side of life looks like? You make better citizens if you make them a taxpayer. He

becomes civic minded, you reduce juvenile delinquents. Is this what a man has to look forward to in life, living in a cave? What happens to his children? They grow up and they say I'm getting out of Maine, I've had enough; and you know this better than anyone else. It's been happening for many many years, they are migrating out of the State, not in the State. They are looking for the better promised land elsewhere, anywhere but Maine. The changing of this law and enacting this type of legislation will change that. Conservatively speaking, three to five thousand poor people in one year's time can be owning a new home. This bill spells nothing but progress.

With this bill there is new buying, new spending, new planning, new building, and the opponents will say, what is he going to buy for ten thousand dollars? Not everyone is buying Cadillacs for seven thousand dollars. They make compacts, they'll give you anything you want to buy, and ten thousand dollars will buy you a home, whether it be used, whether it be new it's still a home. You still have your own back yard. Every poor man is entitled to a home today, but not according to the lawyers.

They don't have any problems when it comes to buying a home. They open up their fat checkbooks and they say to the bank, I'm buying. But how about that poor laborer, that poor fireman that makes sixty-two cents an hour that they argued for? But if this was a lawyers bill, in fact, I believe I am now falling into the category of the Bensons and the Berrys and I will probably have to stand or withstand that surge of power that the lawyers demonstrated here a week or so ago. So I hope they will accept me in their fraternity.

No, this is a very important bill, there is absolutely nothing wrong with it. It spells nothing but help for poor people, primarily, and progress for Maine; and we need progress.

Just let me explain to you. There are twenty-seven states in the Unit-

ed States that do not have a foreclosure time limit. Maine falls into the category, and these are facts, I obtained this information from the Maine State Library. Maine falls into the category of twelve, twelve states in the Union now have a one year foreclosure law. Twenty-seven states in the Union have no foreclosure law at the time. Seven states have six. This is a very reasonable bill to say to reduce it, very reasonable.

Let's now look at the other side of the commercial field. We have our M I B A, and this M I B A is no bargain. Let's see how it has helped our economy in this state. The M I B A started with twenty million dollars, and this session of the legislature we made it forty million dollars, and each coming legislature they will increase this, where at a point some day in later years we're going to say to ourselves, "Did we help create this monster?" And God forbid the bubble should blow. Where does the M I B A get its money? Guaranteed by the State, you and you are the State, the taxpayers of Maine, and when they have financial problems the taxpayers of Maine are going to pay. I don't think this is good business. Are we enhancing socialism? Are we deploring free enterprise, the private enterprise system? The free enterprise system is what made America what it is, the greatest country in the world. But we don't encourage it here in Maine. We allow foolish antiquated laws, like the one which exists, to deny good solid legitimate banking houses from New York and Boston, deny them the opportunity of coming here because they will not be subjected to waiting eighteen months to know where their investment will take them. Time waits for no one.

When we consider the house of mortgage, First City National Bank, Irving Trust, State Street Trust in Boston, Shawmut National, these people are bulging with money, they have nothing but money to sell. They're going all over the world to sell it, in every continent, in every city, in every

country, but not in Maine, because we refuse to accept progress.

The Judiciary Committee sees no merit in this bill. When you deny a healthy, moving, stimulating economy with money, this is the most important ingredient in any economy, money, the international language, you can't do business without money, and we have a limited amount of that with your M I B A. And they are enjoying a nice piece of progress. They invest their money, they are guaranteed interest, and if anything goes wrong the people of Maine will pay for it.

Now you've seen these empty warehouses, commercial buildings that are up for speculation or what not. The M I B A holds the mortgage, fine, they're drawing interest all the time. But if a large financial institution in New York owned this property they would find means of disposing it. They do business all over the United States, from Maine to California, from the Dakotas to the Par. Handle, they see people everywhere, and all they have to sell is money, and if they are holding a mortgage they are not going to wait. The M I B A will call your DED and say we have an empty building, and they will call the Governor and say, what are we going to do with these buildings? And then we come up here to legislature and we start criticizing them, this fellow didn't do his job and that fellow didn't do his job. Why do the banks care? They are drawing interest all the time. But if a large financial institution was holding the mortgage they would find an avenue to dispose of this property because it's costing them money. It's the investors money that they've invested.

Let me say to you, I am not dreaming. Was it a dream ten years ago when John F. Kennedy said I want a new Boston? Was it a dream ten years ago when David Rockefeller suggested a Lincoln Center in New York? Was it a dream ten years ago when Mr. Hartford said Hartford needs a new center? Today they're real, they were put up with

private enterprise, private funds, not with MIBAs. These people sell money every day, but not in Maine, and as long as you continue to maintain these antiquated laws they will never come to Maine. And you will allow these small banks that we have here to decide how much progress Maine needs or should have, and they will be conservative for another hundred years if you allow this piece of legislation to be denied.

I can continue and talk on this for hours. You know how I'm going to vote and you all know how ten lawyers are going to vote. Now you stand and tell the people of Maine how you're going to vote, but let me warn you, if you vote against this bill, you vote against progress for Maine. If you vote against this bill, you vote against your children's future, and their children's future. If you vote against this bill, you vote against giving a poor man a chance for the first time in his life of owning a new home.

One more point I want to bring out. We have amongst us an obstructionist. Mr. Bussiere took it upon himself to circulate this small note, knocking financial institutions, the backbone of America. The only question I can ask him, does he own an apartment house? When the vote is taken, I request a division. Thank you.

The SPEAKER pro tem: The gentleman from Biddeford Mr. Truman, has moved that we substitute the bill for the report and the Chair recognizes the gentleman from Sanford Mr. Bernard.

Mr. BERNARD: Mr. Speaker and Members of the House: I'm not going to take a half an hour to tell you why this bill should be killed.

This bill came up in the Ninety-ninth session and was killed. This bill came up in the Hundredth session and it was killed. It was brought up in the Hundred and First, and I dare say some of them had their weakness and it was passed. In the special session of the One Hundredth Legislature we came back here and we

killed this bill once again. Now this bill is back in the Hundredth session. The first thing that Mr. Truman told you this morning, this is not a bankers bill. I haven't heard him say anything other than the banks and their money.

Now this piece of legislation gentlemen, would deny the right for any person who was sick, say for three to six months. They could lose their home in six months. This is very important. On the other hand, he claims that if this bill is stopping this is stopping people from buying homes, poor people from buying homes. I don't believe this. I've been a real estate broker for the last fifteen years. I have never yet heard a banker, ever heard a banker in the State of Maine, say that they wouldn't loan any money because of this bill.

Now when you buy a home the biggest question is, how much is your income? There isn't any question of how much the house is going to cost to build, what your payments are going to be, it's how much is your income?

Now as far as the FHA is concerned, your monthly payment on your home shall not be more than one week's salary. Again I think these statements that he has made are a complete disguise, in telling you that this is not a bankers bill. The only people in the State of Maine that will profit from this bill are the banks.

Ladies and gentlemen, I move that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The motion before the House now is the motion of the gentleman from Sanford, Mr. Bernard, that this bill be indefinitely postponed, and the Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House. In my humble opinion this bill is not germane to our industrial climate. Outside of the few industrial centers, Lewiston, Auburn, Biddeford, Saco and so forth, our industries are all seasonal, blueberries, potatoes,

apples, fish, farm produce, Christmas trees. Now if some of these people in business get into trouble I don't see how they can possibly recuperate their losses in six months. The powers that be in the halls of the State House would have you believe that the bankers would be very lenient. But that would be certainly a matter of personality. If they happen to be a little vindictive they could have the machinery set up and clamp on the foreclosure in six months.

Ladies and gentlemen, I certainly hope that the motion of the gentleman from Biddeford, Mr. Truman, does not prevail.

The SPEAKER pro tem: The Chair will recognize in the balcony of the House twenty-five students, senior students from Porter High School of Kezar Falls accompanied by their teacher, Mr. Carpentier and Mr. Weeks. These students are the guests of the gentleman from Denmark, Mr. Dunn. On behalf of the House the Chair welcomes you and hopes that your visit will be both educational and enjoyable. (Applause)

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I am somewhat reluctant to get up. I don't know whether I will have a ride home. I wholeheartedly agree with the gentleman from Ellsworth, Mr. Anderson. This bill is intended to — or rather I should say our present system is intended to provide certain safeguards for those people who are in seasonal business. I, to my knowledge, do not know of any bank who refuses to lend money because of our present mortgage system, our year of equitable redemption.

The Committee unanimously agreed that the savings institutions — your financial institutions had legal recourse in the event that they had an investment and it wasn't being protected. In that event they could always go in and

possess the house whoever had the possession. Thank you.

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

Mr. BUSSIÈRE: Mr. Speaker, Ladies and Gentlemen of the House. For the first time since January third I can't agree with my good friend from Biddeford, Mr. Harry S. Truman, and I intend to give him —. A few minutes ago Mr. Truman made the remark that this bill was not a lawyers bill, also not a bank bill, and made a remark that those who are going to vote against this bill are going to be voting against progress. And as far as Mr. Danton, if he doesn't get a ride home, I'll take him home. I know that this bill was defeated twice in the past four years for good reasons. For the same reasons as the way I see that bill and as far as being a bank bill, it is a bank bill, because we had bankers lobbying for this bill four years ago for six months and the same thing two years ago; and I'm not referring to anyone by name, but we have a certain gentleman who is doing the same thing this year.

I think this bill is a bad bill for the poor people who own small homes, who perhaps represent the entire life savings of those old people. Sometime during their lifetime they have to — it is their only resort, when they have perhaps to mortgage the home to pay for sickness or other things that might happen, and I know that the members of this House will see in the same direction that they did four years ago and two years ago and again this year they will defeat this bill. I hope that the motion that was made by the gentleman from Sanford, Mr. Bernard, will prevail.

The SPEAKER pro tem: The Chair will recognize the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Bussiere didn't answer the question if he owned an apartment house though. Now getting to Mr. Danton, lawyers sometimes only know the things

they want to know. Now they've become authorities in banking, and if we were discussing medicine they would have also a degree in medicine. This writ of possession is something easy to throw out. Can they prove once in the State of Maine where a bank has taken out or taken a piece of real estate by writ of possession? Never. If you take property by writ of possession then you must be accountable for the period of the foreclosure and if the wrong person should be in there or if anything should happen to this property, then whoever redeems the mortgage, he will come back and claim that certain damage and he can sue the bank, so writ of possession is out. It is not a common practice, it has never been in the State of Maine and I don't believe it is anywhere. There's no such thing as milkers like they have in some of these western states.

Imagine the legal profession could only get up and say writ of possession. They have nothing against this bill, there is nothing in this bill that's wrong. Let me read something to you. Governor George Romney of Michigan, I have the highest respect for him, as a business man, as a governor, on May fifteenth of this year Governor George Romney signed into law an act passed with bipartisan sponsorship reducing the redemption period to six months on mortgages after January 1, 1965.

These are progressive states. A person losing his house in six months has never happened. You are dealing with people. What are you trying to make these people out? You, I or anyone could be sitting in a position lending money. Insurance companies lend money. You wouldn't have the Prudential Center without insurance companies. It is not only banks. I cannot find one case where anyone was ever deprived of his home in such a short period as you would hear these authorities get up and speak. This person who claims he is a real estate broker, yet on his resume

it states he is an accountant. Now, what are they, all in everybody's business?

Let's be reasonable. No one has ever been deprived of his home in a short period of time. That is not true. Anyone that has equity in his home and he can't afford the payments, he can refinance it. The only ones that benefit by this are the people that finally, convincingly find an avenue, buy a home with a very small down deposit. And when they know that they are not going to continue to pay for this home, they'll ruin it. They'll tear the light fixtures out. They'll put this property in terrible condition. They will depress the market in the surrounding area. This existing law helps no one.

Can all these states be wrong and we be right? Just be reasonable. The banks in the State of Maine upon initiating foreclosure procedure have an average of seven and a half months after non-payment. Seven and a half months after non-payment. They don't want to go into the real estate business. Their business is selling money. They don't want to collect rents and deal with carpenters and plumbers. Thank you.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: First of all I would like to say that I would as a lawyer hesitate to compare checkbooks with my friend from Biddeford, Mr. Truman. Secondly, the committee which heard this bill is the Committee on Judiciary and I am sure that you have all become aware of the fact that one sure way to kill a bill on the floor of the House is to refer to it as a lawyer's bill. I don't think this is a lawyer's bill and I don't think that the report from the Committee on Judiciary was motivated in any way by considerations other than those which were pointed out by Mr. Anderson, the gentleman from Ellsworth.

You have a six month foreclosure period. You get into the situation where a fellow has a bad summer, a seasonal type business that has a bad summer, and let us say the foreclosure comes in October or November. You will have the final act of foreclosure under the proposed bill in six months which may very well work a very substantial hardship. If the fellow had a year, perhaps he could get out from under. This has been the law in Maine for a good long time. The bill has received careful consideration in previous sessions and as it has been pointed out, has been defeated.

I do not propose to tell you how to vote, but I do say that you must as the Committee on Judiciary did, balance the interest here in permitting people in the seasonal businesses sufficient time to get themselves out of a tough situation. The argument that the banks are going to be lenient with respect to a six month foreclosure period is somewhat unconvincing to me. I concur with the remarks made by the Chairman, the House Chairman of the Judiciary Committee, the gentleman from Old Orchard Beach, Mr. Danton, and I too would like to offer that gentleman a ride home in the event that this debate breaks a very fine friendship.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen: For a long while I have wondered why the small banks in my area were so willing to make personal loans and loans on automobiles and why it was so hard for them to get a loan to buy a house. But after listening to Mr. Truman this morning, I understand and I stand in support of Mr. Truman. I think this is a step towards progress.

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

Mr. BERNARD: Mr. Speaker, Members of the House: You have heard Mr. Truman a minute ago

state that in his biography I was an accountant. Now, he wants to know if I am a real estate broker. Well, if I am only in two businesses, ladies and gentlemen, I don't think that would be too bad. I would like to point out that Mr. Truman also made the accusation of the lawyers. Mr. Truman is in the liquor business, in the real estate business, in the manufacturing business, in the rendering business, in the motel business, and if I could stand here it would be a half hour telling you how many more businesses he was in. Ladies and gentlemen, you read the records of the last session. Read the records of the last session. This is a bad bill for the people of the State of Maine.

Now the last gentleman that got up and said that he was going to go along with Mr. Truman because he finally found out why the people couldn't buy homes. This is not a fact sir. Mr. Danton pointed out awhile ago. This has never come into a conversation between a banker and a real estate broker or any private person trying to sell their home. Again, I point out to you, it is their income, it is the income that they get per week that counts when it comes to buying a home. This has never had any bearing in real estate. Mr. Truman also quotes that he wants the poor people of the State of Maine to find out how he is voting. Ladies and gentlemen of the House, in order that the poor people find out how we vote here for their small mortgages I would like to see somebody move for a roll call on this bill.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I am not able to restrain myself from speaking in favor of this bill. However, I am well aware of the problem in overruling a committee report in the past Legislatures and probably it won't be effective this morning. However, if the members of the House would like to liberalize and perhaps have money flow more freely they would recognize some merit in the bill before us. This

may be a banker's bill, but my experience with banks—and believe me I have had as many mortgages probably on property as anyone here present. I have found the banks to be most liberal, but I would report to you here this morning that if we had a six months foreclosure time the banks would be much more liberal in loosening their money and flow into the economy of Maine.

If you will peruse this bill very carefully, you will still find that the mortgagor still has one year to redeem his property. The mortgagor or person claiming under him may redeem the mortgaged premises within six months after the first publication of service of the notice mentioned. This still gives the individual a full year to redeem his property. I do not feel that this is dangerous. I feel, and support the remarks made by the gentleman from Biddeford, Mr. Truman, that this will be most helpful to the laboring people in the State of Maine. I can sympathize with the committee report and as stated by the gentleman from Cumberland, Mr. Richardson, that should the mortgage fall due in October, a seasonal worker might find it difficult to refinance within the grace of six months period. However, perhaps he and the bank should know of the problem that he might have and not allow his mortgage to become due in October.

I have found bankers to be most reasonable and I would also inform those that do not know, and of course most of you do know, that the officers of the bank do not have the authority to foreclose. It must be voted by the Board of Directors of that bank and usually the directors are selected from areas in which the mortgagor may be living. And if there is a hardship for that particular person, arrangements are always made, and this had been my experience, arrangements can be made that he refinance or that he be given a grace period. Just because the law on the books says that it shall be foreclosed in six months and the law on the books today that it must be foreclosed in one year, it is invariably over-

looked, because mortgage after mortgage after mortgage is not foreclosed within the one year grace and I feel that this will be true with the bill before us. And I will reiterate that the mortgagor still may redeem his property six months after the notice being given which gives him a full year. I am sure that the officers and directors of any bank in the State of Maine would take into consideration the good risks that they do have and should they perhaps be a little late in payment a consideration will be given them.

I feel that this is a good bill. I felt it was a good bill two years ago and four years ago. I think that this will loosen up the money that is lying dormant in the banks not only in this state, but as Mr. Truman mentioned, in the banks outside of this state. I hope that you will not vote to indefinitely postpone the report and bill.

At this point, Speaker Childs returned to the rostrum.

SPEAKER CHILDS: The Chair thanks the gentleman from Madawaska, Mr. Levesque, for acting as Speaker pro tem and for his excellent performance. (Applause)

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

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

Mr. MILLS: Mr. Speaker, I move the previous question.

The **SPEAKER:** The gentleman from Eastport, Mr. Mills, moves the previous question. For the Chair to order the previous question it must have the expressed desire of one-third of the members present. All those in favor of the previous question will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The **SPEAKER:** Obviously more than one-third having arisen, the motion for the previous question is in order. The question before the House now is on the motion

of the gentleman from Sanford, Mr. Bernard, that this bill and its accompanying papers be indefinitely postponed. The question now is shall the main question be put, which is debatable for no more than five minutes and the merits of the bill are not debatable.

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

Mr. LIBHART: Mr. Speaker, speaking on the question of whether to limit debate. I am the sponsor of the bill and I would have liked to say at least a half a minute's worth.

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

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

Twelve having voted in the affirmative, and one hundred having voted in the negative, the motion did not prevail.

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

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the gentleman from Biddeford, Mr. Truman, to substitute the bill for the report. To me this is a good bill. It is a reasonable bill, which will open the door to many hundreds of our people in this state to owning their own home at last. To me this means a big boost in our state's economy. Thank you.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I think there are a couple of points here that at least induced me to present the bill that haven't been presented to us this morning. Very frequently our banks find themselves in a position where they have to sell mortgages out of state. When they find themselves in this position in order to meet the requirements of the banking laws to the percentage of invest-

ments in mortgages, they must find out of state purchasers. Out of state purchasers of mortgages are extremely reluctant to purchase Maine mortgages with a one year redemption period.

Second point, the same thing is true for out of state money coming in, not buying mortgage after they have been made by the banks, but initial money for mortgages. The same reasoning applies. The money can go to a state whether there are six months or no foreclosure periods, and it doesn't come to Maine.

Third point, the bill sets a floor on the foreclosure period six months. It does not set a maximum. Any farmer, any seasonal businessman, any person requiring for his purposes additional protection, may very simply write in the mortgage an extended period. A year, a year and a half, two years, whatever he may need. This doesn't prevent anyone from getting a longer period, it does allow everyone to have a shorter period if it's so desired.

And the fourth point. Who owns the banks in the State of Maine who do real estate mortgaging? They are savings banks, they are owned by small depositors. People with money don't keep their money in banks, they keep it invested in securities and what have you. These banks are owned by the people, the little people. This bill, if it is a bankers bill, and I disagree with that. It is not a bankers bill, it is a little man's bill; but if it must be labeled that also remember that these banks that are doing this type of financing are owned by the little people. The final point, I hope you folks will not vote in accordance with the personalities involved. I was sorry to see this debate get involved in personalities, please vote on the merits.

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

Mr. GILLAN: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Judiciary Committee that voted against the bill, my opposition stems not from savings banks, or

banks holding the first mortgage or mortgages but from the many second mortgages that are on property in the state, held by finance companies, small loan agencies, private individuals, out of state finance companies, and a second mortgage foreclosed forecloses the owners right just as much as the first. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Fal-mouth, Mr. Payson.

Mr. PAYSON: Mr. Speaker, Ladies and Gentlemen: I may approach this thing from the wrong end, I don't know. But the dis-creditable way that credit is ex-tended today, the working man can buy a diamond ring for his lady's fourth finger, a wedding band to go with it, he can probably get a honeymoon, if he's lucky. He can get married without put-ting up anything except dollars for the license. I do not believe that you are doing him a favor by let-ting him go further and further and further into debt when he cannot pay on his mortgage, until he finally ends up in bankruptcy court. And if you've ever been to a bankruptcy court session you know it's a pretty sad spectacle. I move that we substitute the bill for the report.

The SPEAKER: Is the House ready for the question? The ques-tion before the House is the motion of the gentleman from Sanford, Mr. Bernard, that this bill and its accompanying papers be indef-initely postponed and the Chair will order a division.

All those in favor of this Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure," House Paper 137, L. D. 333, and its accompanying papers being in-definitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy having voted in the af-firmative and fifty - five having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

Resolve, Proposing an Amend-ment to the Constitution Relating to Bond Issues to be Voted Upon by the People. (H. P. 612) (L. D. 804) (H. "A" H-225)

Tabled—April 29, by Mr. Le-vesque of Madawaska.

Pending—Final Passage. (Spe-cially assigned for Thursday, May 6th)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House be-ing necessary, a division was had. 85 voted in favor of same and 43 against.

The SPEAKER: Eighty - four having voted in the affirmative and forty-three having voted in the negative, the Chair will vote in the affirmative, eighty-five be-ing a two-thirds vote, this Resolve receives final passage.

Thereupon, the Resolve was signed by the Speaker and sent to the Senate.

On motion of Mr. Levesque of Madawaska,

Recessed until two o'clock this afternoon.

After Recess 2:00 P. M.

The House was called to order by Speaker Childs.

The SPEAKER: We will return to the eighth Unfinished Business on your calendar which was a Resolve, Proposing Amendment to the Constitution Relating to Bond Issues to be Voted Upon by the People, H. P. 612, L. D. 804. The vote was eighty-five voted in the affirmative and forty-three voted in the negative, and the Chair ruled that eighty-five was a suf-ficient number, being two-thirds of one hundred and twenty-eight.

At the recess, the Chair read some recent decisions and in order for it to be a two-thirds vote, it must be at least twice the negative, so the Chair will now rule that eighty-five was not a sufficient number, and this Constitutional

Amendment fails to receive passage.

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

Mr. BERRY: Mr. Speaker, I move we reconsider our action whereby this Resolve failed of passage, and I now move that this lie upon the table until later in the day.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, now moves that we reconsider our action whereby this failed to receive passage and he now moves that this matter lie upon the table until later in today's session pending further consideration. Is this the pleasure of the House?

The motion prevailed.

The Chair laid before the House the matter tabled earlier in today's session and made a special order of business for 2:00 o'clock this afternoon:

Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act relating to Sunday Sale of Liquor" (H. P. 524) (L. D. 698) reporting same in a new draft (H. P. 1118) (L. D. 1525) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. Faloon of Penobscot, Jacques of Androscoggin—of the Senate.

Messrs. Faucher of Solon, Roy of Winslow, Bernard of Sanford, Lund of Augusta, Cote of Lewiston—of the House.

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

Report was signed by the following members:

Messrs. Meisner of Dover-Foxcroft, Haynes of Camden—of the House.

On motion of Mr. Lent of Scarborough, the Majority "Ought to pass" Report was accepted, the New Draft read twice and tomorrow assigned for third reading.

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

DIVIDED REPORT — Majority (9) — "Ought not to pass" — Mi-

nority (1) — "Ought to pass" — Committee on Legal Affairs on Bill, "An Act relating to Operation of Retail Stores on Sundays and Certain Holidays." (H. P. 745) (L. D. 982)

Tabled—April 30, by Mr. Erwin of York.

Pending—Motion of Mr. Boissonneau of Westbrook to accept Majority "Ought not to pass" Report. (Specially assigned for Thursday, May 6th)

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I shouldn't have too much trouble with this going my own way today after the last vote.

I have prepared and distributed an amendment; if this motion does not prevail, I would offer this amendment. I would now like to discuss the amendment with you.

Regarding the bill as the law as a whole as it is, I will review the exemptions, taxicab drivers, those driving airplanes, newspapers, anything to do with newspapers, radio, television stations, motels, hotels, rooming houses, tourists trailer camps, restaurants, garages, motor vehicle stations, retail monument dealers, automatic laundries, drugstores, greenhouses, seasonal stands engaged in the sale of farm produce, dairy products, seafood or Christmas trees, public utilities, industries normally kept in continuous operation including but not limited to pulp and paper plants and textile plants, processing plants handling agriculture produce and products of the sea, ship chandleries, marinas, establishments primarily selling boats or boating equipment, sporting equipment, souvenirs, novelties, motion picture theaters, sports and athletic events, musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; real estate brokers and real estate salesmen. Now, this

takes in as we have properly analyzed, fifty percent of the population of the State of Maine. Then we go down to the area of square footage and number of employees and this takes in another forty percent of the citizens of the State of Maine. So, therefore, the law that is on the books now only pertains to ten percent of the population of the State of Maine.

I would remind you of the House that during the 101st Legislature this matter had the floor and it was defeated several times. I happened to be here and watched it through the process. In the final analysis, nearly the last night of the session this measure passed. Let me tell you good people of the House that I believe that this measure was in the nature of a swap and that's the only way that it got through this branch. I would hope that the amendment offered to include food, clothing and shelter, which by all measurements of good judgment are certainly things of necessity and much more of necessity than it would be to buy a boat or a motor or to engage in many of the other exemptions now under this law. I realize that the last time around on a previous measure you voted to let sleeping dogs lie so to speak.

I have since talked with a great many in the House. The answer seems to be, I don't like it, it is not right, it is unconstitutional, but I had to vote for it. I will leave this to your own judgment. I hope that the prevailing motion does not go and I have an opportunity to offer this amendment. Thank you.

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

Mr. Farrington of China requested a roll call.

The SPEAKER: The gentleman from China, Mr. Farrington, requests that when the vote be 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.

An insufficient number arose.

The SPEAKER: Obviously less than one-fifth having arisen, the yeas and nays are not in order.

Mr. Farrington of China requested a division.

The SPEAKER: The gentleman from China, Mr. Farrington, requests a division. All those in favor of accepting the Majority "Ought not to pass" Report will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-five having voted in the affirmative, and forty-six having voted in the negative, the motion prevailed.

Sent up for concurrence.

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

Resolve, Providing Increase in Retirement Allowance for Fred G. Smith of Ellsworth. (H. P. 1060) (L. D. 1435)

Tabled—April 30, by Mr. Anderson of Ellsworth.

Pending—Passage to Engrossed. (Specially assigned for Thursday, May 6th)

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I move to suspend the rules for the purpose of reconsideration.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett, now moves that the rules be suspended. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The gentleman may proceed.

Mr. CROMMETT: Mr. Speaker, I now move that we reconsider our action of April 2 whereby we accepted the "ought to pass" report in new draft.

The SPEAKER: Does the gentleman mean where we passed it to be engrossed?

The gentleman from Millinocket, Mr. Crommett, moves that we reconsider our action whereby we accepted the "Ought to pass" in New Draft Committee Report. Is this the pleasure of the House?

The motion prevailed.

Mr. CROMMETT: Mr. Speaker, I now move to substitute the original resolve L. D. 316, "Resolve Providing Increase in Retirement Allowance for Certain Retired Fish and Game Wardens" for the report.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett, now moves that we substitute the Resolve for the report. Is this the pleasure of the House?

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

Mr. GAUDREAU: Mr. Speaker, Members of the House: In the absence of the House Chairman of the Committee on Retirements and Pensions, I feel I must explain the committee's viewpoint on this bill. The committee felt that with L. D. 675 this would give these retired wardens a good raise. We amended this for Fred G. Smith alone because his pension now is twenty-seven dollars and this 675 would give him forty-eight percent raise which would only make it about forty dollars. So, the committee felt that by raising his to seventy that he would be the lowest one on the retired wardens. Now, with 675 some of these wardens are going to be up to a hundred and thirty-two dollars and the lowest one would be that one that is seventy dollars. Now, the reason the committee felt this way is that these wardens, some of them have limited time into the Department of Inland Fisheries and Game. Some of them have probably twenty-five years, others have fourteen to fifteen years, and they did not feel that it was fair that everybody should have a hundred dollars. So, this is the reason that I am explaining why the committee put this in as a new draft and felt that the L. D. 675 would take care of all the others except Fred G. Smith. Thank you.

The SPEAKER: The question before the House is that we substitute the Resolve for the report.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: The Fish and Game Department have recognized their responsibilities and have agreed that it is their responsibility to take care of their own. This bill was introduced in the 101st Legislature. It had passed both branches, defeated by one man who objected to the Fish and Game Department paying this amount of money. At that time it was estimated that it would cost around thirty-three thousand dollars for the duration of the need. Today, four of the original men under the bill have died. Today, one of the men listed here is on his deathbed. This is an emergency measure and time is running out. It is thought—the original bill was to equalize the pay to bring them all up to one hundred dollars.

Speaking of the time and what I call the slide rule boys who work in percentage, worked along all right in that way, but these men have been retired for eleven to twenty years on a small pension and prepared for you and on your desks the other day is the date of birth, their age, date retired, years retired and the present amount and the physical condition.

Now, L. D. 316, the original bill will give these retired game wardens one hundred dollars. The L. D. 675 which is the new draft now 1509 will increase their retirement benefits forty-eight percent and you have the figures before you. There are only three that will get over a hundred dollars. One of these men cannot afford to wait to get this increase. This is an emergency measure and he should get the hundred dollars now rather than take a chance on getting a hundred twenty-six ninety days after Legislature adjourns. So, I would urge you to take this into consideration, that these men are old, they are fee-

ble and they are sick and they have waited ever since the 101st Legislature for this measure to be passed.

And you will note here the number of years retired. Regardless of the amount of money that they have paid into the retirement system eleven have —take the top of the list, eleven, eighteen, eighteen, seventeen, fourteen, number of years on this picayunish amount of money. The only thing that we could do here is to grant this amount of money to these retired game wardens.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I can't add anything to what the gentleman from Millinocket, Mr. Crommett has said, but I heartily concur with him.

The SPEAKER: The question before the House is that we substitute the original resolve for the Report. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Resolve was read once.

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

Mr. CROMMETT: Mr. Speaker, I now move for the suspension of the rules and give the Resolve its second reading and send it forthwith to the Senate.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett, now moves that the rules be suspended and this Resolve be given its second reading. Is this the pleasure of the House?

The motion prevailed.

Thereupon the Resolve was given its second reading and by unanimous consent sent forthwith to the Senate.

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

Bill, "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$6,000,000 Bonds of the State of Maine for the Financing Thereof." (H.

P. 264) (L. D. 346) (C. "A" H-166)

Tabled—April 30, by Mr. Jalbert of Lewiston.

Pending—Motion of Mr. Graham of Freeport to Indefinitely Postpone Committee Amendment "A". (Specially assigned for Thursday, May 6th)

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

Mr. JALBERT: Mr. Speaker, Members of the House: This measure is the one that calls for the issuance of bonds not exceeding six million dollars for the State of Maine and the financing thereof. The Appropriations Committee went along with this wholeheartedly and unanimously. However, it amended the bill with the Committee Amendment which calls, it amends in section eight and adds the following: "upon the approval of the director of Public Improvements" which is what you did on the general University of Maine program by refusing to have them get out of the program last week. So, on the basis of that, I do hope that you will not go along with the motion to indefinitely postpone the amendment, so then I will make a motion that the amendment be adopted.

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

Mr. PIKE: Mr. Speaker, Members of the House: I realize that this cause is lost. I still disagree with the oversight and kibitzing of the Bureau of Public Improvements in general and particularly on this bond issue. I hope that the motion for indefinite postponement will prevail, but I am afraid that it won't.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Freeport, Mr. Graham, that Committee Amendment "A" be indefinitely postponed. All those in favor of Committee Amendment "A" being indefinitely postponed will say 'aye'; all those opposed will say no.

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

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

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

Bill, "An Act Authorizing Public Utilities Commission to Require the Interchange of Electric Energy." (H. P. 846) (L. D. 1147) (H. "A" H-264)

Tabled—May 4, by Mr. Mills of Eastport.

Pending—Motion of Mr. Erwin of York that the House adhere.

(In Senate, Passed to be Engrossed without Amendment)

(Specially assigned for Thursday, May 6th.)

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

Mr. PIKE: Mr. Speaker, Ladies and Gentlemen of the House: This is not a life and death matter. It seemed a very reasonable thing to extend the authorization of the Public Utilities Commission to cover things that might happen. I feel at the moment and I will so move that we recede and concur with the Senate.

The SPEAKER: The question before the House now, is the motion of the gentleman from Lubec, Mr. Pike, that we recede and concur with the Senate.

The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker, Ladies and Gentlemen of the House: Knowing that Mr. Erwin is absent today, I would appreciate it very much if someone would table this item, or retable it until May 19.

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

Mr. PENDERGAST: Mr. Speaker, I move that this item lie upon the table until May 19.

The SPEAKER: The gentleman from Kennebunkport, Mr. Pendergast, now moves that this matter lie upon the table assigned for May 19, pending the motion of the gentleman from Lubec, Mr. Pike, that we recede and concur with the Senate.

Mr. Mills of Eastport requested a division.

The SPEAKER: The gentleman from Eastport, Mr. Mills, requests a division. All those in favor of this matter lying upon the table assigned for May 19 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 having voted in the negative, the motion prevailed.

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

Bill, "An Act to Clarify the Motor Vehicle Laws." (H. P. 1093) (L. D. 1489) (S. "A" S-165)

Tabled—May 4, by Mr. Dickinson of Mars Hill.

Pending—Motion of Mr. Beane of Moscow to Recede and Concur. (In Senate, Passed to be Engrossed as Amended by Senate Amendment "A.") (Specially assigned for Thursday, May 6th)

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

Mrs. RUBY: Mr. Speaker, Members of the House: I move that we recede from our former action whereby this bill was passed to be engrossed. And I offer House Amendment "A" and move that it be adopted.

The SPEAKER: In order for the gentlewoman to put her motion to recede, the gentleman from Moscow, Mr. Beane, will have to withdraw his motion to recede and concur. Does the gentleman from Moscow desire to withdraw his motion?

The Chair recognizes the gentleman from Moscow, Mr. Beane.

Mr. BEANE: Mr. Speaker, whereas there is another bill on page 12, the 21st unfinished business, that will completely take care of this bill I refuse to withdraw my motion.

The SPEAKER: The question before the House is on the motion of the gentleman from Moscow, Mr. Beane, that we recede and concur with the Senate. Is this the pleasure of the House that

we recede and concur with the Senate?

All those in favor of receding and concurring with the Senate will say aye; those opposed will say no.

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

Eighty-two having voted in the affirmative and twenty-four having voted in the negative, the motion prevailed.

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

Resolve, Appropriating Moneys for Location of Vocational Educational Institute in Kennebec County (H. P. 1097) (L. D. 1494)

Tabled—May 4, by Mr. Fortier of Waterville.

Pending—Passage to be Engrossed. (Specially assigned for Thursday, May 6th)

Mr. Hunter of Clinton offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1097, L. D. 1494, Resolve, Appropriating Moneys for Location of Vocational Educational Institute in Kennebec County.

Amend said Resolve in the Title by striking out the words "Kennebec County" and inserting in place thereof the words 'Northern Kennebec County or Southern Somerset County'

Further amend said Resolve in the 3d line by striking out the words "Kennebec County" and inserting in place thereof the words 'Northern Kennebec County or Southern Somerset County'

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

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

HOUSE REPORT—"Ought not to pass" — Committee on Appropriations and Financial Affairs on Resolve, Appropriating Funds for Regional Airport to Service Au-

gusta, Waterville and Surrounding Areas. (H. P. 307) (L. D. 410)

Tabled—May 5, by Mr. Conley of Portland.

Pending—Acceptance. (Specially assigned for Thursday, May 6th)

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

Mr. ROY: Mr. Speaker, I move we substitute the Resolve for the Committee Report.

The SPEAKER: The gentleman from Winslow, Mr. Roy, now moves to substitute the Resolve for the "Ought not to pass" Report. Is it the pleasure of the House that we substitute the Resolve for the Report? All those in favor of substituting the Resolve for the Report will say aye; those opposed, no.

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

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

Mr. Roy of Winslow requested a division.

The SPEAKER: A division has been requested. All those in favor of the acceptance of the "Ought not to pass" Report will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and five having voted in the affirmative and twelve having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

DIVIDED REPORT — Majority (9) — Committee on Inland Fisheries and Game on Bill, "An Act Providing for Adequate Fishways in Dams." (H. P. 225) (L. D. 292) reporting same in New Draft (H. P. 1108) (L. D. 1514) under same title, and that it "Ought to pass"—Minority (1) — "Ought not to pass"

Tabled — May 5, by Mr. Libhart of Brewer.

Pending — Motion of Mr. Lund of Augusta to Indefinitely Postpone

Reports and Bill. (Specially assigned for Thursday, May 6th)

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

Mr. LIBHART: Mr. Speaker, I offer House Amendment "A" — I will defer.

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

Mr. LUND: Mr. Speaker, I withdraw my motion to indefinitely postpone.

The SPEAKER: The gentleman from Augusta, Mr. Lund, now withdraws his motion. The gentleman from Brewer may proceed.

Mr. LIBHART: Mr. Speaker, I move we accept the "Ought to pass" Report.

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

The Chair recognizes the gentleman from Moscow, Mr. Beane.

Mr. BEANE: Mr. Speaker, Ladies and Gentlemen of this House:

I think you'll all agree that up to the present time I haven't been the longest or the loudest talking member of this House and I don't intend to change at this late date.

But I don't intend to sit here and let this House pass legislation which I believe is bad for every fisherman in this State and bad for our Fish & Game Department if I can prevent it.

This new draft L. D. 1514 is as bad as the original bill and if you don't know what was in the original bill which was L. D. 292 let me read you a little piece of it. It says: "Sec. 2201-A. Adequate fishways in dams; procedure. Any dam or other obstruction erected or maintained on any river, stream or brook in the State, without an adequate fishway or fishways, or, having a fishway inoperative because of faulty construction, improper location or inadequate water flow so as to obstruct the passage of fish, is declared to be a nuisance, and the Commissioner of Inland Fisheries and Game is directed to abate the same by the

destruction of such dam or obstruction unless,"

After we get the Commissioner all set with some dynamite sticking out of every pocket and he's already to stick 'em under the dam, this original bill says he don't have to do it if the fella that owns the dam will give him a bond twice as big as the estimated cost of a fishway and agree to build it within a year.

Well — I'm not going to take your time to read the rest of the nonsense in this bill for even the Committee couldn't stand it.

However, instead of throwing the thing out the window they brought out this new draft which goes off in another direction but doesn't accomplish one darn thing except to get the department in a peck of trouble and a lot of expense.

Now this new draft is tacked right on to the end of the present law so I'm going to read you the present law which is short and sweet and right to the point.

"Section 13. Construction of fishways and repairs thereto repealed. Whenever the Commissioner shall deem it expedient he may require a fishway to be provided, erected, maintained, repaired or altered by the owners or occupants of any dam or any other artificial construction above tidewater, and any inland waters frequented by salmon, landlocked salmon, shad, alewives or other migrative fish."

Now I think you'll all agree that there's no foolin' around under this law. Nobody has to go around getting petitions signed and the Department doesn't have to spend all its time holding hearings all over the countryside. No sir — if the Commissioner, after getting sound scientific advice from his men in the field believes that the interests of fishing and fish propagation would best be served by putting a fishway in a certain dam or dams, he has the authority to order it done.

To prove to you that this simple but direct law has worked over the years and will continue to work without a lot of foolish amend-

ments, I asked the Department to supply me with a list of fishways built, fishways improved, dams removed and so forth in the last few years. I've had a copy placed on your desks and I don't know what further evidence you would need to convince you that the present law is all we need.

In fact, about 98% of all the projects on this long list was done without the Commissioner having to use the force of law to get the work done. In other words, the companies who owned these dams, fishways and what have you, gave their full cooperation to the Department voluntarily.

And this is my real reason for opposing any change in this law for any company, or any person for that matter has a legal right to refuse to comply with an order of the Commissioner to build a fishway, remove a dam or anything else that had to do with their property and the Commissioner would have to prove that the thing he wanted done was in the interest of public convenience and necessity.

This would mean long delays in getting things done with the possibility that the Department might get a "lickin" in Court and nothing would be done.

It seems to me that it's always better to get things done willingly than to have to fight to get them done and with all due respect to the attorneys who are members of this House, I have to say that the only ones who ever came out ahead in a lawsuit were the lawyers.

This is the longest speech I've made in this session or any other session that I've been here and I'm going to sit down after I make three points which won't take more than three minutes.

1. The Fish & Game Department believes it has all the law necessary to do the things it needs to do plus the full cooperation of industry.

2. There is no demand whatsoever for any change in the law and the proof is the fact that only one person, who was the real sponsor of this bill, appeared as a proponent at the hearing.

3. And last but not least, you can be sure that the organized sportsmen would have been here in droves to support the legislation if they thought it was needed.

I thank you for your kindness and I hope the motion to accept the majority "ought to pass" report does not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Brewer, Mr. Libhart, that we accept the Majority "Ought to pass" Report. All those in favor will say aye; those opposed, no.

A viva voce vote was doubted.

Mr. Martin of Eagle Lake requested a division.

The SPEAKER: A division has been requested. All those in favor of the acceptance of the Majority "Ought to pass" Report on Bill "An Act Providing for Adequate Fishways in Dams," in new draft H. P. 1108, L. D. 1514 will please 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-seven having voted in the negative, the motion did not prevail.

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

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

COMMUNICATION from Attorney General Relative to Study of Remarks of Representative Lane.

Tabled—May 5, by Mr. Anderson of Orono.

Pending—Reproduction. (Specially assigned for Thursday, May 6th)

Thereupon, the Communication was received and ordered placed on file.

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

DIVIDED REPORT—Majority (7) "Ought to pass" as amended by Committee Amendment "A"—Minority (3)—"Ought not to pass"—Committee on Taxation on Bill, "An Act Repealing Certain Exemptions from Sales

Tax." (H. P. 1007) (L. D. 1339)
(C. "A" H-285)

Tabled—May 5, by Mr. Levesque of Madawaska.

Pending—Acceptance of Either Report. (Specially assigned for Thursday, May 6th)

On motion of Mr. Levesque of Madawaska, retabled pending acceptance of either report and specially assigned for Wednesday, May 19.

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

Resolve, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (S. P. 221) (L. D. 680)

Tabled—May 5, by Mr. Anderson of Ellsworth.

Pending—Final passage. (Specially assigned for Thursday, May 6th)

On motion of Mr. Jalbert of Lewiston, retabled pending final passage and specially assigned for Wednesday, May 19.

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

Bill, "An Act Providing for a Presidential Preference Primary." (H. P. 1015) (L. D. 1378)

Tabled—April 23, by Mr. Jalbert of Lewiston.

Pending—Passage to be Engrossed. (Specially assigned for Friday, May 7th)

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I now move this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that the bill and its accompanying papers be indefinitely postponed.

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

Mr. ROSS: Mr. Speaker and Members of the House: I debated this bill once at some length and

this afternoon I most certainly will be brief.

I sincerely believe that this is a way that we in the State of Maine can recoup a little publicity that we lost a few years ago when we changed the date of our general election from September to November. But aside from this, I have two other reasons why I favor this proposed legislation.

First of all, I believe that it would be very good for business without a large cost to the state or to any community or without raising any moral issues as the Sunday sale legislation purports to do. I understand that in our neighboring State of New Hampshire there are certain restaurants and motels who claim that they did a great deal more business the few weeks prior to their presidential primary than the rest of the year put together.

But the second reason that I favor this is because I believe it concerns voter participation and fairness to the voters of the State of Maine. I believe that this gives the people a greater measure of control in selecting their two top officials and not just a select group, and I think this is the way things should be done in our democratic way of life. This primary, as we suggested, would not bind the delegates to National Conventions, but it would permit the delegates to vote with more confidence as long as the state's winner was in contention, and I certainly oppose the motion to indefinitely postpone, and I move that when the vote is taken that it be taken by the yeas and nays.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: Usually in many instances the judgment of our friend from Bath, Mr. Ross and my own has coincided, but I am going to vote against this and I am going to explain why, to justify my voting perhaps.

I think our whole election procedures are in flux. I think that our late President, Mr. Kennedy, realized it; he realized the problems about it; he realized the ex-

pense of conducting these elections, and changes are in the offing. I can realize the publicity value that we get from anything that puts our State's name in the paper, but sometimes publicity is questionable, and it is not sometimes intelligent just to do things to seek publicity. I think the great trend is against state primaries in presidential elections. We see how our candidates are forced to travel to these different states, and the trend I think and the thinking of political scientists is to make some changes here.

I readily admit that the primaries have served purposes in the past, but I think this is the time to put a brake on them and do some re-evaluation and think about readjusting our whole election process, and that's the reason I am going to vote against this bill.

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

Mr. SULLIVAN: Mr. Speaker and Members of the Legislature: I am afraid my good friend from Portland, that very able educator, I am afraid when he refers to John Fitzgerald Kennedy that he has misinterpreted what John Fitzgerald Kennedy stood for. John Fitzgerald Kennedy on the presidential primary in the first two states and particularly in West Virginia, that was what put him on the road to the presidency. I am for a presidential primary. In addition, Mr. Ross made some very — what's that word, Ross?

The SPEAKER: The House will be in order.

Mr. SULLIVAN: He made some very fine comments. It is about time the people had a chance to vote for what they want.

Again, there was a time in this state when you couldn't vote for a senator. They wanted to go behind closed doors and the chosen few to select a candidate, so I am for a presidential primary. Thank you.

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

Mr. JALBERT: Mr. Speaker, I might make a comment to my

very good friend from Portland, Mr. Sullivan, concerning my very dear friend from Bath, Mr. Ross, that there are times when he has not been so willing to let the people vote on matters.

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

Mr. PIKE: Mr. Speaker, I don't know whether this is good or bad, but I remember having been a delegate to the convention of the minority party last year, and sat with a good many of the New Hampshire boys — I was going to say boys and girls, but they had no girls in their delegation, and they were acutely embarrassed, they were instructed to vote for a man who wasn't even a candidate, and had not been a candidate and never was a candidate, and they didn't think very highly of this whole business of presidential primaries.

Now it is very wonderful to fill your motels in January and February and March and make people traipse through the snow and those who have money spend it and those who don't have money spend energy, all in this case to no purpose whatsoever. There is a wonderful aura that hangs around this business of a presidential primary, but to me I must confess that they represent something like the carnival, the side show outside the main tent, and I don't think I'll go along.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I am going to support the viewpoint of the gentleman from Portland, Mr. Cottrell, and vote against this bill, and I think it is not a matter that we should pass off lightly, but one which is of importance not only to the State of Maine but to this Country.

I think the purpose of our elections and our election procedures ought not to be to publicize the State of Maine to generate business for our restaurants and motels but to provide an orderly way for selecting the people who are going

to represent us in our government. And I think as stated by Mr. Cottrell there is a growing trend among students of the legislative process and the government process which is critical of the procedure we are presently seeing in this country, that of having our presidential candidates wear themselves out physically and mentally and spend their time traipsing from one state to another in order to try to make a successful showing in a popularity poll. I for one do not want to be part of joining Maine in this procedure and I therefore will vote against the bill.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, that this Bill "An Act Providing for a Presidential Preference Primary," H. P. 1015, L. D. 1378 be indefinitely postponed. The gentleman from Bath, Mr. Ross, has requested that when the vote be taken, 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 yeas and nays will please rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

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

Mr. Levesque of Madawaska requested a division.

The SPEAKER: A division has been requested. All those in favor of the indefinite postponement of this bill and its accompanying papers will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Sent up for concurrence.

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

Mrs. RUBY: Mr. Speaker, Ladies and Gentlemen of the House: I

would like to move that we recede from our former action whereby L. D. 1489, Bill "An Act to Clarify the Motor Vehicle Laws" was passed to be engrossed and I would like the privilege of explaining the amendment.

The SPEAKER: The gentlewoman from Bangor, Mrs. Ruby, now moves we reconsider our action whereby on the thirteenth item of unfinished business today we receded and concurred with the Senate.

The gentlewoman may proceed.

Mrs. RUBY: Mr. Speaker, the Maine State Police govern all inspection stations and all inspection mechanics. They have a set of rules and regulations. However, they do not have a law behind it that will back them up in case of any mechanic who does not properly inspect a vehicle. They would like to bring these people who are not doing a good job with inspections before the Commission and have them prove why they should not have their inspection sticker defaulted or their mechanic's license taken away from them.

Now I have two reports on my desk, and I will get them reproduced, that show where because of an improper inspection six children almost died in an automobile because the exhaust system was not properly inspected. Now all this amendment will do is take these people who are not inspecting properly, who are endangering our lives, and give them a law behind it so that they can prosecute. As it is now nothing can be done. If these people aren't doing the right job, the State Police have nothing that will back them up so that they can take this license away. Now are we going to allow these vehicles on the road simply because a mechanic wants that dollar bill and doesn't want to properly inspect?

The SPEAKER: The question before the House is on the motion of the gentlewoman from Bangor, Mrs. Ruby, that we reconsider our action whereby we receded and concurred with the Senate. Is this the pleasure of the House? All those in favor of reconsider-

ing our action whereby we receded and concurred with the Senate will say aye; those opposed, no.

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

The SPEAKER: The question now before the House is the motion of the gentlewoman from Bangor, Mrs. Ruby, who moves we recede from our former action whereby this bill was passed to be engrossed on April 27.

Mr. Binnette of Old Town requested a division.

The SPEAKER: A division has been requested. All those in favor of reconsidering our action whereby this bill was passed to be engrossed 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 twenty-four having voted in the negative, the motion did prevail.

Mrs. Ruby of Bangor offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1093, L. D. 1489, Bill, "An Act to Clarify the Motor Vehicle Laws."

Amend said Bill by inserting after section 5 the following new section:

"Sec. 6, R. S., T. 29, Sec. 2124, amended. The next to the last paragraph of section 2124 of Title 29 of the Revised Statutes is amended to read as follows:

'After hearing, as provided in Title 5, chapters 301 to 307, the Administrative Hearing Commissioner may suspend or revoke the license issued to any official inspection station or the certificate issued to any inspection mechanic, or both such license and certificate.' "

Further amend said Bill by renumbering sections 6 and 7 to be sections 7 and 8.

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would be opposed to the adoption of this amendment because I think it covers so much ground it should be in the form of a bill, and presented to a proper committee and heard so that the many people involved could be heard. As far as I am concerned, there is adequate law to take care of this now. I am sure that it is easy to take away a man's license if he isn't properly inspecting automobiles at the present time, regardless of what was said here, and when you take a step as big as this amendment it certainly should be heard before a committee and have a committee report and we will decide from there, so I move that the amendment is not accepted.

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

Mr. BENSON: Mr. Speaker, I would like to pose a question through the Chair to the gentlewoman from Bangor, Mrs. Ruby, if I might. In this amendment it says, and I quote: "After hearing, as provided in Title 5, chapters 301 to 307, the Administrative Hearing Commissioner may suspend or revoke the license issued to any official inspection station or the certificate issued to any inspection mechanic, or both such license and certificate." The question is, who issues this license and these certificates in the first place?

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, poses a question to the gentlewoman from Bangor, Mrs. Ruby, who may answer if she so desires.

Mrs. RUBY: Mr. Speaker, in answer to the gentleman, I am not sure who does issue them. I do know that they are governed, the inspection stations and the mechanics are governed through the State Police, and if they have an improper inspector or mechanic, they have no law behind them that says that they may bring them before the Commis-

sion to be heard. I have two cases in front of me where they should have had their licenses revoked, but because there is no law behind them nothing can be done about it.

I talked this over with the County Attorney's Office and everything is fine with them and they supported this one hundred percent, they said the State Police definitely should have a few teeth in this.

On motion of Mr. Birt of East Millinocket, tabled pending the adoption of House Amendment "A" and specially assigned for Wednesday, May 12.

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

HOUSE REPORT—"Ought not to pass" — Committee on Transportation on Bill, "An Act relating to Temporary Number Plates for Dealers of Camp and House Trailers." (H. P. 573) (L. D. 743)

Tabled—April 28, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Beane of Moscow to accept "Ought not to pass" Report. (Specially assigned for Friday, May 7th)

On motion of Mr. Beane of Moscow, retabled pending his motion and specially assigned for Wednesday, May 12.

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

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

Tabled—April 29, by Mr. Richardson of Cumberland.

Pending — Passage to be Engrossed. (Specially assigned for Friday, May 7th)

Mr. Richardson of Cumberland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 417, L. D. 1312, Bill, "An Act Relating to Costs and Attorney's Fees Under Workmen's Compensation Law."

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

"Fees of attorneys and physicians and charges of hospitals for services under this Title shall be subject to the approval of the commission. If the insurer and any physician or hospital, or the employee and any attorney, fail to agree as to the amount to be paid for such services, either party may notify the commission, which may thereunder assign the case for hearing by a member thereof. The member shall report the facts to the commission for decision, and the decision shall be enforceable under this subchapter."

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Members of the House: The amendment which I have prepared is a virtually verbatim restatement of the law which is in effect in Massachusetts and has been in effect in Massachusetts with respect to workmen's compensation attorney's fees. If you will look at the amendment, it simply provides that in the event that there is a dispute between the insurer and any physician or hospital about attorney's fees or about fees rather for medical or other related services, the Industrial Accident Commission has the right to review the matter and decide what a fair fee is. And it also provides that in the event that there is a dispute between an employee and his attorney as to how much the attorney's fee should be, that in that instance also the Industrial Accident Commission can review the matter and set the amount of the fee.

Now under our present law and our present method of operating, the Industrial Accident Commission does undertake on occasion to decide what represents a fair, just reasonable attorney's fee for an attorney who is representing an employee.

I submit that the amendment would merely, in effect, clarify the existing law. I am opposed, as you know, to requiring the employer to pay the employee's attorney's

fee. I believe it is contrary to the spirit of the Workmen's Compensation Act; I think it is going to promote litigation and delay and frustrate the purpose of the act. I certainly hope that you will see the merit in this amendment which is designed really to protect the employee from having the large proportion of the award which he has received go to the cost of securing the award.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Cumberland, Mr. Richardson, that we adopt House Amendment "A" in non-concurrence. Is this the pleasure of the House?

The motion prevailed. Thereupon, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund and inquires for what purpose does he arise?

Mr. LUND: Mr. Speaker, I direct the attention of the House to page 10, item 14, and move that the House reconsider its action whereby it adopted House Amendment "A".

The SPEAKER: The gentleman from Augusta, Mr. Lund now moves we reconsider our action on the fourteenth matter of unfinished business, Resolve Appropriating Moneys for Location of Vocational Educational Institute in Kennebec County, House Paper 1097, L. D. 1494, whereby this bill was passed to be engrossed. Is this the pleasure of the House?

(Cries of "No")

All those in favor of reconsidering our action whereby this bill was passed to be engrossed—the Chair recognizes the gentleman from Augusta, Mr. Katz.

Mr. KATZ: Is the question of reconsideration debatable, sir?

The SPEAKER: Yes it is.

Mr. KATZ: Mr. Speaker, Members of the House: This is a proposal for the establishment of a vocational training institute in Kennebec County. Originally, before this amendment, the Depart-

ment of Education was invited to investigate the possibility of a vocational institute. Many of us feel that it does not have much chance of success, but we do feel that if it does have any chance of success we would like to untie the hands of those who investigate and not rule out southern Kennebec County. In other words we want freedom of expression as to the proper place for the school and that is the reason for the motion to reconsider.

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

Mr. HUNTER: Mr. Speaker, I presented that amendment. The reason for this is that it will cover a larger area and this has been talked over with a number of people in the House here and it has also been talked over with the Board of Education and they go along with this. In fact, I think it is a better one because it covers more area and gives southern Somerset County a chance for the school so that it will get up into that area away from these other schools and be up in there where the children have a better chance to commute, because if you get it down in southern Somerset County you are getting right back down near the other schools. And we do need a school up in that area for this vocational school very badly and all we are asking for is a study of the feasibility and for the Board of Education to pick out the site. It would be left up to them to pick the site out. Thank you.

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

Mr. BISHOP: Mr. Speaker, could I have the amendment read?

The SPEAKER: The Clerk will read the amendment.

Thereupon the House Amendment "A" was read by the Clerk again.

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

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

The SPEAKER: The gentleman from Augusta, Mr. Katz, moves that this matter lie upon the table until the next legislative day pending its reconsideration.

Mr. Fortier of Waterville requested a division.

The SPEAKER: The gentleman from Waterville, Mr. Fortier, requests a division.

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.

Fifty-seven having voted in the affirmative and sixty-one 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 Augusta, Mr. Lund, that we reconsider our action whereby this bill was passed to be engrossed as amended. Is this the pleasure of the House?

Mr. Fortier of Waterville requested a division.

The SPEAKER: The gentleman from Waterville, Mr. Fortier, requests a division. All those in favor of reconsidering our action whereby this bill was passed to be engrossed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

DIVIDED REPORT—Majority (8)

—Committee on Retirements and Pensions on Bill, "An Act to Liberalize Credit for Out-of-State Service Under State Retirement Law." (H. P. 367) (L. D. 469) reporting same in New Draft (H. P. 1047) (L. D. 1418) under title of "An Act to Liberalize Credit for Out-of-State Service for Teachers Under State Retirement Law." and that it "Ought to pass"—Minority (2) —"Ought not to pass."

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

Pending—Motion of Mr. Kennedy of Milbridge to accept Minority "Ought not to pass" Report (Specially assigned for Friday, May 7th)

On motion of Mr. Buck of Southport, retabled pending the motion of the gentleman from Milbridge, Mr. Kennedy, to accept the Minority "Ought not to pass" Report and specially assigned for Tuesday, May 18.

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

HOUSE REPORT — "Ought to pass" in New Draft (H. P. 1092) (L. D. 1488) under same title—Committee on Labor on Bill, "An Act relating to Time of Payments of Benefits Under Employment Security Law." (H. P. 824) (L. D. 1054)

Tabled—April 30, by Mr. Gifford of Manchester.

Pending—Acceptance. (Specially assigned for Friday, May 7th)

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

Mr. GIFFORD: Mr. Speaker, I move that this matter be retabled specially assigned for Tuesday, May the 18th.

The SPEAKER: The gentleman from Manchester, Mr. Gifford, moves that this matter be retabled for May 18, pending acceptance of the committee report.

Mr. Bussiere of Lewiston requested a division.

The SPEAKER: The gentleman from Lewiston, Mr. Bussiere, requests a division.

All those in favor of this matter lying upon the table assigned for May 18, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-one having voted in the affirmative and eleven having voted the negative, the motion prevailed.

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

Bill, "An Act relating to Appointment and Duties of Fire Department Officers as Forest Fire

Wardens." (H. P. 105) (L. D. 113)

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

Pending—Motion of Mr. Hammond of Paris to Indefinitely Postpone. (Specially assigned for Friday, May 7th)

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

Mr. HAMMOND: Mr. Speaker and Ladies and Gentlemen: On April thirtieth I spoke upon this bill and introduced a motion to indefinitely postpone. At that time I did not know that the sponsor of the bill, the gentleman from Durham, Mr. Hunter, was absent on account of sickness. I apologize for the oversight to the members of the House, and especially to the gentleman from Durham, Mr. Hunter.

I now arise to again speak in support of my motion to definitely postpone this bill. I do so for several reasons. In the first place, I believe it is arbitrary legislation which would force upon a fire chief to accept the position of fire warden whether or not he desired to have this position. It would be confusing legislation because there are twenty-four towns where there are more than one fire department and therefore the question would arise, who would be appointed fire warden. For many years any fire chief who desired to be fire warden has been almost universally granted that privilege. All he has to do is receive the support of the municipal officers and his appointment is practically assured. This bill is in direct conflict with methods which have been in effect for many years and have worked out very satisfactorily. As a result of these reasons, I now again move that this bill and its accompanying papers be indefinitely postponed.

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

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: I want to thank the gentleman from Paris, Mr. Hammond, for allowing my bill to be tabled on the day I was taken ill.

You know fire chiefs have been known for years as being very responsible kinds of people and they're the ones that have to put the fire out after somebody puts the torch to her. That's why they want to know who's going to set the fires. Now our argument seems to be who is going to give out the fire permits. Now in some towns, the town that I come from, the town warden, the man that gives out the permits, he works in the shoe shops up city and he leaves his house about six-thirty in the morning and he doesn't come back 'til along about four-thirty in the afternoon. In the meantime the fire department is the one that has to put the fire out when she gets out of control. Fire chiefs are responsible people, they are the ones that want to give the permits out. Now the way I understand this around here that in lots of areas that don't have organized fire departments, that the forestry service does a pretty good job at controlling the fires. My bill is only concerned with the organized fire departments. The chief of the fire department wants to be the man that gives out the fire permits and that's all there is to it, there is nothing more than that at all. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Paris, Mr. Hammond, that this bill and its accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I ask for a division.

The SPEAKER: The gentleman from Old Orchard, Mr. Danton, has requested a division. The Chair recognizes the gentleman from Union, Mr. Hawes.

Mr. HAWES: Mr. Speaker and Members of the House: The forestry department is definitely against this bill because the main reason is that the forest warden has got more power than any other person in the town. They can spend more money, got more

authority than anybody in the town. The only control the town has over it is that they are approved by the municipal officers. Now the fire chiefs in many towns aren't approved by the municipal officers, they are elected by the fire department and one thing and another. So the only way that the towns have control over the forest wardens is to have them be appointed with the approval of the municipal officers. That is the main reason why the forestry department is definitely against this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House. I would like to know what the price tag is on this bill.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has proposed 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 Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Members of the House. My understanding the town forest wardens get fifty dollars a year.

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

Mr. CROMMETT: Mr. Speaker and Ladies and Gentlemen of the House. I have great respect for my friend Mr. Hunter from Durham and that this bill was recommitted to the Towns and Counties and both times unanimously came out ought not to pass.

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

Mr. CARROLL: Mr. Speaker and Ladies and Gentlemen of the House. It so happens I live in a community, just a few years back we had a fire chief and we had a man giving out permits who was not the fire chief. Now how does a fire chief know how many permits a day are given out? You give a permit out at one end of a town and then you go twenty miles to the other end of town

and give out a permit, ten miles the other way and give out a permit, you get three fires going in three different directions with a limited amount of equipment, how are you going to get there and put them out?

Now we saw in our community the town fire warden and the town fire chief ready to scrap every other day there one while because of the very fact here was a man giving out permits and he was not responsible for putting out the fires. I think we have here a definition of responsibility. When we define responsibility the man who gives the permit if he's the fire chief he's going to be awful careful who he gives these permits out to, and I feel that the Maine Forest Service should take another good look at this, I think that they are just a little bit jealous of their power here and they feel we're encroaching on it. I'm convinced that first the fire chief should refuse the job if he doesn't want to be the fire warden, then let the Maine Forestry Service appoint somebody else. But first the fire chief should have preference.

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

Mr. LIBHART: Mr. Speaker and Members of the House: I would like to remind the members of the House that when this bill was debated the first time I read to them the first sentence in this bill. I wish they'd read it again. Remember I said at that time that I have an incinerator in my backyard in the city of Brewer. In the winter time when I burn papers on the snow two or three feet deep out there this bill would require me to have a permit every time I burned the trash in the incinerator. Now I think this bill has many, many demerits, but this is the most ridiculous restraint of our personal liberties I have seen come before this House this year. I think the committee was completely justified in reporting it out twice as they did and that it doesn't deserve any more debate than it's had and that we should indefinitely postpone it.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: Being on the Towns and Counties Committee, I feel it my duty to explain some of the facts which were brought before us by the commissioner. Now the fire departments in individual towns or municipalities are somewhat of a separate entity from this fire warden. The fire warden is selected by the commissioner or his agents to perform certain duties pertaining to forest fires. Now the particular towns I represent, it's usually the commissioner's wish that each chief of the fire department is a fire warden. These fire wardens have to be astute people, they have to make out accurate records, they have to do various things pertaining to areas outside of the general built-up areas in a municipality. It's very handy to have in many cases one of these fire wardens not a fire chief because the duties do conflict. For instance, if there happens to be a major fire within the town and also a forest fire, it's pretty difficult for the chief to be in two places at once. Many chiefs have refused to be fire wardens because there is this clerical work which has to be done and it has to be accurate. Many of the fire chiefs are not capable of handling this particular duty. I think after listening to the discussion of the pros and cons of this particular bill the committee was justified in passing ought not to pass. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Paris, Mr. Hammond, that this Bill and its accompanying papers be indefinitely postponed and the gentleman from Old Orchard Beach, Mr. Danton has requested a division. All those in favor of this bill and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy have voted in the affirmative and forty-three have voted in the negative, the motion prevailed.

Sent up for concurrence.

Order out of Order

Mr. Sullivan of Portland presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the balance of the regular compensation of a Councilor not paid to the late Robert J. Milliken (Second Councilor District, Cumberland) in his lifetime, be paid to his widow, Mrs. Robert J. Milliken. (H. P. 1119)

The Order received passage and was

Sent up for concurrence.

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

Bill, "An Act relating to Tuition for Students Attending Secondary School Outside of Residence." (S. P. 335) (L. D. 1080) (C. "A" S-77) (S. "A" S-161) (H. "A" H-188)

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

Pending—Passage to be Engrossed. (Specially assigned for Friday, May 7th)

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In view of different decisions made by the Attorney General on some of these amendments, I now move suspension of the rules in order for reconsideration.

Thereupon, on motion of Mr. Levesque of Madawaska, the House voted to suspend the rules and to reconsider its action whereby Committee Amendment "A" was adopted on March 30 and whereby Senate Amendment "A" was adopted on April 29, and to indefinitely postpone Committee Amendment "A" and Senate Amendment "A".

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" in non-

concurrence and sent up for concurrence.

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

DIVIDED REPORT — Majority (8) — "Ought to pass" — Minority (2) — "Ought not to pass" — Committee on Retirements and Pensions on Bill, "An Act relating to Rules Regarding Retirement of Teachers." (H. P. 758) (L. D. 995)

Tabled—May 4, by Mr. Martin of Eagle Lake.

Pending—Acceptance of Either Report. (Specially assigned for Friday, May 7th)

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

Mr. **MARTIN**: Mr. Speaker, since the Chairman of the Retirements and Pensions Committee will be back with us presumably on Tuesday of next week, I would hope that someone would table this until she returns.

Thereupon, on motion of Mr. Levesque of Madawaska, retabled pending acceptance of either report and specially assigned for Tuesday, May 18.

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

Bill, "An Act relating to Legal Fees in Court Proceeding for Benefits Under Employment Security Law." (H. P. 825) (L. D. 1258) (H. "A" H-257) (S. "A" to H. "A" S-164)

Tabled—May 5, by Mr. Richardson of Cumberland.

Pending—Further consideration. (In Senate, Engrossed as Amended by House Amendment "A" as Amended by Senate Amendment "A" thereto) (Specially assigned for Friday, May 7th)

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

Mr. **BENSON**: Mr. Speaker, I move that L. D. 1258 and all its accompanying papers be indefinitely postponed.

The **SPEAKER**: The question before the House now is on the motion of the gentleman from South-

west Harbor, Mr. Benson, that this bill and its accompanying papers be indefinitely postponed.

Mr. Levesque of Madawaska requested a division.

The **SPEAKER**: The gentleman from Madawaska, Mr. Levesque, requests a division.

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

Mr. **RICHARDSON**: Mr. Speaker, Members of the House: This bill deals with providing attorneys fees for persons who are proceeding for benefits under the Employment Security Law. And as you know, those benefits are provided through the united tax effort of the people of the State of Maine, and I submit to you that this is unwise legislation and speaking in support of the motion to indefinitely postpone I would like to call your attention to my two reasons for doing so.

This bill comes to us from the Senate with an amendment which says "said fees" meaning the legal fees "shall not be less than the fees established for similar services by the Bar Association of the county in which the claimant's attorney has his office." The purpose of the amendment is apparently to insure that this is going to be a profitable business.

The second reason that I am opposed to the bill is because I do not feel that this matter of giving attorneys fees to be paid by the state is consistent with the interests that are trying to be served by our present Employment Security Law. The proceedings for employment security payments are not adversary proceedings. They do not require the services of an attorney. If the applicant qualifies for benefits, then he gets them. If he doesn't, he doesn't. The only thing that this bill is going to do is promote litigation.

Thirdly, I have in my possession a letter signed by James J. George Commissioner of the Employment Security Commission and the Commission takes no position with respect to fees, but he points out: "This bill provides for the Commission to pay counsel fees when represented by an attorney in ap-

pealing a decision on their claim to the court. As you will note, we have found that there are only four states which have any such provision and with certain restrictions."

Now, the last time this bill was before you, I directed a question, I believe, to any member of the House as to whether or not there was money to pay for these fees. There is no appropriation label on this bill. Under the bill as I understand it, they intend to take the money from the contingency fund to pay these attorneys' fees. The contingency fund, which is used for many necessary purposes in carrying out the work of the Employment Security Commission, only amounts to twenty-five thousand dollars. Now I submit that if the sponsors of this legislation are going to guarantee attorneys' fees, in fact attorneys' fees that are the same as for similar services as fixed by the local bar associations, then this bill should have a price tag on it. It does not. I assume that the sponsors of it would not put one on, even if they were convinced of the merits of what I am trying to put across.

Therefore, I urge you to vote in favor of the indefinite postponement of this bill.

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

Mr. COTE: Mr. Speaker, Members of the House: The question was raised as to where the funds are coming from. The funds come from the federal government which are given to the state for that purpose.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: I sincerely and very honestly hate to differ with my friend from Lewiston, Mr. Cote, but as I understand the law, the federal funds may not be used for such a purpose and it is in fact a diversion of federal funds to use them for such a purpose.

The SPEAKER: Is the House ready for the question? The ques-

tion before the House is on the motion of the gentleman from Southwest Harbor, Mr. Benson, that this bill and its accompanying papers be indefinitely postponed. The gentleman from Madawaska, Mr. Levesque, has requested a division. All those in favor of this bill and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Sent up for concurrence.

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

SENATE REPORT—"Ought to pass" as Amended by Committee Amendment "A"—Committee on Inland Fisheries and Game on Bill, "An Act Clarifying the Inland Fisheries and Game Laws." (S. P. 428) (L. D. 1375) (C. "A" S-172)

Tabled—May 6, by Mr. Gaudreau of Lewiston.

Pending—Acceptance in concurrence. (Specially assigned for Friday, May 7th)

Thereupon the Committee Report was accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 428, L. D. 1375, Bill, "An Act Clarifying the Inland Fisheries and Game Laws."

Amend said Bill by inserting after section 1-A the following new sections:

"Sec. 1-B. R. S., T. 12, § 1960, amended. The 3rd paragraph of section 1960 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

"Hearings shall be held on all prospective changes in regulations during the months of February, July and September of each year, before the commissioner, or such other officer of the department as the commissioner may designate in his stead, at a date and place to be designated by the commissioner but in the county affected. Peti-

tions shall be filed in the office of the commissioner as follows: Not later than January 1st for hearing in February; not later than June 1st for hearing in July; and not later than August 1st for hearing in September.'

Sec. 1-C. R. S., T. 12, § 1960, amended. The last sentence of the 5th paragraph of section 1960 of Title 12 of the Revised Statutes is amended to read as follows:

'Such regulations shall become effective on January 1st of the year next following **30 days** after the date of the hearings.'

Further amend said Bill by striking out all of section 4 and inserting in place thereof the following:

"Sec. 4. R. S., T. 12, § 2053, amended. The first sentence of the 4th paragraph of section 2053 of Title 12 of the Revised Statutes is amended to read as follows:

'A fee of ~~\$3.50~~ **\$10** shall be paid annually for a resident guide's license.'

Further amend said Bill by striking out all of section 6.

Further amend said Bill by inserting after section 9 the following new section:

"Sec. 9-A. R. S., T. 12, § 2204, amended. Section 2204 of Title 12 of the Revised Statutes is amended to read as follows: **'§ 2204. Tampering with, injuring or destroying dams**

Whoever without authority from the commissioner tampers with any dam owned or operated by the department, **including dams in a fish hatchery or rearing station**, opens or closes gates or sluiceways, adds or removes flashboards, or otherwise damages or destroys such dams, shall be punished by a fine of not more than \$100.'

Further amend said Bill by striking out all of the 6th, 7th and 8th lines of section 15 and inserting in place thereof the following:

'securely attached thereto a tag the deer tag portion of the hunting license bearing the name and address of the person who killed said deer and said deer shall be accompanied by him while being moved or trans-

Further amend said Bill by striking out in the 4th line of section

20 the underlined word **"power"** and inserting in place thereof the underlined word **'motor'**

Further amend said Bill by inserting after section 21 the following new section:

"Sec. 21-A. R. S., T. 12, § 2551, amended. Section 2551 of Title 12 of the Revised Statutes is amended to read as follows:

'§ 2551. Closing certain areas to fishing

No person shall fish within 150 feet of any dam in which a fishway is located. Except at Upper Dam in Richardsontown (T4 R1) at the outlet of Mooselookmeguntic Lake in Oxford County, at Middle Dam in T C at the outlet of Lower Richardson Lake in Oxford County, and at East Outlet Dam in Sapling (T1 R7) in Somerset County and in Big Squaw Mountain in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of these fishways shall be closed to fishing at all times and except at **Woodland Dam and Grand Falls Powerhouse Dam on the St. Croix River in the Town of Baileyville, the area within 100 feet of the mouth of the fishway shall be closed to fishing at all times.** This section shall not include the taking of alewives and smelts in the manner provided under the laws regulating sea and shore fisheries.

All pools of state fish hatcheries and rearing stations and all waters within 200 feet of such hatchery and rearing station pools shall be closed to all fishing.

It shall be unlawful for any person to take, catch, kill, molest, destroy or possess or attempt to take, catch, kill, molest, destroy or possess any fish in or from any fish hatchery or rearing station. All waters within 200 feet of any state hatchery or rearing station shall be closed to all fishing.'

Further amend said Bill in the 5th line of section 22 by inserting after the underlined word **"tails"** the underlined punctuation and words **' ,or either, '**

Further amend said Bill by inserting after section 24-A the following new section:

"Sec. 24-B. R. S., T. 12, § 2558, amended. The last paragraph of section 2558 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

'It shall be unlawful to import into this State any live fish, including smelts, which are commonly used for bait fishing in inland waters.' "

Further amend said Bill by striking out all of section 30 and inserting in place thereof the following:

"Sec. 30. R. S., T. 12, § 2751-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 2751-A to read as follows:

'§ 2751-A. Importing fish

No person shall introduce or import any live fresh-water fish or eggs into the State or receive or have in possession such fish or eggs, so introduced or imported, without written permission of the commissioner. This shall not apply to tropical fish which are for aquarium purposes.

The commissioner may grant permits and establish rules and regulations to import live fresh-water fish or eggs into the State. Importers shall, when requesting a permit, provide the commissioner with information as to the number and species to be imported, the name and address of the source and a statement from a recognized fish pathologist, either of a state conservation department or the United States Fish and Wildlife Service certifying that they are from hatcheries which show no evidence of whirling disease (*Myxosoma cerebralis*), infectious pancreatic necrosis, furunculosis or any other infectious or contagious disease. Such statement shall accompany each request for permission to import live fish or eggs.

A violation of this section shall be punishable by a fine of not less than \$100.' "

Further amend said Bill by renumbering sections of the Bill to read consecutively.

The SPEAKER: The gentleman from Lewiston, Mr. Gaudreau, now offers House Amendment "A" and

moves it be adopted. The Clerk will read the Amendment.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S. P. 428, L. D. 1375, Bill, "An Act Clarifying the Inland Fisheries and Game Laws."

Amend said Amendment in that part designated "**Sec. 1-B**" by striking out in the 5th line the underlined punctuation and word "**July**"; and by striking out in the 11th line the underlined words and figure "**not later than June 1st for hearing in July**";

Further amend said Amendment by striking out all of that part designated "**Sec. 1-C**" and inserting in place thereof the following:

"Sec. 1-C. R. S., T. 12, Sec. 1960, amended. The last sentence of the 5th paragraph of section 1960 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof: '**Such regulations shall become effective on April 1st following the February hearing and on January 1st of the year following the September hearings.**' "

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen: I offer House Amendment "A" to L. D. 1375 and move its adoption.

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

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that Committee Amendment "A" as amended by House Amendment "A" thereto be adopted?

The motion prevailed.

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

Mr. CROMMETT: Mr. Speaker, I offer House Amendment "A" to L. D. 1375 and move its adoption.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett, now offers House Amendment "A" to the Bill and moves it be adopted. The Chair recognizes the gen-

tleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, I would like to inquire if this amendment is in regard to complimentary licenses for persons seventy years or over.

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

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

HOUSE AMENDMENT "A" to S. P. 428, L. D. 1375, Bill, "An Act Clarifying the Inland Fisheries and Game Laws."

Amend said Bill by inserting after section 26, a new section, as follows:

"Sec. 26-A. R. S., T. 12, § 2601, sub-§ 11-A, additional. Section 2601 of Title 12 of the Revised Statutes is amended by adding a new subsection 11-A, to read as follows:

'11-A. Complimentary licenses to persons over 70 years of age. A complimentary license to fish shall be issued to any resident of Maine who is over 70 years of age and applies therefor to the Commissioner of Inland Fisheries and Game. Such application shall be accompanied by a birth certificate or other certified evidence of the applicant's date of birth.'

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

Mr. ANDERSON: Mr. Speaker, I move indefinite postponement of the amendment under Filing H-214 and would speak to the amendment.

The SPEAKER: The question before the House now is on the motion of the gentleman from Ellsworth, Mr. Anderson, that House Amendment "A" to the Bill be indefinitely postponed. The gentleman may proceed.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I must sound like a parrot to you good people. This is the third time that this act has been indefinitely postponed. I certainly hope that it doesn't have more lives than the proverbial cat. I think this has become a matter of disposition with the gentleman from Millinocket, Mr. Crommett.

He seems determined to have this bill passed regardless of whose toes he steps on. It has been explained to him repeatedly what it will do to the Fish and Game Department. It is not the monetary consideration that disturbs the department, but it's the letting down the bars. Very likely next session a bill would come in lowering this to sixty-five years. Perhaps the Legion would want complimentary licenses, Veterans of Foreign Wars, clergymen and perhaps even legislators in the House.

This bill was heard before a packed house. There was not one person who spoke for the bill. There were four elderly gentlemen seventy years and over who spoke against and it came out of the committee, the Executive Committee hearing, unanimous "ought not to pass." Now, you will recall a few weeks back that we voted against giving veterans complimentary licenses. If this bill is passed, I ask you what will we say to them?

Now, Mr. Speaker, for the fourth time I move indefinite postponement of this bill, and when the vote is taken I request that it be taken by division — the amendment, I am sorry.

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

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: This is four times this bill has been before you. The first time it was killed in this House by a vote of twenty-seven, the second time by seven votes. And I will take exception to the remarks of the gentleman from Eagle Lake, Mr. Martin, when he said that the L. D. 937 was killed in this House because of this amendment pertaining to the seventy year olds. I say to you, ladies and gentlemen, the amendment was killed because it was attached to an unpopular bill at that time. It was unpopular the

next day or two when it was passed, as events proved by the amendment offered by the gentleman from Eagle Lake, Mr. Martin. I voted both times to support that bill as a compliment to the young gentleman from Eagle Lake, Mr. Martin, for the fine presentation he did before this House. And I ask the Aroostook delegation now to support me.

This is one of the real good things that this Legislature can do for the people seventy years of age. No one is going to force this complimentary license on those people. The people who wish to buy their licenses will do so. This amendment here, "such application shall be accompanied by a birth certificate or other certified evidence of the applicant's date of birth." The gentleman from Ellsworth, Mr. Anderson, has repeatedly referred to the old gray haired men that opposed this bill. That is so, and I would say that there are such people and many others if they were operating a soft drink stand would not even give their mother a drink of pop unless she paid for it.

The opponents of this bill, it's not very hard to realize their thinking and I could go on and talk and talk about this, and I have the evidence to back me up. Now when the Fish and Game Department cannot come up with any figures other than a spot check, the four point seven of the people seventy years of age is required — have asked for a fishing license. It's just a matter of guesswork whether these people are going to continue to ask for this. As far as the money is concerned I don't believe it's going to cost the department any money whatever.

I think it's a good bill. I think we can pass this and go home with a good feeling in our hearts. Rather than to continue to argue this I will leave this thought with you and it's been in my mind ever since I heard and saw those four old gray haired men and the remarks of some of the people that are opposing this bill, and it's a selfish prayer offered by a selfish man and I quote: "O Lord bless

me and my wife, bless my son John and his wife, us four and no more."

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

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the gentleman from Millinocket, and I would ask for a division.

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

Mr. CARROLL: Mr. Speaker and Ladies and Gentlemen of the House I was approached by an elderly gentleman in my home town who loves to go fishing with his grandchildren and he said you know, I wonder what you people in Augusta are thinking of. You raise the Fish and Game Commissioner's salary, you raise the hunting and fishing license and yet a poor old man over seventy you don't even want us to go fishing. You don't want to give us anything. Now I believe, gentlemen and ladies of this House, we should have compassion for our elder citizens, we should be willing to give them more than a hunting or a fishing license, we should be giving them a lot more in their golden years.

Look around you ladies and gentlemen. Say to yourselves, the veterans aren't coming in here. We're not coming in here asking you for a fishing or hunting license. When I get seventy years old I hope and pray you will give me one. And I hope and pray here in this House that you will have compassion, compassion for those citizens who are seventy years old, and don't swallow that line of hokum that someone else will be back here next year and someone the year after, and someone the year after, wanting a free ride. Let's give those gentlemen and show them we have compassion in our hearts, give them that free fishing license, that isn't much.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House. Having celebrated my thirty-ninth birthday just a short time ago and from the experiences I have had in this House since the first week in January, I have found that Mr. Crommett is one of the ablest and straightest shooters you've got in the House. And I like the way a man when he believes he's right he sticks to it and goes through. So let's back up Mr. Crommett.

The SPEAKER: The question before the House is on the motion of the gentleman from Ellsworth, Mr. Anderson, that House Amendment "A" be indefinitely postponed, and the gentleman from Clinton, Mr. Hunter, has requested a division. All those in favor of House Amendment "A" being indefinitely postponed, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-seven voted in the affirmative and fifty-eight voted in the negative.

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

Mr. CROMMETT: I did not intend to do this, but I would like a roll call.

The SPEAKER: The gentleman from Millinocket, Mr. Crommett has requested that when the vote is taken it be taken by the yeas and nays and 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 SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Payson. The House will be in order.

Mr. PAYSON: Mr. Speaker and Members of the House: I believe

it's true that when people reach a certain age they have to have a driver's test to drive an automobile. I think that probably they ought to have a swimming test if they are going to have a license after seventy.

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

Mr. MILLS: Mr. Speaker and Members of the House: I just wonder, Mr. Speaker how many people in this House realize this is the only state in New England that doesn't give this courtesy at the age of seventy. The state I come from they were giving it twenty years ago, thirty years ago and it's been the same in New Hampshire, Vermont, Connecticut and Rhode Island. I don't think we're giving away too much in this proposition.

The SPEAKER: The Chair will again state the question. The question before the House is on the motion of the gentleman from Ellsworth, Mr. Anderson, that House Amendment "A" to Bill "An Act Clarifying the Inland Fisheries and Game Laws," Senate Paper 428, L. D. 1375, be indefinitely postponed. If you are in favor of House Amendment "A" being indefinitely postponed when your name is called you will either answer yea or yes and if you are opposed to House Amendment "A" being indefinitely postponed when your name is called you will answer either nay or no. The Clerk will call the roll.

Roll Call

YE — Anderson, Ellsworth; Avery, Baker, Orrington; Baldic, Benson, Southwest Harbor; Berman, Ferry, Birt, Boissonneau, Brewer, Burwell, Carter, Champagne, Cottrell, Cressey, Crosby, Cushing, D'Alfonso, Doyle, Dudley, Dunn, Eustis, Evans, Farrington, Gandreau, Gifford, Hanson, Gardiner; Hanson, Lebanon; Haynes, Healy, Huber, Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Libhart, Lincoln, Littlefield, Lowery, Lund, Millay, Mosher, Payson, Peaslee, Pendergast, Pike, Pitts, Poulin, Richard-

son, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sahagian, Sawyer, Scott, Storm, Stoutamyer, Susi, Waltz, Watts, Wheeler, White, Guilford; Young.

NAY—Anderson, Orono; Baker, Winthrop; Beane, Bedard, Benson, Mechanic Falls; Bernard, Binnette, Bishop, Blouin, Bourgoin, Brennan, Buck, Bussiere, Carroll, Conley, Cote, Crommett, Curran, Danton, Davis, Drigotas, Drouin, Dumont, Edwards, Faucher, Fecteau, Fortier, Fraser, Rumford; Gauvin, Gilbert, Gillan, Glazier, Graham, Hammond, Harvey, Bangor; Harvey, Windham; Haugen, Hunter, Clinton; Hunter, Durham, Jalbert, Jordan, Keyte, Kilroy, Knight, Laberge, Lebel, Lent, Levesque, Lycette, Martin, McKinnon, Meisner, Mills, Mitchell, Nadeau, Palmer, Prince, Rackliff, Roy, Ruby, Searles, Starbird,

Sullivan, Whittier, Wight, Presque Isle; Wood, Wuori.

ABSENT — Bradstreet, Bragdon, Carswell, Cookson, Dickinson, Dostie, Erwin, Fraser, Mexico; Harriman, Harvey, Woolwich; Hawes, Hawkes, Hoy, Lane, Norton, Truman, Ward.

Yes, 66; No, 67; Absent, 17.

The SPEAKER: Sixty-six having voted in the affirmative, sixty-seven having voted in the negative with seventeen being absent, the motion does not prevail.

Thereupon, House Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

On motion of Mr. Jalbert of Lewiston,

Adjourned until nine-thirty o'clock tomorrow morning.