

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, May 12, 1965

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

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

The journal of yesterday was read and approved.

**Papers from the Senate  
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Coercion in Placing Insurance on Real and Personal Property" (S. P. 395) (L. D. 1218) reporting that the House recede from its action whereby the Report and Bill were recommitted to the Committee on Business Legislation and concur with the Senate in accepting the Report of the Committee on Business Legislation reporting "Ought to pass" in new draft (S. P. 510) (L. D. 1480) and pass the Bill to be engrossed in concurrence.

(Signed)

BROWN of Hancock  
CARTER of Kennebec  
BERNARD of Penobscot

— Committee on part of Senate.

HARRIMAN of Hollis  
BERNARD of Sanford  
MCKINNON

of South Portland

— Committee on part of House.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence. The House receded from its action whereby the Report and Bill were recommitted to the Committee on Business Legislation and concurred with the Senate in the acceptance of the Report.

The Bill was read twice and tomorrow assigned.

**Tabled**

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of Bill "An Act relating to Study of Air Pollution"

Senate Paper No. 375, Legislative Document No. 1192, 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 (S. P. 536)

Came from the Senate read and passed.

In the House, on motion of Mr. Levesque of Madawaska, tabled pending passage in concurrence and unassigned.

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

Report of the Committee on Judiciary on Bill "An Act relating to Exclusion of Certain Liens from Article 9 of Uniform Commercial Code" (S. P. 289) (L. D. 851) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

**Ought Not to Pass  
Bill Substituted for Report  
Tabled and Assigned**

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Advisory Board on Examinations of Life Insurance Agents" (S. P. 411) (L. D. 1307)

Came from the Senate with the Bill substituted for the Report and passed to be engrossed.

In the House: Report was read.

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

Mr. BERNARD: Mr. Speaker and Members of the House: The objections of the Business Legislation Committee have been taken out of this bill. The objections were of requiring one member of this board to be a life underwriter. This was the Insurance Department's objection. I now move that we concur with the Senate and substitute the bill for the report.

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

motion of the gentleman from Sanford, Mr. Bernard, that we substitute the bill for the report.

The Chair recognizes the gentleman from Kittery, Mr. Avery.

Mr. AVERY: Mr. Speaker, Ladies and Gentlemen of the House: This wasn't the only objection—as a member of the Business Committee, this wasn't the only objection I had to this bill. It seemed like an unnecessary piece of legislation. The five members are free to offer advice or to consult with the Insurance Commissioner without being put in a preferred body — or a legalized body, and it just seemed to us that there was no real reason why there should be an advisory board, or at least several of us on the Business Committee. I just thought I would clarify this just a little bit.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Business Legislation Committee, I feel this bill sort of hamstrings the Insurance Commissioner and I would prefer to insist on our former action.

The SPEAKER: The Chair understands that the gentleman from Wilton, Mr. Scott, moves that this bill and its accompanying papers be indefinitely postponed.

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

Mr. BERNARD: Mr. Speaker, I would like to table this until the next legislative day.

The SPEAKER: The gentleman from Sanford, Mr. Bernard, now moves that this matter lie upon the table assigned for the next legislative day, pending the motion of the gentleman from Wilton, Mr. Scott, that this Bill and its accompanying papers be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government

and for Other Purposes for the Fiscal Years Ending June 30, 1966 and June 30, 1967" (S. P. 81) (L. D. 298) reporting same in a new draft (S. P. 534) (L. D. 1524) under same title and that it "Ought to pass"

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

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

#### **Amended in Senate**

Report of the Committee on Public Utilities on Bill "An Act Imposing Limitation Upon Holding Both Permit for Common Carriers and Contract Carriers" (S. P. 343) (L. D. 1088) reporting same in a new draft (S. P. 512) (L. D. 1483) under same title and that it "Ought to pass"

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

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

Senate Amendment "A" was read by the Clerk as follows: SENATE AMENDMENT "A" to S. P. 512, L. D. 1483, Bill, "An Act Imposing Limitation Upon Holding Both Permit for Common Carriers and Contract Carriers."

Amend said Bill by inserting at the end before the period the following underlined punctuation and words, nor shall any carrier authorized to operate both as a common carrier and as a contract carrier transport property as a common carrier and as a contract carrier in the same vehicle at the same time

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

#### **Tabled and Assigned**

Report of the Committee on State Government on Bill "An Act Increasing Compensation of Members of the Legislature" (S. P. 460) (L. D. 1396) reporting same in a new draft (S. P. 520) (L. D.

1497) under title of "An Act Increasing Compensation of Members of the Legislature, the Governor, Court Justices and Certain Department Heads" and that it "Ought to pass"

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

In the House, the Report was read.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I am a bit disturbed the way this bill is reported out, an all encumbering bill it would seem to me, and I also note that there is a Senate Amendment "A" that has been adopted. I would hope that some member would table this so that it can be studied further and perhaps amend out some of the what I feel is a very strict violation of good ethical procedure. I don't like an omnibus bill as this seems to be. I have great respect for the joint committee on State Government, but I think much should be done with this Legislative Document 1497 and if this could be tabled before we accept the report or even in the second reading I would appreciate it.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending acceptance of the Committee Report and specially assigned for Friday, May 14.

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

### Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act Appropriating Money to Match Federal Funds Provided under Titles III and V-A of the National Defense Education Act" (S. P. 56) (L. D. 117)

Report of the Committee on Health and Institutional Services reporting same on Bill "An Act

relating to Amount of Aid to Aged, Blind or Disabled" (S. P. 261) (L. D. 810)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Condemnation of Land for Highway Purposes" (S. P. 498) (L. D. 1477)

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

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

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Roadside Beautification" (S. P. 499) (L. D. 1476)

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

In the House, the Report was read.

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

Mr. GILLAN: Mr. Speaker, Members of the House: In regard to item 11, this introduces a new concept of the right of eminent domain given to the State Highway Commission, which was reported out unanimously. I concurred on that, but it bothered me at the time. I was assured by the able representatives of the State Highway Commission that it wouldn't be abused. If the House would read the bill, you will notice it gives them unlimited authority to take land for landscape development. Now, this may be a good thing, but I think the House should be apprised of this feature of it. Thank you.

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

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Amending the Pittsfield School District" (S. P. 506) (L. D. 1474)

Report of the Committee on Public Utilities reporting same on Bill "An Act to Amend the Charter of the Searsport Water District" (S. P. 508) (L. D. 1478)

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

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

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Control and Eradicate Salmonella Infections" (S. P. 173) (L. D. 539) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

**COMMITTEE AMENDMENT**  
"A" to S. P. 173, L. D. 539, Bill, "An Act to Control and Eradicate Salmonella Infections."

Amend said Bill by striking out in the 3rd line the figure "\$75,000" and inserting in place thereof the figure "\$3,000" and by striking out in the 4th line the figure "\$75,000" and inserting in place thereof the figure "\$3,000"

Further amend said Bill by adding at the end thereof the following: "The breakdown shall be as follows:

<b>Department</b>	<b>1965-66</b>	<b>1966-67</b>
<b>AGRICULTURE</b>		

Animal Industry Division		
All Other	\$3,000	\$3,000

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Investigation in Divorce Cases Involving Child Custody" (S. P. 410) (L. D. 1306) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

**COMMITTEE AMENDMENT**  
"A" to S. P. 410, L. D. 1306, Bill, "An Act Relating to Investigation in Divorce Cases Involving Child Custody."

Amend said Bill by striking out at the beginning of the first line the underlined abbreviation and figure "**Sec. 1.**"

Further amend said Bill by striking out all of the 10th, 11th and 12th lines and inserting in place thereof the following: "thereof to all counsel of record. Such report shall be made available by the clerk of said court for examination by counsel before hearing. Upon request of any interested party the court shall require"

Further amend said Bill by striking out all of section 2.

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

#### **Amended in Senate**

Report of the Committee on Towns and Counties on Bill "An Act Creating a Second Assistant County Attorney for Penobscot County" (S. P. 50) (L. D. 221) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

**COMMITTEE AMENDMENT**  
"A" to S. P. 50, L. D. 221, Bill, "An Act Creating a Second Assistant County Attorney for Penobscot County."

Amend said Bill, in section 2, by striking out in the 7th line

the underlined figure "\$4,250" and inserting in place thereof the underlined figure "\$4,000"

Committee Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 50, L. D. 221, Bill, "An Act Creating a Second Assistant County Attorney for Penobscot County."

Amend said Bill in section 3 by striking out in the 2nd line the figure "\$2,125" and inserting in place thereof the figure "\$2,000" and by striking out in the 3rd line the figure "\$4,250" and inserting in place thereof the figure "\$4,000"

Further amend said Bill in section 3 by striking out all of the last line and inserting in place thereof the following:

'Personal Services

(1) \$2,000 (1) \$4,000'

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

#### Non-Concurrent Matter

Bill "An Act relating to Weight of 3-Axle Trucks" (S. P. 155) (L. D. 395) which was passed to be engrossed without Amendment in non-concurrence in the House on May 11.

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

In the House: On motion of Mr. Gifford of Manchester, the House voted to insist and join in a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act relating to Operation of Motorcycles While Learning to Drive" (S. P. 371) (L. D. 1138) which was passed to be engrossed without Amendment in non-concurrence in the House on April 9.

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

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

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA

May 10, 1965

To the Honorable Senate and House of Representatives of the 102nd Legislature

There is returned herewith, without my approval, House Paper 471, Legislative Document 624, entitled "An Act Relating to Boards of Registration in Certain Towns."

I have given careful consideration to the contents of this Document and find no reasonable need for its enactment.

The present method for appointment of members to boards of registration has functioned satisfactorily during my tenure as Governor. During this time and previous to it I have observed little public interest in changing the appointment method indicating a general acceptance of the established procedure.

My basic objection to this Document, however, is that it weakens the liaison between the state and municipal governments in the matter of elections.

The state and the municipality have historically shared the joint responsibility to protect the right of franchise and to administer the laws pertaining thereto. The contents of this Document would abrogate the responsibility on the part of the State.

The board of registration functions not only in municipal, but in state and federal elections as well. To remove the state's representation on the board by delivering to the municipality the sole authority for appointment of members would not be in the best interests of the state or its citizens.

For the aforementioned reasons, I am returning this Legislative Document without my signature.

Respectfully submitted,

(Signed) JOHN H. REED

John H. Reed  
Governor

The SPEAKER: It is the pleasure of the House that this Communication be received and placed on file?

The motion prevailed.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would sustain the Governor's veto relative to this bill. Am I in order, Mr. Speaker?

The SPEAKER: The question before the House at this time is, shall this bill become a law notwithstanding the objections of the Governor? The gentleman is in order to debate it if he so desires.

Mr. KENNEDY: I would hope that the members of this body would respect the Chief Executive and sustain the veto and well consider the reasons for his statement. The recent revision of the election laws has worked very well and I would appeal also to the Majority Party to the effect that it is their desire to strengthen the hand of the Chief Executive and because of this it would seem justified that the Governor should be the one who chooses the Chairman of the Board of Registration in cities over five thousand population. Therefore, I plead with you to respect our Chief Executive and sustain this veto.

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

Mr. LIBHART: Mr. Speaker, Members of the House: The original bill was sponsored, even though it doesn't show on the printed copy, co-sponsored by myself and Mr. Binnette. The original bill was an innocuous bill which attempted to put towns with populations of over five thousand in the same category as cities, so that they would have a three member board of registration. It left everything else the way it was prior. And I concur wholeheartedly with my friend from Milbridge, Mr. Kennedy, that the original bill was a proper vehicle, but when it got amended the way it was amended it became distasteful to me and I am sure to practically everybody who has been

used to our original system. Now, I would like to — am I in order, Mr. Speaker, to move to indefinitely postpone the amendment in an attempt to get the original bill passed?

The SPEAKER: The motion is not in order. The only question before the House is, shall this bill become a law notwithstanding the objections of the Governor?

Mr. LIBHART: Well, then if that motion is not in order I wholeheartedly support the gentleman from Milbridge, Mr. Kennedy, that we should support the Governor's veto.

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

Mr. BERRY: Mr. Speaker, Members of the House: I support the position of the gentleman from Milbridge, Mr. Kennedy. I would urge you to vote no on the question and when the vote is taken I request a roll call.

The SPEAKER: Under the Constitution a roll call has to be taken.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I will agree that I was a co-sponsor with Representative Libhart of Brewer and it was our intention to bring twenty-one towns in this state who have the qualifications similar to the cities of five thousand or over to have a board of registration. We were sincere in our desire, we wanted protection for both parties, and the bill seemed to be going along pretty well until somebody got an amendment onto it. Well, this amendment really was bringing back home rule which I have heard so many people here speak about, and we thought that where everybody was desirous of having home rule that that amendment would be okay. But I find now that it is not home rule in their minds, it is just being directed from one corner of the state. And therefore, I would like to see this bill carried through.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the



House: You will find on your daily journal today a message from the Governor which vetoes a bill which we feel as a party will not only strengthen the Governor's hand but will also strengthen the rest of the communities in the state. Although we find that the Governor doesn't quite see it that way, that he would like to see it remain as it is and we find that in many areas of the state that we have had very, very, little co-operation from the Registrar or the Board of Registration. The gentleman from Millbridge, Mr. Kennedy, has stated that we as the Majority Party have tried to strengthen the Governor's hand. I think we have tried to do that, but in the same breath I must also state that we have had very little help from the Minority Party in trying to strengthen the Governor's hand.

These we feel are a must if this state is going to go along and progress in certain areas of our state. Every governmental reform that we have brought before this House this year, not having two-thirds in the Majority, we have found ourselves in a position which, granted, as a Minority that they had all the rights and privileges in the world to do, and to defeat any governmental reform because they were not in the Majority and although they had control of the front office. I think possibly the Chief Executive has got the power that is given to him and he should use it and should use it wisely. In this area of trying to get the elected people to represent the people, we find that this area needs strengthening. I think the Governor still retains enough power to make sure that these voter registrations will be well taken care of and well observed. But unfortunately the Governor doesn't see it this way and from the action by the Minority Party this morning I think they want to retain the old horse and just trot along and maybe sometimes the cart will even pass the horse.

So, when the question is put on roll call to sustain the Governor's

veto, I hope that you will vote yes that this bill will become law without the Governor's signature.

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps we should examine the Governor's reasoning in refusing to sign this document. He says that because Boards of Registration are involved not only with municipal elections but state and federal elections there should be a representative of the state on these boards. I submit to you, that if this is true there should also be a representative of the federal government on these boards. We certainly don't have that, nor have I heard anybody propose it. I think that there is a slight flaw in the logic here.

The SPEAKER: Is the House ready for the question? The question before the House is, shall this Bill become a law not withstanding the objections of the Governor? Under the Constitution it is mandatory that this question be answered by the yeas and nays. If you are in favor of this bill becoming a law notwithstanding the objections of the Governor, when your name is called you will answer either yea or yes; if you are opposed to this Bill becoming a law, when your name is called, you will answer either nay or no. The Clerk will call the roll.

#### ROLL CALL

YEA—Anderson, Orono; Baldic, Beane, Bedard, Benson, Mechanic Falls; Eernard, Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Bussiere, Carroll, Champagne, Childs, Conley, Cote, Cottrell, Crommett, Curran, Danton, Dostie, Doyle, Drouin, Dudley, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gillan, Glazier, Graham, Harvey, Bangor; Harvey, Windham; Haugen, Healy, Hunter, Durham; Jordan, Keyte, Kilroy, Knight, Laberge, Lebel, Lent, Levesque, Lowery, Martin McKinnon, Mills, Mitchell, Na-

deau, Palmer, Pitts, Poulin, Roy, Ruby, Sawyer, Searles, Starbird, Stoutamyer, Sullivan, Wheeler, Whittier, Wuori.

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

**ABSENT** — Carswell, D'Alfonso, Drigotas, Erwin, Gilbert, Harriman, Harvey, Woolwich; Hoy, Jalbert, Lane, Roberts, Truman.

Yes, 72; No, 67; Absent, 12.

The **SPEAKER**: The Chair will announce the vote. Seventy-two having voted in the affirmative, sixty-seven having voted in the negative and twelve being absent, seventy-two not being a sufficient two-thirds of one hundred thirty-nine, this bill fails to become a law and the veto of the Governor is sustained.

### Orders

On motion of Mr. Gaudreau of Lewiston, it was

**ORDERED**, that Brian Franck of Auburn be appointed to serve as Honorary Page for today.

The **SPEAKER**: Brian is in the eighth grade of St. Joseph's Catholic School in Lewiston and is one of the organists at St. Joseph's Church. He is the son of Mr. and Mrs. Lester Franck of Auburn and also the nephew of the gentleman from Fairfield, Mr. Champagne. On behalf of the House the Chair welcomes you, Brian, and we hope that you en-

joy your duties as honorary page for the day. (Applause)

Mr. Anderson of Ellsworth presented the following Order and moved its passage:

**WHEREAS**, the members of the House have learned that yesterday was the birthday of the fishermen's friend, Mr. Crommett of Millinocket,

**BE IT ORDERED**, that the members of the House extend to Mr. Crommett their congratulations and their best wishes not only for this occasion but for the years which lie ahead. (Applause)

The Order received passage.

Mr. Burgoin of Fort Kent presented the following Order and moved its passage:

**WHEREAS**, Miss Patricia A. Roy, daughter of Mr. and Mrs. George Roy of Fort Kent, and a Senior at Mercy Hospital School of Nursing, Portland, has been named and elected Advisor of the National Student Nurses Association, Inc., at its annual convention, and

**WHEREAS**, Miss Roy is the immediate past president of the association, and also has been president of the Maine State Student Nurses Association, and

**WHEREAS**, she will represent the national association at the International Council of Nurses Congress in Frankfurt, Germany in June,

**BE IT ORDERED**, that the House of Representatives extend to Miss Roy its congratulations for her achievements in this field, and

**BE IT FURTHER ORDERED**, that the Clerk of the House is directed to send an attested copy of this Order to Miss Patricia Roy and her parents. (Applause)

The Order received passage.

### Tabled Later in the Day

Mr. Levesque of Madawaska presented the following Order and moved its passage:

**ORDERED**, the Senate concurring, that the Joint Standing Committees on Appropriations and Financial Affairs and Taxation acting jointly are hereby authorized

to report a bill which shall provide first, such appropriations from the General Fund as were not provided for in the supplemental appropriations bill and printed in new draft as S. P. 534, L. D. 1524, they may deem necessary and desirable to provide funds for uniform local effort, so-called crash program for the University of Maine and an increase in salaries for State employees; second, such tax assessments and/or tax adjustments as in their judgment may be required to finance the appropriations set out in said bill with a reasonable, safe and conservative excess to cover other possible legislative appropriations.

(On motion of Mr. Levesque of Madawaska, tabled pending passage and assigned for later in today's session.)

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

Mr. COTE: Mr. Speaker, I would like to know if the Clerk has in his possession L. D. 1258.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, inquires whether the House has in its possession House Paper 825, L. D. 1258, Bill "An Act relating to Legal Fees in Court Proceeding for Benefits Under Employment Security Law," and the Chair will answer in the affirmative.

The gentleman may proceed.

Thereupon, on motion of the same gentleman, the House voted to reconsider its action of yesterday whereby it indefinitely postponed the bill.

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

Mr. BRENNAN: Mr. Speaker, Members of the House: This bill would provide for the payment of counsel fees and appeal from an Employment Security Commission hearing. I think there may have been some misunderstanding yesterday in regard to what the bill provides. There will be no payment of counsel fees unless the appellant was successful in part or in whole on his appeal. So, I think that knocks out the argu-

ment that there would be frivolous appeals and this would promote a lot of useless litigation. Certainly, if someone comes into an attorney's office and the case has no merit and his payment is contingent upon success, he is not going to take it unless the case apparently has merit.

Furthermore, I believe Mr. Cote said that the funds to pay for these appeals would come from the federal government and this is my understanding after speaking to some labor officials that there is a fund, an administrative fund, whereby the state is reimbursed for funds that would be used for this nature. Also, under the present situation, the Commission has two attorneys which they have available and the employers usually have attorneys available, but the employee usually stands alone since the claim usually involves a very small sum. Under this bill, if the employee had a meritorious claim he could see an attorney and the attorney could represent him and would be paid on that basis if he were successful. So on that basis I hope that you vote to pass this bill and when the vote is taken I ask for a roll call.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: I raise no objection to the matter of reconsideration because I was acting under the assumption that perhaps I had been mistaken, but nothing that has been said here today leads me to believe that I was mistaken. Payment under federal law, payment cannot come from the Unemployment Compensation Fund. It is a diversion of federal funds. If someone will show me the law or the Department of Labor directive or whatever it is that says that the money may be used for that purpose, then fine. If there is federal money available, fine, but there is not. And I have checked again into this matter.

Now, as far as the bill itself is concerned, I submit to you that the employee or the applicant for benefits, for unemployment security, is getting a fair shake now.

There is no suggestion that I know of that he is not. And the particularly objectionable feature of the bill as I pointed out to you yesterday is that with Senate Amendment "A" providing that the fee that the attorney recovers shall be that which is set by the local bar association as being the minimum fee, you are talking about quite a bit of money. It is not based on a contingency of one-third of whatever is recovered or anything like that. I have heard nothing, ladies and gentleman of the House, that leads me to believe that the House should reverse itself from the action which it took yesterday.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House forty-three eighth grade graduates of Saint Joseph's Catholic School of Lewiston. They are accompanied by Sister Mary of the Angels and Sister Mary Claudia. They are the guests of the gentleman from Lewiston, Mr. Jalbert. 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 forty-two seniors of Dexter High School, accompanied by their teacher Mr. Frederick Clark. They are the guests of the gentleman from Dexter, Mr. Keyte. 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 Portland, Mr. Brennan.

Mr. BRENNAN: Mr. Speaker, Members of the House: I am certainly bewildered why my good friend, the gentleman from Cumberland, is afraid of what the local bar association has set as a minimum fee since he is a practicing attorney himself. I don't imagine he charges less than minimum fees. Certainly I would like to say that as I understand the federal government kicks back a certain percentage to the state to

administer these funds. It is further my understanding that out of this government fund, the federal government fund, counsel fees will be paid out of that fund.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This bill was reported out of committee nine to one favoring this committee report, which I think had a very good hearing and as the gentleman from Cumberland has pointed out I fail to see where the County Bar Association would be so unreasonable as to make sure that the payment of these attorney fees would be unreasonable. I don't think that the barristers of the State of Maine are going to go to the extent of charging exorbitant prices for their fees. I still have the highest respect for these bar members of the House and also that they will do the same after they leave the halls of the Legislature and these funds that are provided, as stated before, are not all state funds, they are not all federal funds. It is a combination of state and federal funds for administrative purposes.

So I fail to see where this bill is going to cost so much money as far as the Employment Security Funds are concerned and certainly the only ones that would be affected are these poor unemployed people or unfortunate people that happen to be unemployed for any reason whatsoever. And if they feel that they need representation or legal representation, they should be entitled to do so.

So, I appeal to you this morning that you will vote for this bill as a nine to one committee report.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I served on the Labor Committee for six years. I am not on it this term. But several times we have had the suggestion that attorney fees be paid under the Workmen's Compensation bill and prior to now these have always been de-

feated. This is the first time that I have ever seen this suggestion that they pay attorney fees under the Employment Security Law. The question has been raised as to where this money is coming from. Three-tenths of one per cent of the money collected is paid into a reserve fund. It is our money, but it is paid into that fund anyhow and this money would come from that fund. Generally, the unemployed worker can't afford to hire legal counsel himself and so to me this certainly would seem fair since it will not cost the employers of the state any more money.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker, I rise for a point of order. Is it proper for me to ask the Clerk why this is still in our possession. I thought we passed an order yesterday saying that all bills would go to the Senate within thirty minutes.

The SPEAKER: Unless they were asked to be held back for reconsideration.

Mrs. LINCOLN: Thank you.

The SPEAKER: The question before the House now is that we recede from our former action and concur with the Senate in the adoption of Senate Amendment "A".

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

Mr. KITTREDGE: Mr. Speaker, would it be possible just for the record to check the committee report to see how many people signed it out?

The SPEAKER: The report was seven "ought to pass" and three "ought not to pass."

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

Mr. BENSON: Mr. Speaker, Ladies and Gentlemen: I would like to endorse the words of wisdom that you have listened to from the gentleman from Cumberland, Mr. Richardson, and I would like to further contend that possibly this is leading the very person that we are trying to help down the primrose path. I think

that there will be many instances where these people will go after a reversal of the decision in court with the hope that they will receive the reversal and therefore have their attorney's fees paid for. They will not get that reversal and end up paying for attorney fees themselves. And these very people are the ones supposedly we are trying to help.

Now, I don't see that anything has changed since yesterday. I certainly would hope that you will go along with the vote of yesterday. Thank you.

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

Mr. KITTREDGE: Mr. Speaker, through the Chair I would like to ask the gentleman from Portland, Mr. Brennan, since I recall he said that the employers' lawyers are taken care of and the Commission's two lawyers are taken care of in respect to payment. I would like to ask him, who pays the employers' lawyers?

The SPEAKER: The gentleman from South Thomaston, Mr. Kittredge, has posed a question through the Chair to the gentleman from Portland, Mr. Brennan, who may answer if he so desires.

Mr. BRENNAN: Mr. Speaker, I would suspect that possibly the employer pays his own lawyer. It is the situation here that the employee, it's the cost of doing business for the employer to have regular counsel, to retain counsel. Employees, especially people that get involved in these situations, can't afford counsel.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support the bill L. D. 1258. I have had a number of these cases and usually they involve a very small amount of money, perhaps anywhere from fifty dollars to a hundred and fifty or two hundred dollars. Under the Employment Security Law, these appeals are taken in the Kennebec County Court so that it is necessary in most cases to have a pretrial, necessary to come to Augustæ, and if there is an appeal

from the Superior Court on a matter of law, of course that has to be heard either in Augusta or Portland.

Now these poor people, many of them are not earning more than perhaps fifty dollars a week, sixty dollars a week, and it is next to impossible for them to pay their attorneys' fees. Now I have in the past, and I know other attorneys have, handled some of these cases and never received any remuneration whatsoever and we are willing to do that. We do that a good many times, but many of these unemployed persons will not go to an attorney because they feel either from pride or from some other reason that they don't want to go to an attorney if they can't pay him. And I think that this is a very reasonable bill and a very fair bill.

And let me say that if these people do not have the right to appeal they have that right under the law, they have the legal statutory right to appeal, but where attorneys' fees are involved as a practical matter sometimes they actually are denied that right, and many times these people, I have found anyway, that come to me they are perfectly right. It is an administrative decision made by some deputy clerk in one of the employment offices and these people are not attorneys and are not in some cases too conversant with the law, with the many amendments to the law.

And I feel very strongly that this is a good bill and it will do something for some of the unfortunate people in this state, some of the people that we need to do something for, and I am very much in favor of it.

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

Mr. GILLAN: Mr. Speaker, Ladies and Gentlemen of the House: I think the purpose of this bill emphasizes the old maxim that you can't buy justice but it takes money to obtain it. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is that we recede from our former action

and now concur with the Senate in the adoption of Senate Amendment "A", and the Chair will order a division.

All those in favor of receding from our former action and concurring with the Senate relative to Bill, "An Act relating to Legal Fees in Court Proceeding for Benefits Under Employment Security Law," House Paper 825, L. D. 1258, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-seven having voted in the affirmative and forty-seven having voted in the negative, the motion prevailed.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to inquire if the Clerk is in possession of L. D. 1514.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, inquires whether the House has in its possession House Paper 1108, L. D. 1514, "An Act Providing for Adequate Fishways in Dams," on which on May 11 the Minority "Ought not to pass" Committee Report was accepted. And this document is in the possession of the House.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I now move that we reconsider our action of yesterday whereby this House accepted the Minority Report.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, now moves that we reconsider our action whereby we accepted the Minority "Ought not to pass" Report. The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: To say the least, yesterday I was somewhat amazed at the action taken by this House and the way some members voted on this particular issue. I realize that we had a long day, but this is no reason to kill a bill simply for that reason alone. Yesterday, a member of this House referred to the origi-

nal bill which was L. D. 292. I would point out to that member and the Members of this House that this is not the bill under discussion any more, but rather we should concentrate our efforts on the new draft which we are now acting upon. I can assure the members of this House that I would not have voted for the original bill either. But this is not the original bill, this is the new draft that we are now considering.

This bill does not create that much of a burden on industry, if any whatsoever. Might I point out that the present law is on the books at the present time. The new draft would merely allow the people of Maine a chance to say something about the placing of fishways. I would advise all members of the House to look at 1514 and to see the three sections that are added in. Is this asking too much? I don't think so and I hope that the majority of this House agrees. If you will note as to what is amended, you will find that the Commissioner shall hold a hearing if petitioned by citizens of the municipality in which the dam is to be located or the fishway. In unorganized townships, the county commissioners could petition for that hearing.

Are we afraid that the people of Maine will be unreasonable? Are we afraid that justice will not be carried out? Is it not the purpose of this Legislature to pass legislation that will benefit the majority of the people of Maine?

I might point out that the report of the Committee on Inland Fish and Game was nine to one "ought to pass" until one member changed his position, but this still remains eight to two. I was further amazed by the actions of that gentleman, who in the past month of this session has so ably debated conservation. This is indeed somewhat of a switch. I would certainly hope that the House would vote for reconsideration.

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

Mr. GAUDREAU: Mr. Speaker, Members of the House: I concur with the gentleman from Eagle

Lake, Mr. Martin. I really believe that this bill has merit. This simply gives the right to the people to be heard. The only argument against this bill is that the Commissioner will be put on a spot. I don't believe this. The Commissioner and Department hold dozens of hearings every year and I am sure that the Commissioner does a good job no matter how much pressure there is. Thank you.

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

Mr. BEANE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind the gentleman from Eagle Lake, Mr. Martin, that I mentioned this new L. D. 1514 yesterday and I don't consider it any better than the original bill. It is my opinion that this could become a very dangerous bill. Fishways are desirable in many cases and undesirable in others. Imagine what would happen if fishways were built in every dam in the Kennebec River. Instead of enjoying great trout and salmon fishing north of Solon, the river would have carp and many other specie of rough fish. This bill would make it possible for pressure to be brought about so that fishways might be built anywhere, regardless of whether the Fish and Game Department considered it good business. The Commissioner of Fish and Game already has the power to demand the fishways be built under Chapter 37, Section 13.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would be against reconsideration. I think we have adequate laws at the present time and I see fishways being built where they seem to be needed. We have one being built at the mouth of the Piscataquis River where it was built last year where it dumps into the Penobscot, and I hope by now you people have had your invitation to view the affair when it is dedicated some time around the

seventh of June. I think this will be a matter of proof that there is something being done, that the necessary fishways are being built, and that we do have adequate laws. For this reason I hope that we do not reconsider our action of yesterday.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct the misstatement that I made a few moments ago regarding a committee report of nine to one. Now this morning I knew that we had before us two reconsideration matters. One was nine to one and seven to three and this is the committee report nine to one that I should have made reference to awhile ago and the other one was seven to three. But I certainly hope that the House will go along with reconsideration and I would request a division.

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

Mr. ANDERSON: Mr. Speaker, Members of the House: This will be just another confusing and overlapping law to clutter up our statutes. I certainly hope that the motion to reconsider does not prevail.

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

Mr. ROY: Mr. Speaker, in reference to the gentleman from Moscow, may I ask him in regard to the process of laws, is it the departments of the state or the members of Legislature that make laws? In reference to fishways, I would also like to pose a question to the gentleman, how many fishways have they built on the Kennebec River or any other major rivers or the Wyman Dam? Fishways is what the state here has the only answer to preserve for what they advertise as Vacationland. Without fishways the state is lost. We must preserve the natural resources. I am disappointed with the gentleman from Ellsworth, Mr. Anderson,

who always speaks so strongly in regard to the preservation of the wilderness of the State of Maine. This is why I hope that the House will go for reconsideration.

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

Mr. DICKINSON: Mr. Speaker, Members of the House: An angle which concerns me connected with this proposal is the demands upon the time of the people in the Fish and Game if everyone who thinks he wants a fishway on a little stream in any location can demand a hearing. It seems to me that the Fish and Game Department might spend a lot of time conducting hearings. I do know that they have constructed many fishways and there are reasons that have to be considered to justify that construction. Therefore I would be opposed to reconsideration of the action.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I see no need for reconsideration of this matter. It looks to me like we will be confronted with more pressure groups with tools to implement undesirable expenditures in areas where it is entirely unnecessary, and I move for a division when the vote is taken.

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

Mr. JALBERT: Mr. Speaker, it was debated yesterday and today. I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the previous question. For the Chair to entertain the previous question, it must have the consent of one-third of the members present. All those in favor of entertaining the motion for the previous question will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen the



previous question is in order. The question before the House now is, shall the main question be put now, which is debatable for no more than five minutes by any one member and that member may not debate the merits of the bill. 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 taken, the motion prevailed.

The SPEAKER: The question before the House is, shall we reconsider our action whereby we accepted the Minority "Ought not to pass" Report? A division has been requested.

All those in favor of reconsidering our action whereby we accepted the Minority "Ought not to pass" Report on Bill "An Act Providing for Adequate Fishways in Dams," House Paper 1108, L. D. 1514, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

#### **Tabled Until Later in the Day**

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

Mr. LIBHART: Mr. Speaker, I would inquire through the Chair of the Clerk if we are in possession of L. D. 333.

The SPEAKER: The gentleman from Brewer, Mr. Libhart, inquires whether the House is in possession of House Paper 137, L. D. 333, Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure," which on May 11, yesterday, was indefinitely postponed, and the answer is in the affirmative.

Mr. LIBHART: Mr. Speaker, I now move that we reconsider our action whereby we indefinitely postponed this bill and would speak to the motion.

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

Brewer, Mr. Libhart, that we reconsider our action whereby this bill was indefinitely postponed, and he may proceed.

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I notice that one of the chief proponents for this bill is not in his seat and I would hope that somebody would table this until later on in today's session.

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

Mr. ROSS: Mr. Speaker, I move that this matter lie upon the table until later in today's session.

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves that this matter lie upon the table assigned for later in today's session. Is this the pleasure of the House?

The motion prevailed.

On the part of the House, the Speaker appointed the following Conferees on the disagreeing action of the two branches of the Legislature on H. P. 265, L. D. 347, An Act Providing for a Legislative Conference Prior to the Convening of the 103rd Legislature:

Messrs BINNETTE of Old Town  
DUDLEY of Enfield  
KITTREDGE  
of South Thomaston

The SPEAKER: The Chair at this time would like to recognize in the rear of the House Mr. and Mrs. Omer Binnette from Richfield Park, New Jersey, who are vacationing in Maine. They are the guests of the gentleman from Auburn, Mr. Gauvin, and the gentleman from Lewiston, Mr. Bussiere. On behalf of the House the Chair welcomes this couple and we hope that your visit here will be enjoyable. (Applause)

#### **House Reports of Committees Leave to Withdraw**

Mr. Lane from the Committee on Agriculture on Bill "An Act relating to Application for Milk Dealers to Sell Milk" (H. P. 27) (L. D. 39) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Mr. Birt from the Committee on Appropriations and Financial Affairs reported Leave to Withdraw on Bill "An Act to Create a Recess Committee to Study all Phases of the Maine State Retirement System and Related Titles of the Social Security Act" (H. P. 114) (L. D. 138)

Report was read.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out that this is being withdrawn as covered by other legislation, which will be forthcoming from the Committee on Appropriations and Financial Affairs; and this is being done in complete agreement with the Executive Secretary of the Maine State Employees Association.

Thereupon, the Report was accepted and sent up for concurrence.

#### **Ought Not to Pass Tabled and Assigned**

Mr. Anderson from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Appropriating Funds to the Division of Vocational Rehabilitation, Department of Education" (H. P. 786) (L. D. 1039)

Report was read.

(On motion of Mr. Birt of East Millinocket, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 19.)

Mr. Birt from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Providing for Loans to Students Attending Tax Supported Teacher-Preparing Institutions" (H. P. 957) (L. D. 1292)

Report was read and accepted and sent up for concurrence.

#### **Tabled and Assigned**

Mr. Richardson from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act to Establish a Department of Family Relations" (H. P. 497) (L. D. 650)

Report was read.

(On motion of Mr. Haugen of South Portland, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 19.)

Mr. Fraser from the Committee on Welfare reported "Ought not to pass" on Bill "A Act relating to Rules and Regulations for Safety and Welfare of Railroad Employees" (H. P. 756) (L. D. 993)

Report was read and accepted and sent up for concurrence.

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

Mr. Hunter from the Committee on Agriculture on Bill "An Act Establishing Maine Scale Rule for Logs" (H. P. 614) (L. D. 824) reported same in a new draft (H. P. 1120) (L. D. 1530) under same title and that it "Ought to pass"

Mr. D'Alfonso from the Committee on Public Utilities on Bill "An Act to Incorporate the Kittery Sewer District" (H. P. 244) (L. D. 324) which was recommitteed, reported same in a second new draft (H. P. 1121) (L. D. 1531) under same title and that it "Ought to pass"

Mr. Martin from the Committee on Taxation on Bill "An Act relating to Exemption of Certain Motor Vehicle Fuel from the Sales Tax" (H. P. 780) (L. D. 1033) reported same in a new draft (H. P. 1122) (L. D. 1532) under title of "An Act relating to the Exemption of Aeronautical Fuel from the Sales Tax" and that it "Ought to pass"

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

#### **Ought to Pass Printed Bill**

Mr. Beane from the Committee on Transportation reported "Ought to pass" on Bill "An Act relating to Registration Fee for Motor Vehicles Operated Exclusively on Certain Islands" (H. P. 1024) (L. D. 1387) which was recommitteed.

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

### Ought to Pass with Committee Amendment

Mr. Healy from the Committee on Appropriations and Financial Affairs on Resolve in Favor of Development of State Park on Lower Range Pond, Poland, Androscoggin County (H. P. 303) (L. D. 406) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H.P. 303, L.D. 406, Resolve, in Favor of Development of State Park on Lower Range Pond, Poland, Androscoggin County.

Amend said Resolve in the 2nd line by striking out the figure "\$400,000" and inserting in place thereof the figure '\$50,000'; and by striking out in the 3rd line the word and punctuation "acquisition,"

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

Mr. Richardson from the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in Uniform Commercial Code and to Amend Certain Statutes to Conform Thereto" (H. P. 816) (L. D. 1107) 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. 816, L. D. 1107, Bill, "An Act to Correct Errors and Inconsistencies in Uniform Commercial Code and to Amend Certain Statutes to Conform Thereto."

Amend said Bill by inserting after section 4, a new section, as follows:

"Sec. 5. R. S., T. 11, sec. 2-107, sub-secs. (1) and (2), amended. Subsections (1) and (2) of section 2-107 of Title 11 of the Revised Statutes are amended to read as follows:

'(1) A contract for the sale of timber, minerals or the like or a structure or its materials to be removed from realty is a contract for the sale of goods within this Article if they are to be severed by the seller but until severance a purported present sale thereof which is not effective as a transfer of an interest in land is effective only as a contract to sell.

(2) A contract for the sale apart from the land of growing crops or other things attached to realty and capable of severance without material harm thereto but not described in subsection (1) or of timber to be cut is a contract for the sale of goods within this Article whether the subject matter is to be severed by the buyer or by the seller even though it forms part of the realty at the time of contracting, and the parties can by identification effect a present sale before severance.'

Further amend said Bill by inserting after section 14, a new section, as follows:

"Sec. 14-A, R. S., T. 11, sec. 6-104, subsection (1), paragraph (c), amended. Paragraph (c) of subsection (1) of section 6-104 of Title 11 of the Revised Statutes is amended by adding at the end, a new sentence, as follows:

'The fee for filing such a list and schedule shall be \$2.'

Further amend said Bill by inserting after section 19, the following sections:

"Sec. 20. R. S., T. 11, sec. 9-105, sub-sec. (1), (f) amended. The last sentence of paragraph (f) of subsection (1) of section 9-105 of Title 11 of the Revised Statutes is amended to read as follows:

"'Goods' also includes the unborn young of animals, timber to be cut and growing crops;'

Sec. 21. R. S., T. 11, sec. 9-109, sub-sec. (4), amended. Subsection (4) of section 9-109 of Title 11 of the Revised Statutes is amended to read as follows:

'(4) Inventory. "Inventory," if they are held by a person who holds them for sale or lease or to be furnished under contracts of service or if he has so furnished them, or if they are raw materials, work in process or materials

used or consumed in a business. **"Inventory" includes timber to be cut.** Inventory of a person is not to be classified as his equipment.'

**Sec. 22, R. S., T. 11, Sec. 9-204, subsection (2), (b), amended.** Paragraph (b) of subsection (2) of section 9-204 of Title 11 of the Revised Statutes is amended to read as follows:

**'(b) In fish until caught, in oil, gas or minerals until they are extracted, in timber until it is cut;'**

Further amend said Bill by inserting after section 21, the following section:

**"Sec. 22, R. S., T. 11, Sec. 9-307, subsection (1), amended.** Subsection (1) of section 9-307 of Title 11 of the Revised Statutes is amended to read as follows:

**'(1) A buyer in ordinary course of business (section 1-201, subsection (9)), other than a person buying timber, logs or pulpwood from a person engaged in timbering operations or from a person dealing in timber, logs or pulpwood and other than a person buying farm products from a person engaged in farming operations, takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.'**

Further amend said Bill by inserting after section 24, a new section, as follows:

**"Sec. 24-A, R. S., T. 11, Sec. 9-504, subsection (3), amended.** The 2nd sentence of subsection (3) of section 9-504 of Title 11 of the Revised Statutes is amended to read as follows:

**"Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the secured party to the debtor and except in the case of consumer goods to any other person who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the debtor in this State or who is**

**known by the secured party to have a security interest in the collateral.'**"

Further amend said Bill by inserting after section 25, a new section, as follows:

**"Sec. 25-A, R. S., T. 14, Sec. 4154, amended.** The last sentence of section 4154 of Title 14 of the Revised Statutes is amended to read as follows:

**'The municipal clerk, Secretary of State or register of deeds, as the case may be, shall receive the copy thereof with a fee of \$2, noting thereon the time, enter it in a suitable book or file and keep it on file for the inspection of those interested therein.'**"

Further amend said Bill by renumbering the sections of the Bill to read consecutively.

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

#### Tabled and Assigned

Mr. Cottrell from the Committee on Taxation on Bill "An Act Repealing Property Tax Exemption for Pleasure Boats in the State for Storage or Repair" (H. P. 760) (L. D. 997) which was recommended, reported "Ought to pass" as amended by Committee Amendment "B" submitted therewith.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: This bill was originally filed by me quite early in the session. Since that time it has been floating around and perhaps that's appropriate for a boat bill, but I am fearful that the boat is losing its rudder.

The bill received a good hearing, it was read on the Floor of the House, and was recommended to the Committee and has since then received a committee amendment. In spite of this, it seems that some parties concerned are still not satisfied with the wording of the amendment. I believe the Taxation Committee will meet in executive session this afternoon, and they would like to scrutinize this bill further, and I would hope that

somebody would table this bill until tomorrow.

Thereupon, on motion of Mr. Cottrell of Portland, tabled pending acceptance of the Committee Report and specially assigned for Friday, May 14.

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Sale or Inhaling of Certain Glue Vapors" (H. P. 71) (L. D. 81) reporting same in a new draft (H. P. 1123) (L. D. 1533) under title of "An Act relating to the Inhalation of Certain Vapors and to the Possession of Certain Drugs" and that it "Ought to pass"

Report was signed by the following members:

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

Messrs. BERMAN of Houlton  
RICHARDSON  
of Cumberland  
DANTON of Old Orchard  
Beach  
DAVIS of Calais  
GILLAN  
of South Portland  
—of the House.

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

Report was signed by the following members:

Mr. VIOLETTE of Aroostook  
—of the Senate.

Messrs. BISHOP of Presque Isle  
BRENNAN of Portland  
—of the House.

Reports were read.

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

Mr. ROSS: Mr. Speaker and Members of the House: I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Brownville, Mr. Ross, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. BISHOP: Mr. Speaker, I don't want anyone to get the impression that I am in favor of glue-sniffing, but I feel that I should

say why I signed the minority report.

There are many substances which can produce dilatory effects if you inhale them, including gasoline. I think we are trying to regulate conduct here that is of such a common nature that I think we will get involved in a quagmire of reaching too far into personal conduct. There are some parts of this bill that perhaps are good, the possession of certain narcotics and so on, but the inhalation of gasoline is just as harmful as the inhalation of these glues, and I think we are going to be trying to regulate too many things.

The SPEAKER: The question before the House is on the motion of the gentleman from Brownville, Mr. Ross, that we accept the Majority "Ought to pass" Report. Is this the pleasure of the House? All those in favor of accepting the "ought to pass" report will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, the New Draft read twice and tomorrow assigned.

### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Persons Having Right to Redeem Mortgaged Premises" (H. P. 136) (L. D. 160)

Report was signed by the following members:

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

Messrs. BERMAN of Houlton  
BISHOP of Presque Isle  
DAVIS of Calais  
RICHARDSON  
of Cumberland  
GILLAN of South Portland  
BRENNAN of Portland  
—of the House.

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

Report was signed by the following member:

Mr. DANTON of Old Orchard  
Beach—of the House.

Reports were read.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen: I move that we accept the Minority "Ought to pass" Report and would speak to the motion.

The SPEAKER: The gentleman from Brewer, Mr. Libhart, now moves that we accept the Minority "Ought to pass" Report. The gentleman may proceed.

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: This bill and the next one on the calendar were bills introduced by myself to clear up an inadequate section of our revised statutes. The sections that this bill and the next one would attempt to clarify have been the subject of problems in our courts. And our courts, frankly, are in doubt as to the meaning of the present law.

It seems to me that what these two bills try to do is the meaning of the present law but the law is so written, or the laws are so written, that it leads to doubt. Now in my opinion the bill, both bills, are very simple bills and I'm afraid to say that the committee did not understand what I was trying to do. I understood that they were going to ask me back to explain to them again what I was trying to do, but apparently in the press of getting these bills out, the invitation wasn't presented.

I'd like to have you bear with me for just a moment so I can tell you what both these bills do. Under the present situation there is a question as to whether or not a third party creditor, a person who has a claim against a person who owns real estate and has it mortgaged, would be able to come in to a foreclosure situation and stand in the shoes of the foreclosing mortgagee. Now really that's not very complicated. Let's take a person who owns a property, it's mortgaged to another person, the person gets into financial difficulty and the person who is holding the mortgage forecloses.

If this bill and the following one are not passed then we leave on

our books a question of whether or not a person having a claim against the individual whose property is under foreclosure could come in and make a real estate attachment and do nothing further, then go to the mortgagor who is the person who is holding the mortgage, and say, "I want to own this mortgage." Now under our present law this is possible if both these sections are improperly, in my opinion, improperly interpreted. Now this would mean that if I am a—let's take the typical case that would produce a hardship, a divorce situation. Husband and wife are getting divorced and joint ownership of the property and no court hearing as to the disposition. Now very frequently in cases of this kind, the spouses, unable to agree, will let the property go to the foreclosure. They'll have an agreement with the bank, one of them, that as soon as the foreclosure has ripened they will be able to come in the next day and buy the property back and refinance it. Now some frivolous creditor who is owed fifty dollars, we'll say, comes along and the day before the foreclosure is going to ripen, he goes into the bank and he says I notice so and so's property is about ready to ripen, how much money have you got due on it and the bank's answer is \$8,000, the property is worth \$16,000, he comes along and he says I want to own. If the present law is misinterpreted, he could do this, pay over the \$8,000, the next day the foreclosure ripens, he owns it, he now owns a property worth \$16,000 that he paid \$8,000 for we'll say on an attachment worth \$50.00. Now I say this is wrong.

This bill and the next bill is an attempt to clear up that situation. This is why I am moving to accept the Minority "Ought to pass" Report.

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

Mr. RICHARDSON: Mr. Speaker, for some reason this does not seem to be my day. I neglected or failed to see any other member of the Judiciary Committee who

looked like he was going to stand up so I thought I should try to explain to you why there are nine lawyers who feel that this is not a good bill, as opposed to one who does.

It seems to me that the worst thing that we can do here in Augusta is start fooling around with the substantive law, particularly tinkering with the law of real estate. I do not understand the need for the bill presented by my good friend from Brewer, Mr. Libhart, and in fact I consulted with a firm of real estate or attorneys in Portland who do a great deal of real estate work, and it was their opinion that this was unnecessary. Now the real problem here you see is that the fellow that comes in and buys up the property and pays off the bank is getting a possible windfall that the bank wants to have itself. That's what the real argument is about and I submit to you that there is no reason in logic or anywhere else why you should favor a bank under these circumstances, and secondly and most important I hate to see this legislature wade into the law of real property over the very considered objections of the nine lawyers on the Judiciary Committee who think that it's a bad bill, and I am very sorry that I have to take this position in opposition to my friend, Mr. Libhart of Brewer, but I do feel that the course of responsible action of this House demands that we defeat both measures, the one that is here before you now and the one that is to follow. I therefore move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen: There is a need for this bill. It's been demonstrated in recent cases which involved a great deal of money and a great deal of time.

I didn't have to consult with a firm doing a lot of real estate work because my firm does. And we were involved in one of these situations and we saw the inadequacies of this law very closely. Now the reason, if we must say banks, and remember there are a lot of people who do mortgaging other than banks, the reason that banks should have the expectancy, if there is going to be a surplus after a mortgage foreclosure, is because the banks in their business very infrequently, but once in a while, will foreclose and have a surplus. Now in their business they do a lot of foreclosing that produces a deficit and it's never reimbursed. Now if they are willing to take the risk on this property for a long period of time on a mortgage, and then find that they have to foreclose and run the risk of a deficiency, every once in a while they should have the right to expect a surplus to balance this off, and I say that this right through contract is a much more pressing right than the right of a frivolous attaching creditor who is coming in at the last moment the day before the mortgage ripens into foreclosure with a fifty dollar claim and come up with a surplus of perhaps twice what the problem is, particularly in the situation which we frequently find where the mortgagee and the mortgagor have an agreement to refinance the day after the mortgage is going to ripen.

Now this is a fantastic thing. You think of it. Let's assume that you own a piece of property and there is a cloud on it. You don't want to spend a thousand dollars to clear the cloud because the now divorced wife is in places unknown with some other guy. And you want to clear title by foreclosure, which you can do, cheaply, and you've got the situation set up with the bank so the day after foreclosure you can come in and refinance and you're going to clear this cloud and some character who has a claim against you unscrupulously, and I'm not talking out of my hat, because this actually happened to my bank in Brewer, comes along the last day and puts an attachment on

and whether or not there is any merit to their claim they come up and say, let's have it. They end up with the property, they end up with the surplus, and it's not right.

Now I agree with my friend from Cumberland, Mr. Richardson, that he doesn't understand this bill, but the reason that it is not understood is no reason for not passing it. Now I think I've explained it fairly adequately and if you folks feel that the mortgagee should have the right of expectancy rather than a frivolous attaching creditor, you should vote for it, and vote against the motion for indefinite postponement.

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

Mr. DICKINSON: Mr. Speaker, Ladies and Gentlemen: We've been hearing a lot about a man who might have a bill in the amount of fifty dollars against the mortgagor, but it seems to me that there might be some who would have considerably larger bills against them in the amount of several thousand dollars. It's my understanding if this legislation was passed the man who was owed several thousand dollars would also be shut out from picking up a prior mortgage.

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

Mr. LIBHART: Mr. Speaker, I haven't adequately explained it in my rush to try to not take up too much time. This bill simply requires that a judgment creditor go to judgment before he can go after the mortgage, the mortgagee's right to redeem. That's all it does. It says if you have a claim against the fellow whose property is being foreclosed then in order for you to come in and tell the mortgagee to get out, you must bring your action to judgment. That's all it says. If you've got a claim you can bring it to judgment; if you've got a valid claim you can bring it to judgment and go in and go against the equity of redemption. That's all this bill and the following bill do. It prevents the frivolous attaching creditor, the guy that's got the

creditor, the guy that's got the judgment from going in. The guy with the fifty dollar claim or the five thousand dollar claim, if he gets his judgment, can go in still under these two bills and attach the equity of redemption. Now I hope that I have explained this.

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

Mr. BUSSIERE: Mr. Speaker and Members of the House: I have to agree with Mr. Libhart when he says you have to use your judgment. And I hope you vote for the motion for indefinite postponement.

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 this bill and its accompanying papers be indefinitely postponed. All those in favor of this bill and its accompanying papers being indefinitely postponed say aye—the Chair recognizes the gentleman from Brewer, Mr. Libhart who requests 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.

Eighty-three having voted in the affirmative and thirty-one having voted in the negative, the motion prevailed.

Sent up for concurrence.

### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Rights of Creditors to Redeem Real Estate" (H. P. 139) (L. D. 162)

Report was signed by the following members:

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

Messrs. BERMAN of Houlton  
BISHOP of Presque Isle  
DAVIS of Calais  
RICHARDSON  
of Cumberland



GILLAN  
of South Portland  
BRENNAN of Portland  
—of the House.

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

Report was signed by the following member:

Mr. DANTON  
of Old Orchard Beach  
—of the House.

Reports were read.

On motion of Mr. Bussiere of Lewiston, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Photostatic Copies of State-ments Filed under Uniform Commercial Code" (H. P. 634) (L. D. 859)

Report was signed by the following members:

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

Messrs. RICHARDSON  
of Cumberland  
DAVIS of Calais  
GILLAN  
of South Portland  
BRENNAN of Portland  
—of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. BERMAN of Houlton  
DANTON  
of Old Orchard Beach  
BISHOP of Presque Isle  
—of the House.

Reports were read.

The Majority "Ought not to pass" Report was accepted and sent up for concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act to Provide for Fair Minimum Wages

for Construction of Public Improvements" (H. P. 743) (L. D. 980) reporting same in a new draft (H. P. 1124) (L. D. 1534) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. CHISHOLM of Cumberland  
Messrs. O'LEARY of Oxford  
SMITH of Cumberland  
—of the Senate.

Messrs. LEVESQUE  
of Madawaska  
BEDARD of Saco  
DUMONT of Augusta  
GAUVIN of Auburn  
KITTREDGE

of South Thomaston  
Mrs. BAKER of Winthrop  
—of the House.

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

Report was signed by the following member:

Mr. BENSON  
of Southwest Harbor  
— of the House.

Reports were read.

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

Mr. LEVESQUE: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves the acceptance of the Majority "Ought to pass" Report.

Thereupon, on motion of Mr. Starbird of Kingman Township, tabled pending the motion of Mr. Levesque of Madawaska and specially assigned for Thursday, May 13.

#### Divided Report 'Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Providing for a State Income Tax" (H. P. 1006) (L. D. 1353)

Report was signed by the following members:

Messrs. LETOURNEAU of York  
WILLEY of Hancock  
— of the Senate.

Messrs. CURRAN of Bangor  
HANSON of Gardiner

WOOD of Webster  
 ROSS of Bath  
 MARTIN of Eagle Lake  
 DRIGOTAS of Auburn  
 — of the House.

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

Report was signed by the following members:

Mr. MAXWELL of Franklin  
 — of the Senate.  
 Mr. COTTRELL of Portland  
 — of the House.

Reports were read.

(On motion of Mr. Levesque of Madawaska, tabled pending acceptance of either Report and specially assigned for Wednesday, May 19.)

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

Whereupon, Mr. Levesque of Madawaska assumed the Chair as Speaker pro tem and Speaker Childs retired from the Hall of the House.

#### Passed to Be Engrossed

Bill "An Act relating to Governor, Lieutenant Governor and Tribal Committee of the Passamaquoddy Tribe" (S. P. 402) (L. D. 1222)

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

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 Temporarily Laid Aside

Bill "An Act relating to Sunday Sale of Liquor" (H. P. 1118) (L. D. 1525)

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

Upon request of Mr. Meisner of Dover-Foxcroft, temporarily laid aside.

#### Amended Bills Temporarily Laid Aside

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)

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

Upon request of Mr. Pike of Lubec, temporarily laid aside.

Bill "An Act relating to Borrowing Powers of East Corinth Academy" (H. P. 1065) (L. D. 1443)

Was 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.

Bill "An Act to Create a Maine State Board of Human Research and Development" (H. P. 904) (L. D. 1232)

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

#### Temporarily Laid Aside

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

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

Upon request of Mr. Cookson of Glenburn, temporarily laid aside.

At this point, Speaker Childs returned to the rostrum.

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

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

The Chair laid before the House the third item which was temporarily set aside at the request of Mr. Meisner of Dover-Foxcroft:

Bill "An Act relating to Sunday Sale of Liquor," H. P. 1118, L. D. 1525.

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

Mr. MEISNER: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill L. D. 1525 be indefinitely postponed with all its papers.

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

Mr. MEISNER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not think I'm arrogant at this time by moving this motion because I can assure you that I've never felt any more in earnest than I am at this moment on speaking to this bill.

I definitely oppose this bill for several reasons and I will try to give you those reasons as briefly as I can because of the lateness of the hour.

As I have said on previous occasions, I am definitely opposed to the broadening of the sale of liquor. This bill is such a bill, sets out to broaden the liquor base, the sale of liquor. We have liquor enough now. I do not propose—I'm not a prohibitionist, neither do I expect to take away that social glass that you have now and again, but I think that we have plenty of problems now that are connected with the drinking of liquor. We not only have them in this state but we are told that forty states in the Union are confronted with alcoholic problems which they are trying to solve. Not only do we have this problem in this country, but practically all the civilized countries are trying to solve this problem of alcoholism in some way. We in this country seem to be trying to promote it.

We have here in the State of Maine, they tell us, thirty-five thousand alcoholics. Perhaps that is disputed, but anyway, whatever the problem may be we are having too many I can assure you. Now I'm opposing this bill in the first place because I think it's

making too much of a drain on our economy, it is costing us too much. I wonder if you know just how much we are spending for liquor. These are official figures that have been gathered by a research committee appointed by the Christian Science Monitor. It's costing us, we have spent in the year of 1964 13.6 billion dollars for legalized liquor. They tell us that there is 1.1 billion dollars spent for illegal liquor, that making a total of 14.7 billion dollars that we're spending for liquor.

There is only one item that's costing us more and that is our automobiles. Automobiles, used and new, are costing us 17.3 billion dollars. This is making a drain on the people of our communities. I'm sure that if you have been interested enough to check on the people who are going to the liquor store, the people who are carrying beer out of our grocery stores, you'll find that in all too many cases it is being done by people who are living below the level of real subsistence.

I see them going in as I pass by the liquor store in my town, and I wonder how they can afford, some of them, and I know some of them are complaining, and I do not know from experience of course how much a quart of liquor costs, but I imagine a quart of liquor could buy a good many quarts of milk for some of these families that I know about, some of the children that really need milk. It's costing too much. That's what other states are saying too. In California, they are having a real problem, they tell us from statistics from their own figures that eight hundred and eighty-five thousand people who have to have help are being depleted in their ability to earn because of alcoholism. They have the problem of seven hundred thousand minors who are subject to drinking alcohol. They seem to need it. And along with this they tell us that crime is increasing and that problems of the highway are increasing, and they have appealed to Washington to do something about it. They're asking that they return a percentage of the money that they turn in from liquor reve-

nue to the Federal Government in order that they may cope with this problem.

Not only California, but other states. Georgia just appointed a Senate Committee to look into the problem in their state. Massachusetts is a fourth problem state as far as alcohol is concerned. It received attention from the Governor last year in his address, inaugural address, he called upon the Health Department to do more about it and to raise more funds to cope with this problem of alcoholism in their midst.

Rhode Island too says that sixteen percent of their social problem is attributed directly to the cause of alcohol. So does Connecticut, say out of 8,100 cases come to them 3,300 are alcohol addictions in one way or another. I could go on here for all the time and more time than I should be taking to tell you that this is a national problem. It is a world-wide problem, and for us today it is a state problem because and this liquor business is being broadened. This is a real concern to me, not only because of that, but because they are overstepping the bounds and going into our Sabbath Day which is our Holy Day.

I am opposed to this bill too because of the broadening of the liquor base. It's not only a costly problem to our economy, but it is costly in human life. Sylvia Porter, the other day in her article said, that there were 47,800 deaths by highway accidents in 1964. Now I realize these were not all caused because of drinking, but I think that we can suppose that at least one third of them were. They tell us here in our own state that one third of our highway accidents, liquor is involved. Other states are much higher than we are, so I think it can be a fair supposition that between fifteen and sixteen thousand were killed on the highway during 1964. Now I submit to you ladies and gentlemen, that this is too many lives to lose in this way where liquor is involved. What is a life worth? I've heard it discussed here this morning and during this legislature that perhaps a human life is valued at

about \$30,000. Thirty thousand dollars for a father, thirty thousand dollars for a mother, how can you value a life like that? Thirty thousand dollars for a youth, for a boy or a girl. What value can you put on that youth? What do you know of the possibilities of that youth? A great statesman, a poet, historian, a great emancipator, somebody, we do not know what's tied up in the lives of these youths.

Every day we have young people coming here in our gallery. As we look on them we feel we get an inspiration and we wonder what they are going to do when they come to the time when they handle the affairs of our state. What is a life worth? I do not know what it is worth. I know that the Bible says about it, and I'm not ashamed to quote that. It says that though a man should gain a whole world and have it all in his hands, if he should lose his life or his soul it would be nothing to him. What is a life worth? Well you just think it over and see and if we continue to broaden our base in the sale of liquor, more and more youths drink it, more and more accidents happen upon our streets. Can we realize at all the great loss which is ours?

Now in this bill, I mustn't detain you too long on this side of it, there is a second reason why I am opposed to this bill, or the next reason is, major reason, is because it invades our sacred day, the Sabbath Day.

I know that the interests have been very generous with us and they tell us that we can have the Sunday afternoon for our family day, or our Sunday morning I mean, we can have Sunday morning for our day, for our worship, for the opportunity to visit with our family and go out on the streets without any thought of perhaps coming in contact with drunken drivers or alcoholism anywhere, where we can go to a place to eat with our family without being confronted with liquor. You know that they tell us that 75 million of our people drink in this country. Well that leaves a

large number of people who do not drink. Seventy-five million who do drink, they have six days of the week. Are we asking too much, who do not drink, to ask for one day out of seven whereby we can rest and we can worship without this liquor being put before us?

Now we know that this is one of the Commandments and I'm not going to apologize for calling your attention to its being one of the Commandments. The Commandment of God, back in the time of man's innocence, to direct him in the welfare of his life. The first part of it went when God asked us to give allegiance to Him, then He said, remember the Sabbath Day to keep it holy. Now I believe in God. I believe He knew what was best for us in the beginning. He knew that we should have one day, one day to rest. Medical science agrees with that. And while we work all the week and perhaps tear around all the week, we use up too much oxygen that should be restored and we should rest one day in the week.

Then, too, it is natural for a man to worship. Man has not been found anywhere that does not have a religion. It's natural for us and as Saint Augustine said in his prayer, we are made for Thee and our souls are restless until they find their rest in Thee. A day of rest and worship is also a day for a family day, and this is one of the reasons why the people today are hoping that this bill is going to be defeated because they want this day for a family day.

Now according to a survey that was made by a man by the name of Ruber two years ago, he contacted thousands of people and he found that half of the people in this country attend church on Sunday, two-thirds of them attend once a month; half of the people said that they look forward to Sunday because it was the day that they could attend Church and the same number said that they looked forward to it because it was a family day when they could all get together. According to this survey, Sunday is a meaningful day

to the people of this nation and they would like to have it remain that way.

So this morning I call upon you to go along with me and to vote for the indefinite postponement of this bill. There are people in very many of our communities today who are thinking about us, in fact there are prayer groups, established, praying that this bill shall be defeated and that we shall have Sunday free from the fear, free from the fact that we shall have more liquor.

As I have said in the beginning, I am very humble on this, and I am very earnest on it, perhaps the reason that I am is because of my experience throughout the years.

Some people ask, why are you preachers so much opposed to drinking, the liquor business? I think it is because perhaps as one man in Florida said, he went out of the liquor business, he had a business that netted him two million dollars a year, making a profit of two hundred thousand and he gave it up. The Readers Digest had a report on that. The honorable Senator, who was Senator Augusta Christie, wrote to this man and he answered her and he said, I am not a rabid prohibitionist. He said, word kept coming to me as the results of the liquor I was selling. So he said, I followed the bottle and the more I followed it the less I slept. And when I found what my bottles of liquor were doing to families, to individuals, and to the young people, he said, I gave it up. The results have been good. He specialized on something else and his business in other ways grew. He said I am done with the liquor business now and for the future.

This bill here before us opens up on a Sunday 180 hotels, 110 clubs, 68 class A restaurants, 2,130 store take outs. Now I realize of course all these stores will not be open, but there will be plenty of them so that our young people will be able to get all the beer they want. There is always somebody, if they can't get it, they get

it from them. We all know that from our own experience. Because of these reasons and many others that you can think about I hope you will go along, ladies and gentlemen, with the indefinite postponement of this bill and all its papers.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: It seems that we will be going all out in further liberalization of our liquor laws when we consider that Sunday sales will breed in 180 hotels, 110 clubs, 68 class A restaurants, and 2,130 take out stores.

Attorney General Dubord says we already have a problem with out minors. Shall we increase the problem by opening 2,130 new beer outlets on Sunday?

Do you realize that the United States is the only country trying to further liberalize liquor? Poland, China, India, Sweden, Finland, Norway, and Russia have taken steps to sell less liquor to their people, recognizing that an economy based on the sale of liquor creates more problems than it solves.

As a result of new laws passed in the last three years, the youth of France are now drinking less liquor. Consumption of wine and beer has dropped ten per cent in France, while soft drinks have increased 140%. The total number of deaths in that country due to alcohol is down 25%.

Most everything has been said against this issue that I might have said at the committee hearing in this House a few weeks ago, so I'm not going to bore you with repetition of arguments against this measure. However, there are a couple of points that I would like to stress.

I think it would be senseless to put another law on the books with our liquor laws and the enforcement in the present state of confusion. In spite of the report of the Attorney General, we all know that something is definitely wrong. Where there's smoke there's bound to be fire. With this cloud hang-

ing over us we shouldn't consider for one moment the liberalization of our liquor laws. First let's police to the satisfaction of all our present liquor laws before adding to the obvious inability to enforce our current statutes.

In this House there are many religious denominations — Methodist, Catholic, Baptist, Congregational, Unitarian, and undoubtedly many more. The clergymen of these denominations, we'll call them the shepherds who tend their flocks, have been praying and will be praying today for the defeat of this issue, that if passed, will desecrate the Sabbath Day.

Let us remember that liquor, unless used in moderation, is the most colossal and ruinous social sin that afflicts mankind. We cannot reconcile Christ and liquor. This is the essence of the matter. This is the challenge which today should stir the conscience of every member of this House.

So I say to each one of you, let your conscience be your guide.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I am definitely not a prohibitionist and I am not opposed to Sunday liquor on any moral or religious grounds. I am strictly opposed to it from a standpoint of traffic safety. Definitely there's going to be more liquor sold and consumed on Sunday or the proponents wouldn't want this bill. The more that's consumed, you all know how the traffic is on Sunday, and I claim that there are going to be more accidents. Now I can't prove that. Time alone will tell, but surely I believe in the old adage that alcohol and gasoline don't mix.

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

Mr. COOKSON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to call your attention first to these 180 hotels, 110 clubs, and the 68 class A restaurants which now sell liquor in the state. They only represent approximately nine per cent of the liquor being sold in the State of

Maine. The other ninety-one per cent is being sold in your state stores, which is not included in this bill, so you can see that as far as the State is concerned, as far as the revenue is concerned, the State is not going to get too much out of it. According to the figures of the State Liquor Commission the sale of hard liquor to clubs, hotels and class A restaurants last year amounted to just nine per cent as I have just said of the total sales in Maine. The other ninety-one per cent is the State liquor stores. They then conclude and I quote "As far as anticipated revenue from the Sunday sale of liquor is concerned they personally do not feel it would be too great... an increase of fifteen to twenty per cent on only nine per cent of sales would not be appreciable". You can see that this is not a revenue producing bill for the state. It benefits only these who sell.

This redraft is a combination of three bills, which would open up everything in the state for Sunday sales, except the one big revenue producing one, the state stores. Every grocery and variety store will be able to sell beer and ale and would only add to the already perilous situation on the highways. To me the argument of the proponents of this redraft in favor of it do not begin to measure up to the disadvantages of it, of this tremendously long step to liberalize the liquor laws. I surely believe that we are up to our ears in liquor right now, our enforcement officers are in trouble now, and this will only add fuel to the fire.

Let's leave the one day closed to the purchase of liquor and ale and maybe a lot of people will be able to get to work on Monday morning if they continue to have this day to taper off on. Maybe too, the fact that Maine was the only state in New England to show an increase in tourism last season was because of the fact that the people feel a little bit safer on our highways because we do not sell liquor on Sundays. I ask you all, are these disadvantages worth the few arguments that the pro-

ponents of this bill have been telling us? Thank you.

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

Mr. LENT: Mr. Speaker, and Members of the House: As the sponsor of this bill in its original form which is L. D. 690, I would like to speak briefly in support. As you know, this bill calls for the controlled sale of liquor on Sunday. This is something that is desperately needed by the tourist people and some of the owners in the State of Maine. The number plates on our cars proudly proclaim Maine as a Vacationland, yet we are the only vacation state that does not allow a guest to purchase a drink on Sunday.

Much of our business is from conventions, banquets, weddings and such. Many of these activities at times go to other states because of the fact that liquor cannot be served on Sunday.

Statistics show that when neighboring New England States have passed laws for the controlled sales of liquor, which they all have, on Sunday that they have enjoyed a twenty per cent increase in their liquor sales, a tremendous increase in their food sales and an increase of up to thirty-three per cent in the hotel and motel rentals.

The Department of Economic Development at the present time is increasing its budget for advertising Maine nation-wide as a Vacationland and it is in the process of taking a survey at the present time to determine when will conventions come here to Maine. Yet, when they come here, we tell them that we are sorry but in Maine they cannot drink on Sunday. Sunday is the poorest day of the week for this industry, when it should be second best as it is in other states.

The ski industry, which is now in its infancy in Maine, which we so definitely need, could grow much faster and better if we passed this bill. Fishermen and hunters, which are usually only weekend guests, would also come to our State in larger numbers if they could get a drink on Sun-

day. This additional business would be a big factor in the expansion of our present hotel and motel facilities and in building new facilities, which in turn, would create more business and add many tax dollars to our economy.

I urge you to vote for this bill and put us in a position to compete with the other New England states as a true vacationland state. Now just briefly in closing I would like to read from an editorial in the Bangor Daily News one month ago. Its heading, Let's catch up with the times. "If there ever was a state where the Sunday sale of liquor should be permitted that state is Vacationland Maine. It caters to hundreds of thousands of out-of-staters, most of whom are accustomed to being able to buy a drink on Sunday. If this is their way of life who are we to impose our ways on their brief two weeks vacation in the State of Maine?" So I urge you to support this bill so that we can really help our second largest industry.

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

Mr. KITTREDGE: Mr. Speaker, when the vote is taken I request that it be by the yeas and nays.

The SPEAKER: The Gentleman from South Thomaston requests that when the vote be taken it be taken by the yeas and nays.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I agree with many of the things that have been stated here today by the fine gentleman from Dover-Foxcroft, Mr. Meisner, as far as alcoholism being a problem in this state and in this country. It is one of the most serious problems that face the American people today. This I am in wholehearted agreement with.

But I must make this statement that you most certainly cannot legislate alcoholism. I have had the privilege of attending the Yale School of Alcoholic Studies in 1958 and at this school I met

with the foremost authorities on the problem of alcoholism from all over the world. And this problem was discussed from every area. The problem of alcoholism is this. One person out of fifteen who takes a drink of alcohol will become an alcoholic. Who this person is there is no possible way to distinguish when these fifteen people take their first drink of alcohol, which one is going to become an alcoholic. Until the alcoholic becomes an alcoholic there is no way the medical profession or any other profession has of recognizing this problem.

I am certain that as far as the sale of liquor in the State of Maine or any other state whether it be one day a week or seven days a week, it is going to have absolutely no effect upon the problem of alcoholism, because I can assure you that the person who has a problem with alcohol and the person who is a problem drinker, certainly is going to be in a position where on a Saturday he is going to have his alcohol or his liquor for Sunday and if he doesn't have it for Sunday I can assure you that he knows where to get it.

Now shall we penalize the fourteen people who can handle alcohol and to whom it is no problem whatsoever? Shall these people be penalized for the one person to whom this problem—alcohol is a problem to? Certainly we should not penalize these people. I like sugar. I like it in my coffee. I certainly don't want sugar taken and legislated as to the sale of sugar because there are some people who become diabetic from the use of sugar. I look at alcohol the same way that I look at sugar. There are many people who can drink alcohol, drink it and it is no problem whatsoever, but the one person out of the fifteen to whom this is a problem is the whole concern.

Now we here in the State of Maine vote the wets and the drys. I have no quarrel with either one of them, but if we as a combined effort between the wets and the drys were to take the efforts we are putting into being a wet or a dry and divert this effort to the



area of helping the Division of Alcoholic Rehabilitation that we have in this state to do something about the poor person who is suffering, who is afflicted with this illness of alcoholism, we would be getting somewhere.

We cannot legislate alcoholism. It isn't a question of how much a person drinks, how often they drink or how long they drink that determines whether they become an alcoholic. If alcohol caused alcoholism every person who took a drink of alcohol would be an alcoholic. There is something about the chemical makeup of each and every one of us as individuals, some people can tolerate alcohol and others cannot. I'll agree alcoholism is the most serious problem facing this nation. There are perhaps seventy million people in the United States who drink and perhaps there are between five and six million of these people who have become alcoholics. But to legislate alcoholism, this is an impossibility, it just can't be done.

And as I say again, if we would divert our efforts into doing something for the person who is a victim of this vicious illness. The medical profession describes alcoholism as a disease. It is a sickness. I have no quarrel with whether it is or whether it isn't. The medical profession, this is their statement not mine. It is a sickness and it is one of the most vicious sicknesses known to mankind. The cause of this has not been found and until the cause is found there can be no cure. And I can't emphasize enough and would only relay to you people that if we would divert our efforts and try to do something about this problem rather than to try to say that we shall not have liquor or that we will have liquor. This is the only way that this problem is ever going to be solved.

We can go back to the time when I as a youngster can remember a member of my family had consumption. It was a disgrace at this particular time for a person to have consumption. There was a stigma attached to this disease. The stigma was taken away

from this disease because the medical profession then instead of calling it consumption they called it tuberculosis and each and every one of us here know what has been done for the sickness of tuberculosis in this country. It is almost now completely under control. Why? Because the stigma was taken from the word, the sickness, and the people accepted it exactly at face value for what it was. It was a sickness.

It was a disease and the people accepted this and they did something about it and this is the same thing that can be done about alcoholism, until the stigma is taken away from the word alcoholism and we as individuals try to do something to help these poor unfortunate people. I'll agree that there are people who are afflicted with this sickness to whom it is a problem and they deprive their family of the worldly goods that are needed. But I can assure you, that not every person who is on relief or in these situations are there because of alcoholism. I happened to have the privilege and opportunity to serve on the City Council of my home town of Westbrook and I had access to the records of who was on the relief payrolls there. And, I can assure you that the amount of people who were on relief rolls in my home town were at a great minimum as to those that were on relief for many other reasons.

We cannot legislate alcoholism and I must state this once more emphatically. Regardless of how much you drink, how often you drink, or how long you drink, this does not cause alcoholism. The person that becomes afflicted with this is a person who is unknown to each and every one of us in this room. I have had the opportunity to work with alcoholics throughout the State of Maine. For many, many years I have been closely associated with this problem. I have children and I have grandchildren and I certainly don't want these people to go through the throes of alcoholism. I wouldn't stand up here today and say that I am for the Sunday sales of liquor if I thought this was going to have any effect whatso-

ever upon my children or my grandchildren. It is going to have no effect whatsoever upon them or anyone else's children or grandchildren. There are many, many people who became alcoholics during Prohibition. Statistics will bear this out.

And as I say I am not an authority on alcoholism, but I have been closely associated with it and I have attended many seminars and many conferences throughout the United States as far as the problem of alcoholism is concerned. And I would be the first one in this House to vote against liberalizing our liquor laws if I thought it was going to have any effect whatsoever in furthering the problem of alcoholism. We cannot legislate alcoholism.

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

Mr. EVANS: Mr. Speaker, Members of the House: We have been told that we have lost conventions and skiers to Maine by not having Sunday sale of liquor. How many conventions have refused to come to Maine because of lack of Sunday liquor? No one has ever reported any by name to me. They say we have lost them and that's all you get out of them. And surely skiing would not be the business it is today, as fast as it is growing, if people wanted Sunday liquor so bad that they wouldn't come here. They also say that they are going to drink anyway, why not sell it on Sunday? It seems quite ridiculous to argue this way, because especially for liquor. People will break a speed law. Does that mean that we should rescind the law?

Now, as far as the moral part of liquor, I have no objections if anybody wants to drink all the liquor they want, but I think in deference to the different divisions, we're about fifty percent divided, half dry, half wet. The dries are entitled to one day that it isn't sold and I say that we shouldn't sell liquor on Sunday. If you can't buy enough in six days, I say go dry.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen: I would like to rise in support of the motion to indefinitely postpone. Some weeks ago you will recall that we were circulated with a letter which outlined to us how our various communities had voted with regard to the sale of beer and liquor in our local communities. After receiving that letter, I went down to the largest store in beer sales in the Town of Stonington and asked the owner what his opinion was of the Sunday sale of beer. He informed me that if I voted for Sunday sale of beer that he would kick me where it hurt the most. I would submit that perhaps there are many other stores throughout the State of Maine as well as hotels who do not wish to see this in effect.

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

Mr. WALTZ: Mr. Speaker, Ladies and Gentlemen: Six years I was sheriff of my County of Lincoln and at grass roots level had an opportunity to observe the misery caused by the misuse of alcohol. I am confident that if you ask any law enforcement officer today, that he will tell you that at least seventy-five percent of his problems are caused one way or another by the use of alcoholic beverages.

I read, as probably many of you did a few days ago in the local paper, about the coming big sports event in Lewiston. Apparently some gentleman was very much concerned as to whether or not there would be an adequate supply of beverage to go around. He contacted Mr. Ellis, Chairman of the Liquor Commission, and was assured that with the two stores in Lewiston, one of which was operating until eight-thirty on Saturday night, and with his trucks available, he would see that no one who attended this event became thirsty. In the same article it was pointed out that the Chief

of Police of the City of Lewiston was asking for assistance from his brother officers in policing this party. Here is a loyal, efficient officer who is bound to maintain law, order and public safety asking for assistance and yet he has to combat an unlimited supply of alcohol dumped into his area for this particular occasion.

Recently I had a letter from one of the large hotels in the state in which they were extremely enthused about the amount of money that would come into Maine through the sale of Sunday liquor. This man was a wizard at mathematics. He really painted a very rosy picture and he almost had me sold. And then I thought of the liabilities connected with this and, by gosh, I tipped the letter right into the wastebasket quick.

It seems to me, ladies and gentleman, that we are definitely at the crossroads. Action that we may take here today either pro or con, I think is going to affect the social aspects of our state for many, many years to come. I feel that this loss of revenue because we don't have Sunday liquor is somewhat of a myth. I am firmly convinced that many, many of our vacationers, resorters, whatever you wish to call them, come here to Maine because of its quiet atmosphere. If they wish they may have a bottle in their own homes, but they don't wish to go out on the roads, highways, byways, and observe evidence of excessive drinking. I, myself, feel that this bill is not for the best good of our state. I shall vote against it.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: I am going to vote against the motion for indefinite postponement and I would like to tell you my reasons why.

When I came here as a Legislator, I set up a personal code as a basic rule for lawmaking in my own mind, and I said that anything that interferes with the basic rights of the individual should not be passed as a law; anything that benefits or deals with the welfare, health and safe-

ty of the public should be dealt with as a law. I submit to you today that the restriction of Sunday sale prohibits the individual's right to make a decision for himself. We have adequate laws covering excessive drinking. We have adequate laws which cover the age at which one shall drink, the age of responsibility. Therefore, I question if we have the right to prohibit the people from drinking at any time if they wish to do this.

Next, I question the source of objection to this bill. I have two telegrams before me, one from a minister, representing his church group, and another from a president of a church association. People of the churches are guaranteed under our Constitution, our National Constitution, and I quote: "The Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." This sets these people apart. It sets us all apart, in that we know that we can practice our religions with complete freedom from interference by the Federal Government or any other government, but it also lays on us a heavy responsibility, because it says the government—we cannot ask the government to make laws that favor us or maintain these laws. I submit to you that if we go ahead and vote for the motion to indefinitely postpone, that we are maintaining a law in violation of this Constitutional Amendment, and there is nothing to prevent this Legislature or another Legislature from coming back and making a law that will prohibit the free exercise of religion. It must be a two-way street ladies and gentlemen. If we are going to make laws which enhance any particular sect or any particular religion, then they must be prepared to have laws that will prohibit certain religions. As I said before, it is on this basis that I will vote against the motion for indefinite postponement, for the Legislature has no right to interfere with the private personal decisions of the individual.

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

Mr. MILLAY: Mr. Speaker, Ladies and Gentlemen of the House: I am sure most of you have already made up your minds on this question, and I respect your rights to your own opinion, but there is a fact on this subject that I would like you to consider before you cast any vote in favor of liberalizing our liquor laws.

What type of tourists come to Maine? Now last year some 910,830 made use of our state parks, many more went to Baxter State Park and many more went to Acadia State Park, the Federal park, and a great many more went to our 180 private camp grounds. Now a visit to any one of these camp grounds will give you the idea of the type of tourist that Maine is drawing. We are drawing the family-type group, the people that believe in bringing their children with them, and I believe that this matter of environment for those children is a very important thing. I have six of them myself and how I bring them up and the environment I put them in is important to me. Now to make Sunday liquor available to the small minority would be doing this great majority an injustice. The minority at the present time can for six days a week purchase all the alcohol that is good for them, and with a little Saturday planning why you can have a cocktail at home on Sunday. Now I say let Maine build a Sunday environment that is favorable to this type of tourist trade that brings in the children, because I think they are important.

I think there are a great many of us that like to go to the beach on Sunday, people that live in this state, and we wouldn't like the roads cluttered up with drivers that have had even one or two drinks perhaps. For many, it is the only day they have to take pleasure of. There is no question but what liquor does affect the reflexes, and makes every driver who imbibes, even on a small amount, less safe on our highways. Even the behavior of the drinking person does not lend itself to what most of us would

consider a good environment for our young people. I think all of us know that as absorption increases, nerves, muscles, tongue and morals tend to loosen in direct proportion.

Now Sunday is a big day for the tourist business, the number of cars on the highways indicates that, but let us in our responsible position continue to keep it safe and sane for our young people.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: I am pretty hungry right now, and I suspect that most of you are, and just for the moment I am dry, but the hot and the hasty will do well to reflect that the fundamentals of the problems presented by the use and abuse of alcoholic liquors have persisted for the 5,000 years of recorded human history, and that they may be expected to persist as long as the immutable law of nature sanctions the chemical process of fermentation. That mouthful, ladies and gentlemen, came out of the Democratic National Convention in 1924 and was in answer to a question put to the then dark horse candidate for President of the United States on the Democratic ticket by the Women's Christian Union, I believe they were called the Women's Christian Women then, and at that time we were enjoying, if you will, the noble experiment of the Eighteenth Amendment of the Volstead Act. About every Monday morning you would pick up the newspaper and you would find that a hundred or more had become blind and another fifty or more died of drinking some kind of poison alcohol, and then we created the Al Capone gangs, and the Dutch Schultz gangs and we had the Valentine's Day Massacre where they stood up the beer runners in a garage in Chicago and gunned them to death. Those were the good old days, the roaring twenties.

Now ladies and gentlemen, somebody has said here on the Floor today, you can't legislate the use of alcohol. You can't. People are

going to have alcohol. I have gone through prohibition in the State of Maine before Volstead was ever heard of. We had it up here, but there was always alcohol around; there was always plenty of it, even on Sundays.

The gentleman from Dover-Foxcroft, for whom I have the highest regard, quoted a figure here that in this country there are some 11.6 billions of legal traffic in alcohol, and 1.6 billion illegal traffic in alcohol. I submit to you ladies and gentlemen that the illegal traffic in alcohol is our bootlegging business on Sunday. It's got so that you can't get a taxicab to go to church any more on Sunday because of the bootleggers being busy selling their alcohol — the taxi drivers being busy selling their alcohol.

Ladies and Gentlemen, this is a matter of very serious business. We need the traffic in alcohol legally on Sunday, and I would hope that we would go along with this measure. Thank you.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I have made a point of taking the time to talk with a great many folks in my town and in fact in this whole central Maine area wherever I could get one or more engaged in conversation on this very issue.

Ladies and gentlemen of the House, the rank and file of our citizens do not want the Sunday sale of liquor, any kind, anywhere.

I wish to direct your attention to an article that appeared in one of yesterday's newspapers. On Monday, the Massachusetts Senate killed a bill to allow bars to remain open until 2:00 a.m. Among remarks made during the debate was this, which is pertinent to the issue we are considering today. Quote: "The issue is not sin and corruption and no one has made such an issue. The issue is simply public safety." This would be my feeling exactly, and it is the concern of the many ordinary citizens throughout the state. Thank you.

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

Mr. STORM: Mr. Speaker and Members of the House: During the past few weeks I have received and I suspect everyone else in the House has received a flock of letters from various restaurants and hotel organizations claiming that they needed the Sunday sale of liquor to attract the tourist business. I submit that this is a myth. Maine, as we have been told on several occasions and we have been told on the Floor here today, is the only state which does not allow Sunday sales. The State of Connecticut, which certainly allows it, last year lost an estimated seventeen per cent of their tourist trade; Rhode Island lost fifteen per cent of their tourist trade; Massachusetts showed an increase only in the Berkshire and Cape Cod areas; New Hampshire and Vermont apparently held their own; Maine increased its tourist trade by nine per cent. I think we are in a competitive position right now, and I hope that we will go along with the indefinite postponement.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I hope I am never afraid to stand on my two feet and be counted for unpopular measures or popular measures. I am not going to vote for indefinite postponement of this bill. For many years I have been fighting to see that hotels and restaurants, class A restaurants can serve alcoholic beverages, cocktails or what not for a limited time on Sunday. I do not like features of this bill that is presented before us. I do not like particularly the pattern of referendum which is set up in this bill. I would call the attention of lawyers to that pattern. I am an old football player and football coach and I expect to be mouse-trapped in a football game. I hope you all know what that means, but I don't want to mousetrap the people of this state and I don't want to mousetrap the Legislature

of this state by any devious language or unclear pattern. I am going to vote against indefinite postponement. I am for the Sunday sale of liquor in a limited way, and I hope that before this bill gets through finally, and I hope it gets through, that it will be squared up so that it will be understood by all.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Burwell.

Mr. BURWELL: Mr. Speaker, Ladies and Gentlemen of the House: I have consistently voted against Sunday sales in the past, and I have felt that the rights of those who object should be respected, and I respect them now.

However, this bill does not compel any one to take a drink on Sunday. It does not compel teenagers to drink, they cannot legally drink anyhow. Now I have changed my mind and I will vote against indefinite postponement and I urge you to do the same. Thank you.

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

Mr. STARBIRD: Mr. Speaker, we have heard a lot of able debate here in the last few minutes, and I think it is probably time I put in my two cents worth for what it is worth.

I am going to vote for indefinite postponement and I think for a very good reason. I am not going to make any definite statements on statistics. I think that has been done already and covered pretty thoroughly pro and con.

I think if you will remember here a few days ago we had a statement from our Attorney General, Mr. Dubord, on our desks. In this statement he thought that the State of Maine should have a complete overhaul of all its liquor laws, and I think most of us will agree that this is certainly true. We may become more conservative in some ways if these are overhauled, or we may become more liberal in some ways if these are overhauled, but I think that before, and I want to make it definitely certain that I mean before, we sell liquor on Sunday in any way, shape or manner, or lib-

eralize our laws in any way, shape or manner, we should have this overhaul, and it should be done by people that have no interest in the liquor business, no interest in the drys, completely objective review of the whole matter, and I would like to keep the status quo until that is done. I would hope that that would be done as soon as possible because we have got an awful lot of archaic, obsolete and useless laws in that book and for thirty years or so we have been banging back and forth here and sometimes one group has had the advantage and sometimes the other and the whole code of liquor laws including the enforcement, and I often wonder how the twenty-three men in the Enforcement Division can do as well as they do.

I think personally that the common courts should handle the whole matter. I think the State Police should handle the whole matter or our local law enforcement agency should handle the whole matter. I agree with Lane on that, but I think the whole code should be gone completely over and before that is done, I don't favor touching it in any way, shape or manner.

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

Mr. BUCK: Mr. Speaker, Ladies and Gentleman; I believe I would be derelict in my duty if I did not stand up and tell you my position in this matter. I come from a region in which there are quite a number of summer hotels and various individuals who own the hotels have come to me and asked that I support Sunday liquor. I told them at the time that I would support Sunday liquor, but this bill presently before us, I do not support, and if it comes to a final vote I shall vote for indefinite postponement. I would be very happy to vote for Sunday liquor for hotels and restaurants, but other than that, the opening of retail stores, the opening of the liquor store, I would be opposed to and would vote against it. I do hope that someone will table this bill in order that amendments may be made to it.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I have been asked by proponents to speak on behalf of this bill and I declined to do so. However, in view of some of the comments which have been made here in the House and in the Press, questions arise in my mind; perhaps I can clarify them or perhaps it will only result in more confusion. I don't know.

The question has been asked here about a referendum provision on the bill and remarks have been quoted in the papers concerning a referendum provision of the bill. Perhaps I didn't study the bill as carefully as I ought to, but I don't see any referendum provision in the bill and if somebody has something to call to our attention concerning a referendum provision I would be very interested to see it. In view of the questions raised by the last speaker, it would appear that some people in the House, at least are under the impression that this bill would authorize the sale or the opening of our state liquor stores on Sunday. That is not my understanding of the meaning of the language in this bill. Retail stores where it occurs in this bill I believe refers to our grocery stores which are allowed to sell malt beverages.

One of the ladies of the House, some days ago, spoke to me when she had learned that there was a minority of two voted "ought not to pass" on this bill and she asked if I was one of them and I said I was not. In view of her question I think I might explain if I may the reason why I voted with the majority on this bill.

Despite what has been said here today, I think a substantial case has been made by the operators of hotels in this state and by the operators of Class A restaurants, that their business would substantially benefit by allowing sales from noon until nine in the evening which this bill would allow. There is, however, a substantial portion of the population of our state which because of their financial circumstances or for some

other reason do not often frequent Class A restaurants or hotels. For these people the clubs we have in the state which are properly licensed and the retail stores which sell malt beverages are an opportunity for them to purchase intoxicating liquor if they so wish.

I am somewhat disturbed by some of the arguments made by the opponents of this bill. I don't expect to change any votes here today, but I only wish that we had some of the enthusiasm for law enforcement concerning our drunk drivers when bills such as the implied consent law come along and I feel very strongly that if the dries and those others who spoke in opposition to this bill showed the same enthusiasm for curbing drunk drivers when the opportunity came along to present vigorous enforcement measures to carry out the laws that we have, we would have less of a drunk driving problem than we now have. I think that if some of the people who opposed the bill today had stood up and spoken out in defense of our liquor enforcement division when it was under attack in this House, that we might have somewhat of a different problem than we have here today.

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

Mr. PALMER: Mr. Speaker, Members of the House: I think the question here is shall we allow the bootleggers to sell liquor on Sunday or shall we have it come under state control. I now move for the previous question.

The SPEAKER: The gentleman from Phillips, Mr. Palmer, now moves for the previous question. For the Chair to entertain the previous question, it must have the consent of one-third of the members present. All those in favor of entertaining the previous question will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-third having arisen the previous question is in order. The question before the House now is shall the main question be put now, which is a debatable matter

for no more than five minutes by any one member and the merits of the bill may not be debated.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I am a little confused as to local option on this particular matter and I would pose a question through the Chair to anyone who might answer.

The SPEAKER: The question is not in order. The question before the House is, shall the main question be put now?

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: The reason why I feel that we should not ask for the question now under debate is because I feel that certain members of this House have still got many questions to ask relative to this document and some of you have got prepared statements which you wish to make in regards to this bill whether it be for or against. And I don't feel that this House at this time should allow limited debate, that these people—to make sure that these people who have got something to say whether they be for or against this document, I don't feel that this limited debate or abolishing the debate of this particular document because of its importance that the question should be taken at this time. Thank you.

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

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

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

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

Mr. MILLS: Mr. Speaker, Members of the House: I agree with the gentleman from Portland, Mr. Healy. I am also getting hungry. I move that we adjourn until 2:00 p.m. this afternoon.

The SPEAKER: The question before the House now is that we adjourn until 2:00 p.m. this afternoon. All those in favor of adjourning until 2:00 p.m. will say aye; all those opposed will say no.

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

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

Mr. FARRINGTON: Mr. Speaker, I will pose a question again through the Chair, regarding local option. As I understand it, each municipality now has the privilege of voting whether they shall have any one of these liquor matters in effect in their municipality. Does this matter, is this matter also included as a matter of whether or not liquor shall be sold by package stores or by state stores and otherwise? My question is, do not the people of the State of Maine in their respective municipalities have the opportunity to vote these matters in or not?

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

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

Mr. BERNARD: Mr. Speaker, Members of the House: This bill we are talking about this morning has nothing at all to do with local option.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I think all these bills every year, I think we have to vote on local option—I can be corrected, every two years. And it is my understanding and I hope I can be corrected and informed, but it is my



understanding at this point, that when you do vote again for local option in your particular area you have two choices. No selling of alcoholic beverages or selling them for seven days a week. If you don't like to vote for seven days a week, you don't have liquor in your community. It is a choice of having none or having it seven days. I think that is it.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Dover-Foxcroft, Mr. Meisner, that this bill and its accompanying papers be indefinitely postponed. The gentleman from South Thomaston, Mr. Kittredge, 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 recognizes the gentleman from Turner, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, I'll be very brief. We had a bill here in the Legislature to lower the voting age. I have asked all the teenage kids that I contacted in my town how they wanted me to vote and they have told me to vote no and I shall do it and that is the reason why.

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

Mr. BUSSIERE: Mr. Speaker, if I am in order, I would like to speak briefly before the vote is taken. Members of the House: I am to vote for this Sunday sale. I would like to mention that about three weeks ago walking down the street, I met the pastor of my church who is a Catholic the same as I am. A gentleman too, he is no hypocrite and I asked him a few things and we get on the sub-

ject of the Sunday sales. I said what do you think of Sunday sales Father? Well, he says, "Frank, they have it in New Hampshire, they have it in Vermont, they have it in Massachusetts." He says "I have a personal friend of mine in Vermont, they have it," he says "and it almost goes unnoticed." He says "for the people to want something is to be deprived of it," and those who want liquor on Sunday have to go to bootleggers. I don't think it is the proper way to do business.

I am for this Sunday sale and I am glad that the vote is taken by a roll call. I witnessed something not too long ago right across the street. I am going to watch the vote today. If there are any Republicans over there, you didn't have to pull the glass to them, they could handle it very good. I was there. I like my liquor myself, but I didn't have a drink that day. I was over there to observe. And I want to mention in reference to the gentleman from Portland, Mr. Healy, he mentioned the fact that he was dry. I am dry too. I don't know if you drink yours with water; I drink mine straight. I hope that you vote against the motion for indefinite postponement, but if you do vote in favor of that motion, you are losing a lot of business. It is immaterial to me. If you want liquor, you can always find it. Let's make it legal, and this way it would be much better than it is today.

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

Mr. LENT: Mr. Speaker, I would like to clarify one point here today. There may be a misunderstanding amongst some you. I am not in the liquor business or the restaurant business, but I am in the motel business.

My interest in this thing is the same interest that has motivated me to support legislation that can benefit people in education, farming, fishing, truckers, gas stations, chiropractors and all the activities that go to make this state what it might be. Progress comes

from everybody participating, not a few. Thank you.

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

Mr. MEISNER: Mr. Speaker, Ladies and Gentlemen of the House: Just one word. I have had a great many letters from different parts of this state urging me to do just what I have done today. I have canvassed a great many people whom I know drink, especially in my own constituency. I have yet to find one who has been in favor of this Sunday bill. They have told me plainly, you know that we do drink, but we say we don't want an open Sunday, and a great many letters and a great many petitions from communities I have here urging that we vote against this bill.

Now it seemed to me that there was projected in here a little bit of religion here that should not have been. I am sure that none of us have spoken from a denominational standpoint. You know that I am not that kind. We have a great many denominations represented here. Perhaps we have spoken of it from a religious point of view because it is a Sunday bill, and those of us who attend church, no matter what our denomination may be, would like to have the privilege of riding on the road and not being confronted with liquor.

Now the fact that New Hampshire and some other states have had it and made a lot of money out of it, statistics show that we are the only New England state that has gone ahead in the year 1964 in our tourist business. I do not know why we have to go along with everybody else. We sometimes read and hear the word that Maine leads. Let us lead in this and tell the world and advertise it, that people can come here and spend a quiet weekend in safety and advertise our attractions.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It is not my intention now or has it been at any time to stymie debate on anything that is very, very important, but when it comes to

going on the second go-around on all the things that have been spoken, I think time is of an essence. I now move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the previous question. For the Chair to entertain the previous question it must have the consent of one-third of the members present. All those in favor of entertaining the previous question will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-third having arisen, the previous question is in order. The question before the House is, shall the main question be put now? This is debatable for no more than five minutes except on the merits of the bill.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: All those in favor of the main question being put now will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred having voted in the affirmative and twenty-four having voted in the negative, the motion prevailed.

Mr. Hunter of Durham, who would have voted "yes" had he voted, was excused from voting as he paired his vote with Mrs. Carswell of Portland, who was absent, but would have voted "no" were she present.

The SPEAKER: The question now before the House is the motion of the gentleman from Dover-Foxcroft, Mr. Meisner, that this bill and its accompanying papers be indefinitely postponed. A roll call has been ordered. If you are in favor of this Bill "An Act relating to Sunday Sale of Liquor," H. P. 1118, L. D. 1525 being indefinitely postponed when your name is called you will answer yea or yes; if you are opposed to the indefinite postponement of this bill you will answer no or

may when your name is called.  
The Clerk will call the roll.

### ROLL CALL

**Y E A :** Anderson, Ellsworth; Baker, Orrington; Baker, Winthrop; Berman, Birt, Bishop, Bragdon, Brewer, Buck, Carter, Cookson, Crommett, Crosby, Davis, Dickinson, Dudley, Dunn, Eustis, Evans, Gifford, Gilbert, Graham, Hammond, Hanson, Gardiner; Hanson, Lebanon; Haugen, Hawkes, Haynes, Huber, Hunter, Clinton; Jewell, Kennedy, Kittredge, Lewis, Lincoln, Littlefield, Lycette, Meisner, Millay, Mitchell, Mosher, Norton, Pendergast, Pike, Prince, Rackliff, Richardson, Stonington; Ross, Brownville; Sawyer, Scott, Starbird, Storm, Waltz, Ward, Watts, White, Guilford; Whittier, Wight, Presque Isle; Wood, Young.

**NAY:** Anderson, Orono; Avery, Baldic, Beane, Bedard, Benson, Mechanic Falls; Benson, Southwest Harbor; Bernard, Berry, Binnette, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Burwell, Bussiere, Carroll, Champagne, Conley, Cote, Cottrell, Cressey, Curran, Cushing, D'Alfonso, Danton, Dostie, Drigotas, Drouin, Dumont, Edwards, Farrington, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gillan, Glazier, Harvey, Bangor; Healy, Jalbert, Jordan, Katz, Keyte, Kilroy, Knight, Laberge, Lang, Lebel, Lent, Levesque, Libhart, Lowery, Lund, Martin, McKinnon, Mills, Nadeau, Palmer, Payson, Peaslee, Pitts, Poulin, Richardson, Cumber-

land; Ross, Bath; Roy, Ruby, Searles, Stoutamyer, Sullivan, Truman, Wheeler, Wuori.

**ABSENT:** Doyle, Erwin, Harri-man, Harvey, Windham; Harvey, Woolwich; Hawes, Hoy, Lane, Roberts, Sahagian, Susi.

Yes, 60; No, 77; Absent, 11; Paired, 2.

The **SPEAKER:** The Chair will announce the vote. Sixty having voted in the affirmative, seventy-seven having voted in the negative, with eleven absent and two votes paired, the motion to indefinitely postpone fails.

Thereupon, the Bill was passed to be engrossed.

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

Mr. **JALBERT:** Mr. Speaker, I move we reconsider our action whereby we passed this bill to be engrossed and when you vote, vote against my motion.

The **SPEAKER:** The gentleman from Lewiston, Mr. Jalbert, now moves we reconsider our action whereby this bill was passed to be engrossed. All those in favor of reconsideration will say aye; those opposed, no.

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

Thereupon, the Bill was sent to the Senate.

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On motion of Mr. Jalbert of Lewiston,

Adjourned until nine - thirty o'clock tomorrow morning.