

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

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DAILY KENNEBEC JOURNAL  
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## HOUSE

Wednesday, May 19, 1965

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

Prayer by the Rev. Mr. Clifford Patnode of Gardiner.

The journal of yesterday was read and approved.

### Papers from the Senate Tabled

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee is directed to review the report and recommendations of the Ernst & Ernst survey of the Department of Economic Development authorized by the 102nd Legislature, S. P. 464, for the purpose of formulating such operating procedures and implementing legislation as may be necessary or desirable; and be it further

ORDERED, that the Committee report the results of its study to the next special or regular session of the Legislature (S. P. 552)

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: Is it the pleasure of the House that this Order receive passage in concurrence?

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

Mr. BERRY: Mr. Speaker, I took a little interest in the original effort to have this survey made. I felt that there was a little time element involved and it would take quite a lot of research to come up with a good report. And I believe, if I recall correctly, that there were some statements made that maybe there would be implementation of the report's recommendations. I was wondering if we could hear about this.

The SPEAKER: Do I understand that the gentleman from Cape Elizabeth, Mr. Berry, has posed a question?

Mr. BERRY: That is correct, Mr. Speaker. I felt that we were going to see legislation at this ses-

sion and I was wondering if this is what we are going to see.

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

Mr. BISHOP: Mr. Speaker, I can't speak definitely for the committee because I think there is more to come, but the most tangible thing will be the Appropriations Committee will recommend the necessary funds for the completion of the master plan which was recommended by the report and I think it will be the feeling of the committee that no radical changes should be made until after the master plan has been completed and studied.

The SPEAKER: The question before the House is on the passage of this order in concurrence.

(On motion of Mr. Levesque of Madawaska, tabled pending passage in concurrence and unassigned.)

### Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act Providing for Appeal of Sentence in Criminal Cases" (S. P. 353) (L. D. 1116) reporting same in a new draft (S. P. 548) (L. D. 1547) 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.

### Ought to Pass

Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act relating to Sales and Use Tax Liability of Lessors of Tangible Personal Property" (S. P. 269) (L. D. 817)

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

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

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act

Increasing Salaries of Judges of the District Court" (S. P. 55) (L. D. 378) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

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

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

Report was signed by the following member:

Mr. BERMAN of Houlton  
— of the House.

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

In the House: Reports were read.

The Majority "Ought to pass" 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. 55, L. D. 378, Bill, "An Act Increasing Salaries of Judges of the District Court."

Amend said Bill by striking out in the 3rd line the underlined figure "\$15,000" and inserting in place thereof the underlined figure '\$13,500'; and by striking out in the 4th line the underlined figure "\$16,000" and inserting in place thereof the underlined figure '\$14,500'

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

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act

relating to Definition of Kidnaping" (S. P. 149) (L. D. 390) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Messrs. RICHARDSON  
of Cumberland  
DANTON  
of Old Orchard Beach  
GILLAN of South Portland  
BRENNAN of Portland  
BISHOP of Presque Isle  
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 549) (L. D. 1548) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. BERMAN of Houlton  
DAVIS of Calais  
— of the House.

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

In the House. Reports were read.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I would like to call your attention to the reason why a brace of us on the Judiciary Committee felt that a new draft probably would be preferable to the old draft which is patched up by committee amendment. The old law — or the present law reads in part, "Whoever unlawfully confines or imprisons another, or forcibly transports or carries him out of the State or from place to place within it, or so seizes, conveys, inveigles or kidnaps any person, by any means whatever and holds him for ransom or reward, shall be punished by imprisonment for life."

Since kidnapping is presently punishable by life imprisonment

with no alternative, I think that we should be particularly careful in choosing our words when we change this law, when we are trying to provide for imprisonment up to life instead of a mandatory life sentence. The old draft, as you will recall from what I just read you, uses a rather peculiar word "inveigle," and some of us had to go to the dictionary to find out what inveigle meant. Apparently, it seems to mean to win over by guile or persuasion, to use artful flattery, and I think that probably some people being what they are there is a certain amount of artful flattery and guile going on. Now those of us who favored the new draft don't condone this, but we dislike to think of any human being being charged with kidnapping because someone was taken out for a drive by means of flattery. This seemed just a little bit too much. And that is why we favored the new draft.

Then too, the old law apparently uses some rather clumsy language. "On trial, the consent of such person shall not be a defense unless it appears that it was not obtained by fraud, threats or duress." This language may not be a double negative, but it certainly is a little difficult to unravel. So, Mr. Davis and myself thought rather than to continue to use this rather clumsy language spiced up with a word inveigle that we would draft a bill which said "the consent of such persons shall not be a defense if it were obtained by fraud, threat or duress."

This seems to be simpler, far more straightforward, and a much better use of the English language. So I hope that you will see fit to go along with the new draft and I would move for acceptance of the new draft report.

The SPEAKER: The question before the House now is on the motion of the gentleman from Houlton, Mr. Berman, that we accept the Minority "Ought to pass" Report in new draft.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: This

may seem like a pretty dull affair and I am sure that it is. The Judiciary Committee carefully considered this bill. We went over it and over it and over it. We heard the discussion over the use of the term inveigle. As a matter of fact, it is a standing joke in that little room down in the corner there. Eight members of the Judiciary Committee happened to believe that the majority, that the "ought to pass" as amended by Committee Amendment "A" report, that bill is correct. If you want to abandon eight poor country lawyers, go right ahead and do so, but I think you would be making a serious mistake. I very strongly urge you to defeat the motion of my friend from Houlton, Mr. Berman, and then following that happy event we can accept the majority report.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I don't want to take up too much time debating this kidnapping bill, but it does provide for imprisonment up to life and I don't think it is a standing joke when we are dealing with a law that can send a man to Thomaston for life, and that's why some of us on the committee felt that we should use some simple, straightforward language and I seriously suggest that "inveigle" is not very straightforward.

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

Mr. DAVIS: Mr. Speaker and Ladies and Gentlemen of the House: I just want to go along with my colleague from Houlton, the gentleman, Mr. Berman, and I might point out that in agreement with him that this is a serious crime and at the same time we have attempted to allow a little judicial discretion here by taking out the life imprisonment sentence and changing that to imprisonment for any term of years. And in the majority committee amended bill they have omitted the word seize, which to me is a word which implies much more

strongly the type of crime that is being charged here rather than the word inveigle. Although it may seem as though perhaps we are splitting hairs, nevertheless it is my opinion that the new draft actually pins the crime down a little more closely and at the same time gives everybody that might be charged with it a little better break under the law. And that is the reason why I signed the new draft.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I think we all agree that the crime of kidnapping is quite serious. But at the same time, as my good friend, the gentleman from Cumberland, Mr. Richardson, said we hammered this bill out for probably two hours and there really is no big difference between Mr. Berman's proposal and the majority report. However, eight lawyers on the committee felt that the majority report is the bill that should be accepted. And on that basis I move the acceptance of the majority report.

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Berman, that we accept the Minority "Ought to pass" Report in new draft.

Is the House ready for the question? All those in favor of accepting the minority report of the committee reporting the bill "ought to pass" in new draft will say aye; all those opposed will say no.

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

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

COMMITTEE AMENDMENT  
"A" to S. P. 149, L. D. 390, Bill,  
"An Act Relating to Definition of Kidnaping."

Amend said Bill by striking out all of the underlined 4th, 5th, 6th, 7th and 8th lines and inserting in place thereof the following:  
"Whoever, except in the case of a minor by his parent, kidnaps

or unlawfully confines, inveigles, decoys, imprisons, transports or carries another out of the State, or from place to place within it, shall be punished by imprisonment for any term of years."

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

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

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Repealing Law Relating to Corrupt Agreements by Attorneys and Others" (S. P. 204) (L. D. 585) reporting same in a new draft (S. P. 550) (L. D. 1549) under title of "An Act relating to Agreements Between Attorney and Client" and that it "Ought to pass"

Report was signed by the following members:

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

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

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

Report was signed by the following member:

Mr. RICHARDSON  
of Cumberland  
— of the House.

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

In the House: Reports were read.

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

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Mental Examination and Observation of Persons Accused of Crime" (S. P. 513) (L. D. 1485) reporting "Ought to pass" as amended by Committee Amendment "A".

Report was signed by the following members:

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

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

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

Report was signed by the following members:

Mr. GLASS of Waldo  
— of the Senate.

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

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

In the House: Reports were read. The Majority "Ought to pass" Report was accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT  
"A" to S. P. 513, L. D. 1485, Bill, "An Act Relating to Mental Examination and Observation of Persons Accused of Crime."

Amend said Bill in the 12th line by inserting after the underlined words and punctuation "or both," the underlined words and punctuation 'or by one psychiatrist and one or more clinical psychologists.'

Further amend said Bill in the 16th line by inserting after the underlined word "Corrections" the underlined words 'or by other properly qualified psychiatrists or psychologists'

Further amend said Bill by adding at the end of the next to the last paragraph the following underlined sentence: '**A report of the results of the observation shall be forwarded promptly to the court by the commissioner.**'

Further amend said Bill by striking out all of the last underlined paragraph, except the single quotation mark.

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

### Non-Concurrent Matter

Bill "An Act relating to Payment by Dealers to Producers for Milk Purchased" (H. P. 1037) (L. D. 1408) which was indefinitely postponed in non-concurrence in the House on May 17.

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

In the House:

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

Mr. GILBERT: Mr. Speaker, Ladies and Gentlemen of the House: Reading the editorial in by local paper the other day, it referred to this august body on the other end as being more mature than we are. I move that we recede and join in a Committee of Conference and hope that some of it may rub off.

The SPEAKER: Would the gentleman kindly restate his motion?

Mr. GILBERT: I move that we recede from our former action and join in a Committee of Conference.

The SPEAKER: Does the gentleman wish to recede or insist?

Mr. GILBERT: I want to insist and join in a Committee of Conference.

The SPEAKER: The gentleman from Turner, Mr. Gilbert, now moves that we insist on our former action and join in a Committee of Conference. Is this the pleasure of the House?

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

Mr. BUSSIERE: Mr. Speaker, if I am in order, I move to adhere.

The SPEAKER: The gentleman's motion is not in order. The motion to insist takes priority.

The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, I now move that we recede from our former action and concur with the Senate.

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

Mr. Levesque of Madawaska requested a division.

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

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

Mr. GILBERT: Mr. Speaker, Members of the House: The trouble with the bill as it's written, it's not workable. I put an amendment on it to make it workable. It was taken off in the other body. It was intended once it came off the table over there to be put back on I've learned but for some reason or other the party either forgot it or was absent. The only way that I know of to get it back on now is to join a Committee of Conference. Without the amendment it's no good, so I would be against the gentleman from Hampden, Mr. Littlefield's motion. I hope to insist.

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

Mr. MILLAY: Mr. Speaker, Members of the House: I believe I stated my position pretty well the other day. I think there is a definite need for this bill and I think in a Committee of Conference that any difficulties that are in the bill could be straightened out. I concur with Mr. Gilbert on that matter. Certainly the point has been brought up since the other day, and I must agree with it somewhat, that this would be making a collection agency out of the state. That is not the intention of this bill and I think it can be changed so that it isn't construed that way. It is the intention of

this bill to give the producers, and I think most of the House members are in sympathy with the producers who are struggling to get by, to give them a slight wedge in collection of their bills. As it is now, they have no contract with producers, they have no guaranty that they can collect and in collecting these bills it is very difficult at times. I think we definitely should try to straighten this bill out in a Committee of Conference. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Hampden, Mr. Littlefield, that we recede from our former action and concur with the Senate. The gentleman from Madawaska, Mr. Levesque, has requested a division. All those in favor of receding from our former action and now concurring with the Senate will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER: The question before the House now is on the motion of the gentleman from Turner, Mr. Gilbert, that we insist on our former action and he asks that we join in a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

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

Resolve Providing for a Study of the State Personnel System (H. P. 1064) (L. D. 1440) which was passed to be engrossed in the House on April 6.

Came from the Senate indefinitely postponed in non-concurrence.

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

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

Bill "An Act relating to Arrests for Motor Vehicle Violations" (H. P. 1110) (L. D. 1516) which was passed to be engrossed in the House on May 6.



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

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

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### Orders Tabled

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

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of Bill: "An Act Providing for the Registration of Home Improvement Companies and Salesmen," Legislative Document No. 1264, introduced at the regular session of the 102nd Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

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

(On motion of Mr. Levesque of Madawaska, the Order was tabled pending passage and unasigned.)

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The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Glazier.

Mr. GLAZIER: Mr. Speaker, I would like to inquire if the House is in possession of bill number 995.

The SPEAKER: The gentleman from Bangor inquires whether the House has in its possession House Paper 758, L. D. 995, which is Bill, "An Act relating to Rules Regarding Retirement of Teachers," which was indefinitely postponed in the House on May 18, and the answer is in the affirmative.

Mr. GLAZIER: Mr. Speaker, I move now to reconsider our action of yesterday, whereby this bill was indefinitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Glazier, now moves that we reconsider our action whereby this bill and its accompanying papers was indefinitely postponed on May 18.

Mr. Cottrell of Portland requested a division.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Glazier.

Mr. GLAZIER: Mr. Speaker and Members of the House: Due to the absence of the sponsor of this bill 995 and as a member of this Retirement and Pensions Committee, which gave this bill a favorable report of eight to two, I now move to reconsider our action of yesterday whereby this bill was indefinitely postponed.

The SPEAKER: The question before the House is the reconsideration motion. Does the gentleman wish to continue?

Mr. GLAZIER: Mr. Speaker, I now move acceptance of the majority report.

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

Mr. BUCK: Mr. Speaker, the previous gentleman has already stated that this report received an eight to two favorable report. I think the bill has some merit. This bill permits school boards to do what they have been doing for fifteen years. It allows teachers to be retired in a dignified manner on a home rule basis. This way each community can do what's best for it and its teachers. It allows school boards to retain teachers on a year to year basis after retirement age or as long as they are physically and mentally able. This bill has the endorsement and backing of both the State School Board Association and the Maine Teachers Association. It has the support of the majority of the Retirement Committee and the Labor Committee. Thank you.

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the majority report of the Committee. We went over this bill very thoroughly and we came out with an eight to two report. I see no harm in this bill at all. I think it is a good bill and that we should pass it.

The SPEAKER: The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I too rise in support of this bill. I think that the local school boards know their situations best. And as a former school board member, I feel that they are perfectly capable of coping with the problems of retirement and since they have had this privilege for many years I see no need of this bill, and I hope it receives reconsideration and acceptance of the majority report.

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

Mr. BERRY: Mr. Speaker, Members of the House: We had a fair debate yesterday on the matter. It seems to me we are reaching a point in this session, where after we have had fair debate and we make our mind up we would be remiss in our duty if we allow overnight pressure groups to bring matters like this up again and rehash the situation. Very briefly, when a teacher reaches the age of sixty-five I think we as parents, we as taxpayers, have money in the bank and it would be a grave mistake to force these teachers out at that age. I urge you to vote against the motion for reconsideration.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: Just to restate some of the things we stated yesterday on the floor of the House. This bill is sponsored by the School Board Association of the state. It has never been presented to the teachers, the teachers are definitely against it; and I think that as we said yesterday, it permits each school board to make its own rules regarding retirement. The school boards do have the power, it's on the books, it's on the statutes, to retire a teacher at any time.

The understanding is and has been for years that teachers if they were healthy did have that unwritten law to remain until they are seventy, just like the state

employees. Like the state employees, I think it would follow with the teachers that if they wanted to teach after seventy the Governor and Council could extend for six months terms, for a matter of three six months terms as Mr. Hayes, who is head of the retirement system is now working under. He is seventy-one and a half years old and he has been serving in that position for his whole career. This would be very upsetting to the teachers and I think we should remain where we were yesterday and if the Senate wants to debate this further, let them do it. But I think we've made our decision and we should stay with it.

The SPEAKER: The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: You may note that the only objection to this bill comes from the Portland area. I think the rest of the state has been very satisfied with the law as it now is, under which we have been acting in the past fifteen years, giving the local school boards the option. It seems to me that no school board is going to retire a teacher arbitrarily. I'm sure they know their home conditions best. The state law requires that teachers be given a hearing if they have any objections. Therefore I hope the motion to reconsider will prevail.

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

Mr. GAUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: Being a signer of the minority report, I feel I must state my position. If a school board feels that a teacher is not competent upon reaching the age of sixty-five or any other age, all they have to do is not renew their contract. School boards were elected or appointed to do a job. They don't need this type of legislation to do it. If this bill is enacted some school boards could use this clause unwisely and retire all teachers at sixty-five years old and cause us to lose some very competent teachers. Thank you.

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

Mrs. BAKER: Mr. Speaker, Members of the House: This bill L. D. 995 plus two others were heard before the Labor Committee and many statements were brought out that this L. D. 995 is what the majority of the teachers and members of school boards throughout the state do want. This only gives the school boards permissive legislation and the type they had had up until six months ago, just restore it to that, and I hope we will reconsider.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday when we passed this thing I didn't know anything about it and I don't know much more today except that I've had three telegrams from my area asking me to do something about it. I'm in favor of the reconsideration.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Glazier, to reconsider our action whereby we indefinitely postponed this bill. The gentleman from Portland, Mr. Cottrell has requested a division. All of those in favor of reconsidering our action will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-two having voted in the affirmative and forty-five having voted in the negative, the motion to reconsider prevailed.

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

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

Mr. BOISSONNEAU: Mr. Speaker and Ladies and Gentlemen of the House: I wasn't going to get up and say anything on this question having been a former school

board member myself, but if you pass this piece of legislation you're going to put about ten thousand teachers out of circulation. You tell me where you're going to pick up ten thousand new teachers. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I also have served on the School Committee for over twelve years and I feel that this piece of legislation will be very detrimental to the hiring of teachers and the keeping of good teachers. Many times in the smaller towns it is almost impossible to replace some of the teachers and many of them can teach much later than they would be able to under this bill.

Mr. Boissonneau of Westbrook requested a division.

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

Mr. KITTREDGE: Mr. Speaker, Members of the House. I wonder if we are talking about the same bill. 995 as I read it, and it is just two sentences, rules regarding retirement of teachers: "They shall make such rules regarding the retirement of teachers as they deem expedient, except they may not fix a uniform retirement age below 65." So it would seem to me that this is simply permissive, that it lets the local board keep the teacher on as long as he is useful to the community. I can't see anything wrong with this particular piece of legislation.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: It is permissive and I think its permissiveness is its bad feature. We can have four hundred different sets of retirement rules. We have had that in the past where in one town it was compulsory for the teachers to retire at sixty and another town where it was compulsory for them to retire at sixty-five. So some of the teachers from this town would go up to

this town. I think if the school boards would be forthright and come out and set a definite pattern of retirement for our teachers in our school system they would be facing the issue, but this is sort of a sneaky little way and I will say so, and to me it is a gutless way to come out and not face up to the issue. For school boards now, with this I think you will find, the compulsory retirement age for all teachers will be sixty-five and it's breaking away from the system that teachers have been living under since they have been living under the retirement system.

So it's quite a cataclysmic little bill and I think there at least ought to be a referendum on this. I think you are going to find that you're going to stir up turmoil in many school districts about this. We already have had a little turmoil in Portland, and I'm sure there will be teachers' associations, when they find out exactly what's going to happen, will resist it and it will cause trouble. If this bill is ever passed there should certainly be some amendments on it.

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

Mr. BRAGDON: Mr. Speaker, I move this bill be tabled until Tuesday next.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, now moves this matter lie upon the table assigned for next Tuesday.

Mr. Mills of Eastport requested a division.

The SPEAKER: The gentleman from Eastport, Mr. Mills has requested a division. All those in favor of this matter lying upon the table until next Tuesday 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 seventy-two having voted in the negative, the motion to table did not prevail.

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

Mr. GILBERT: Mr. Speaker, Ladies and Gentlemen of the House: I was a little reluctant to get up here but I have had a little experience on this subject and I would like to support the gentleman from Portland, Mr. Cottrell. To begin with, the retirement system is based on seventy years of age and it's rather an intricate formula in that it works on thirty-fifths as I recall the way of a teacher retired below their full service. It's going to run into a lot of complications, there's a lot of other things that's going to have to change to coincide with it. I feel that seventy years on the book, unless—after seventy years of age you have to get special permission from the Governor to hire a teacher. I know all about that because over in my town we now have Luther Bonney, who I'm sure the gentleman from Portland, Mr. Conley, can vouch for. I believe he is some eighty-three years of age and this is the first year that he hasn't taught full time.

So it's permissive to keep them longer and as it has been previously said if you have a teacher due to health or some other reason that has reached the age of sixty, anywhere in that area, that you find isn't competent, by giving them a notice before January first that their contract won't be renewed you can get rid of them, and all in all I'm going to say that this is a useless implement which will accomplish nothing and I will again move for indefinite postponement.

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

Mr. Mills of Eastport requested a division.

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

Mr. BRAGDON: Mr. Speaker, if I understand this bill correctly, all teachers in a community would be retired at the same age. If I am wrong I hope somebody will correct me but that is definitely, as I understand it, that would be

what would happen. If that is true, I am definitely against it because I don't believe all people mature—become too old to teach at the same age. I believe that each one should be judged on their merits and under this bill I don't believe that will happen.

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

Mr. BUCK: Mr. Speaker, as I understand the bill it gives the school committees the right to set up the age of retirement, which cannot be less than sixty-five. It also permits them to rehire teachers until they are seventy.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I think that Representative Bragdon has asked a question which is unanswerable. This is permissive legislation to give each school board the opportunity to make its own retirement rules after age sixty-five. Now what set of rules is this particular district going to make, or this one? No one knows. They can make compulsory retirement at age sixty-five, they can make it compulsory at sixty-seven, or sixty-six without any further rights of the teacher. They have the privilege now of failing to renew, refusing to renew the contract of the teacher simply by giving that teacher six months' notice. We know that, and we have lived under it, that is the rule state wide. Now these new rules are something that no one knows what they will be, and that to me and to the teachers will cause—I won't say revolt, but it will cause a great discussion and meetings with school boards and discussions about what shall be in the rules. The rules are plain, they are clear, they are equitable to both sides as they stand, and until this is further defined and presented, and I am very sorry that the school boards did not come out with a uniform set thing so that we could vote upon it and have it clearly understood.

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

Mr. Gilbert, that this bill and its accompanying papers be indefinitely postponed. The gentleman from Eastport, Mr. Mills, has requested a division. All those in favor of Bill "An Act relating to Rules Regarding Retirement of Teachers," House Paper 758, L. D. 995, and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Mr. Cookson of Glenburn presented the following Order and moved its passage:

WHEREAS, the citizenry of the State of Maine is constantly and increasingly being augmented by American leaders in the arts, in commerce, and in industry, and

WHEREAS, Mr. Jack Paar, one of the Nation's most widely recognized representatives of the dramatic arts, has invested substantially in the communications industry within the State of Maine, and

WHEREAS, Mr. Jack Paar has furthermore chosen to erect a beautiful home for himself and his family in our State, and

WHEREAS, Mr. Paar has repetitively elected to praise the State of Maine, its people, its natural beauties, and its cultural and industrial opportunities, and

WHEREAS, these activities have contributed substantially to the cultural, business, industrial, and social life of the State of Maine, now, therefore,

BE IT ORDERED, that the members of the House do take cognizance of the good will and the substantial contributions which Mr. Jack Paar has made to the economic and cultural life of the State of Maine and do, in this Order, express to Mr. Jack Paar and to the members of his family their warm welcome into the life of the State of Maine, and its appreciation of Mr. Paar's expressed confidence in the economic future of our State and its

opportunities for bountiful and happy living.

**BE IT FURTHER ORDERED**, that the Clerk of the House is directed to send an attested copy of this Order to Mr. Jack Paar.

The Order received passage.

The **SPEAKER**: The Chair at this time would like to recognize in the balcony of the House twenty-seven pupils of the eighth grade history class at Skowhegan Junior High School. They are accompanied by their teacher, Erland Penley, and their student teacher from Farmington, Leigh Grant. And they are the guests of the gentleman from Skowhegan, Mr. Poulin. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

On the disagreeing action of the two branches of the Legislature on Bill "An Act Permitting the Establishment of Private Shooting Preserves," (H. P. 491) (L. D. 644), the Speaker appointed the following Conferees on the part of the House:

Messrs. MILLAY of Bowdoinham  
PAYSON of Falmouth  
POULIN of Skowhegan

On motion of Mr. Starbird of Kingman Township, it was

**ORDERED**, that Michael Jordan of Lincoln be appointed to serve as Honorary Page for today.

The **SPEAKER**: Michael is twelve years old and he is in the seventh grade at Elmer P. Burr Elementary School of Lincoln, and he is the son of the gentleman from Lincoln, Mr. Jordan. On behalf of the House, Michael, the Chair welcomes you and we hope that you will enjoy your duties as honorary page for the day.

#### **Tabled and Assigned**

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

**ORDERED**, that there is created an interim committee to consist of the Speaker of the House, the Majority Floor Leader, the Minority Floor Leader, and the Clerk of the House to consider and pass upon plans and estimates recom-

mended by the Bureau of Public Improvements for an electronic roll call system, and for the reconstruction, renovation and improvement of the chambers of the House of Representatives, and to exercise general control and oversight over their execution, including the approval by the Clerk of the House of all bills of costs; and be it further

**ORDERED**, that the members of the committee shall be reimbursed for their actual expenses incurred; and be it further

**ORDERED**, that there is appropriated to the committee from the Legislative Appropriation the sum of \$2,000, or as much thereof as may be necessary, for the expenses and operation of the committee; and be it further

**ORDERED**, that there is appropriated to the committee from the Legislative Appropriation the sum of \$347,000, or as much thereof as may be necessary, for the electronic roll call system and for the cost of reconstruction, renovation and improvement of the chambers of the House of Representatives.

(On motion of Mr. Dunn of Denmark, tabled pending passage and tomorrow assigned.)

#### **Indefinitely Postponed**

Mr. Erwin of York presented the following Order and moved its passage:

**WHEREAS**, it has become obvious that three minutes is ample time for any member to speak to the record to impress the Folks Back Home, and

**WHEREAS**, it is equally obvious that no member of this House can speak for longer than three minutes without repeating himself,

**ORDERED**, that any member who speaks at any one time for longer than three minutes shall, at the sole discretion of the Speaker, be shot, stuffed and displayed in a glass case in the State Museum—bearing around his neck the legend—

"Here am I, for E'er enshrined,  
My mouth is open, teeth are  
shined;

My colleagues treatment less than  
kind,

I talked them all deaf, dumb and blind."

(Off Record Remarks)

On motion of Mr. Levesque of Madawaska, the Order was indefinitely postponed.

The SPEAKER: The Chair would like to recognize in the balcony of the House one hundred and twenty pupils of the eighth grade at Falmouth Junior High School, accompanied by their teachers, Mr. Theodore Vail, Mrs. Mildred Cole, Mrs. Christine Burr, Mr. Fernald Hodgdon, Mr. Robert Black and Mr. Clifton Reeves. And they are the guests of the gentleman from Falmouth, Mr. Payson. On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

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

Mr. Curran from the Committee on Taxation reported "Ought not to pass" on Bill "An Act to Increase the Gasoline Tax" (H. P. 660) (L. D. 887)

Mr. Ross from same Committee reported same on Bill "An Act Providing for Assessment of a Head Tax by Municipalities to Support Public Schools" (H. P. 854) (L. D. 1151)

Reports were read and accepted and sent up for concurrence.

#### **Ought to Pass in New Draft New Drafts Printed Tabled and Assigned**

Mr. Richardson from the Committee on Judiciary on Bill "An Act relating to Shooting Human Being While Hunting" (H. P. 228) (L. D. 295) reported same in a new draft (H. P. 1133) (L. D. 1552) under same title and that it "Ought to pass"

Report was read.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill designed to erect some procedural safeguards in the case of suspension of license for a person who has negligently shot somebody else while they're hunting.

However, the bill as it is presently drawn in its redraft, limits the period of suspension to five years. I think that it might be appropriate not to limit the Commissioner to suspending for a period of five years in certain cases where a person has been negligently shot. I would hope that somebody would move to lay this on the table for a sufficient time to prepare an amendment to extend the possible period of suspension.

Thereupon, on motion of Mr. Anderson of Ellsworth, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.

Mr. Martin from the Committee on Taxation on Bill "An Act to Encourage Conservation of Forest Resources Through Uniformity of Tax Assessment" (H. P. 937) (L. D. 1274) reported "Ought to pass" in a new draft (H. P. 1134) (L. D. 1553) under same title and that it "Ought to pass"

Mr. Wood from same Committee on Bill "An Act relating to Excise Tax on Aircraft" (H. P. 781) (L. D. 1034) reported same in a new draft (H. P. 1135) (L. D. 1554) under the same title and that it "Ought to pass"

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

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

Mr. Searles from the Committee on Public Utilities reported "Ought to pass" on Bill "An Act Defining Public Utility in Relation to Certain Sewer Districts and Systems" (H. P. 930) (L. D. 1268)

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

#### **Tabled and Assigned**

Mr. Ross from the Committee on Taxation reported "Ought to pass" on Bill "An Act Exempting Textbooks Used in Schools of Higher Education from Sales Tax" (H. P. 1028) (L. D. 1398)

Report was read.

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

Mr. PAYSON: Mr. Speaker and Members of the House: I got a letter from one of the students at the University of Maine in Portland, saying that they had to pay fifty dollars a semester for books and they objected to the sales tax. That would be two dollars a term and considering what they are getting for the money they are paying for it I think that they ought to pay that two dollars a term. I move for indefinite postponement.

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

(On motion of Mr. Cottrell of Portland, tabled pending the motion of Mr. Payson of Falmouth for indefinite postponement and specially assigned for Tuesday, May 25.)

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

Mr. Davis from the Committee on Judiciary on Bill "An Act Providing for Compensation of Attorneys Appointed for Indigent Persons Charged with Crimes" (H. P. 587) (L. D. 779) 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. 587, L. D. 779, Bill, "An Act Providing for Compensation of Attorneys Appointed for Indigent Persons Charged with Crimes."

Amend said Bill by striking out all of the 4th and 5th lines and inserting in place thereof the following: "**The Superior or District Court may in any criminal case appoint counsel when it appears to the court that**"

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

Mr. Richardson from the Committee on Judiciary on Bill "An Act Providing for the Model Joint Obligations Act" (H. P. 499) (L.

D. 652) 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. 499, L. D. 652, Bill, "An Act Providing for the Model Joint Obligations Act."

Amend said Bill in section 1 by striking out all of that part designated "§16" and inserting in place thereof the following:

**'§16. Death of joint obligor**

**On the death of a joint obligor in contract, his estate shall be bound as such, jointly and severally with the surviving obligor or obligors.'**

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

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

Majority Report of the Committee on Judiciary on Bill "An Act Permitting Certain Corporations to Hold Stockholder Meetings Outside of State" (H. P. 619) (L. D. 827) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. GLASS of Waldo  
STERN of Penobscot  
— of the Senate.  
Messrs. BERMAN of Houlton  
DANTON of Old Orchard Beach  
DAVIS of Calais  
BRENNAN of Portland  
— of the House.

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

Report was signed by the following members:

Mr. VIOLETTE of Aroostook  
— of the Senate.  
Messrs. BISHOP of Presque Isle  
RICHARDSON  
of Cumberland  
GILLAN

of South Portland  
— of the House.

Reports were read.



(On motion of Mr. Richardson of Cumberland, tabled pending acceptance of either Report and tomorrow assigned.)

### **Divided Report Tabled**

Report "A" of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Providing State Tax on Deed Transfers" (H. P. 980) (L. D. 1318)

Report was signed by the following members:

Mr. WILLEY of Hancock  
— of the Senate.

Messrs. COTTRELL of Portland  
ROSS of Bath  
CURRAN of Bangor  
DRIGOTAS of Auburn  
— of the House.

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

Report was signed by the following members:

Messrs. MAXWELL of Franklin  
LETOURNEAU of York  
— of the Senate.

Messrs. MARTIN of Eagle Lake  
WOOD of Webster  
HANSON of Gardiner  
— of the House.

Reports were read.

(On motion of Mr. Levesque of Madawaska, tabled pending acceptance of either Report and unassigned.)

### **Passed to Be Engrossed**

Bill "An Act Increasing Compensation of Members of Employment Security Commission" (S. P. 166) (L. D. 496)

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

### **Third Reader Amended Later Tabled**

Bill "An Act Creating a State Transportation Commission" (S. P. 542) (L. D. 1540)

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

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

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

HOUSE AMENDMENT "A" to S. P. 542, L. D. 1540, Bill, "An Act Creating a State Transportation Commission."

Amend said Bill by inserting at the end of subsection 1 of section 2, after the semi-colon, the following: 'and to study and evaluate any and all reports dealing with the feasibility of a regional airport in Sidney to service Augusta, Waterville and surrounding areas, and if the commission determines that such regional airport is desirable, to expend not exceeding \$87,500 to purchase land for and provide engineering work for such a regional airport;'

Further amend said Bill by striking out in the first sentence of section 7 the figure "\$35,000" and inserting in place thereof the figure '\$122,500'

House Amendment "A" was adopted and the Bill passed to be engrossed in non-concurrence and sent up for concurrence.

Bill "An Act Authorizing Department of Economic Development Advisory Council to Develop a Master Economic Plan for the State" (S. P. 543) (L. D. 1541)

Bill "An Act relating to Allocations from Gasoline Tax for Public Facilities for Boats and to Commissioner of Sea and Shore Fisheries" (S. P. 545) (L. D. 1542)

Bill "An Act to Provide for Fair Minimum Wages for Construction of Public Improvements" (H. P. 1124) (L. D. 1534)

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

Bill "An Act relating to Practical Demonstrations Without Fee in Schools of Hairdressing and Beauty Culture" (H. P. 1127) (L. D. 1537)

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

Mr. Poulin of Skowhegan offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1127, L. D. 1537, Bill, "An

Act Relating to Practical Demonstrations Without Fee in Schools of Hairdressing and Beauty Culture."

Amend said Bill in the Title by striking out the words "Without Fee"

Further amend said Bill by striking out all of the 2nd underlined sentence.

Further amend said Bill in the 4th line from the end by inserting after the underlined word "reasonable" the underlined words "price for service and"

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

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

Mr. SULLIVAN: Mr. Speaker, Members of this House: We debated that bill fully yesterday and now this gentleman, Mr. Poulin, is again taking up the time of this House and he had plenty of opportunity yesterday and he stood on his feet and opposed this and now he brings in an amendment which does just the opposite of what we voted for yesterday. And I consider the means that he uses—

The SPEAKER: Would the gentleman kindly confine his remarks to the merits of the amendment and not to the motives of the individual introducing them.

Mr. SULLIVAN: Okay, I'm sorry. The point is this bill came in here with the approval of the hairdressers and this amendment does just the opposite, Thank you.

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

Mr. GAUDREAU: Mr. Speaker, Members of the House: I must again rise in defense of this bill and against this amendment. The state board pointed out at a hearing that seventy-five percent of the graduate students who open up their own shops fold up inside six months with a great financial loss. It is my belief that most of these people did not receive the proper training because the emphasis was on the paying customer and not on the student. In regards to the charge for services, the parents of these students send their daughters to a beauty school to learn a profession. They expect the full

emphasis to be put on the training of the student instead of exploiting their labor. They are students and not employees. This is a good bill and this amendment will render this bill useless. I now move that this bill, this amendment be indefinitely postponed.

The SPEAKER: The question before the House now is on the motion of the gentleman from Lewiston, Mr. Gaudreau, that House Amendment "A" be indefinitely postponed.

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

Mr. POULIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does not bother the bill at all. If you will read the bill and read the amendment you will find the board has the powers to regulate the fees that they can charge. In other words, every school in the state would be charging the same fee for a permanent or whatever you have, a shampoo, you can name what you want. But at least there would be a slight fee besides the charging of supplies and materials which amount to about—even on a ten dollar permanent you get the same material you do out of a Toni kit which is \$1.98.

They want the schools to operate, yet they can't hire instructors without having some sort of income. The girls want to learn the trade, but if there is no school there is no trade. They want to call it a profession now. It is still a trade, you have to use your hands and using your hands takes time. I know of three schools, as soon as they graduate, if this bill goes through the way it is, as soon as the students that are now in the school graduate the schools will close and they will go back to regular beauty parlor operators. So the only ones that are going to lose are students.

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

Mr. GAUDREAU: Mr. Speaker, Members of the House: In regards to these schools, the beauty school owners in the state that have already a no charge clinic system report that they operate their

schools at a reasonable profit and are high in their praise of the high calibre students. Rhode Island is one of these states, their tuition is between six hundred and seven hundred dollars. Other schools such as business schools operate on a profitable basis without exploiting their students. To name a few, you have the Auburn School of Commerce, the tuition is five hundred dollars; Bliss College, the tuition is five hundred fifty and so on. I won't take any more time. There are quite a few schools that are in that price range.

I don't feel that you will drive any of these schools out of business. Thank you.

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

Mr. HAUGEN: Mr. Speaker, Ladies and Gentlemen of the House: I would highly concur with the gentleman from Lewiston, Mr. Gaudreau, and also would defend the committee's position on this bill. As I stated yesterday, this bill was given the most consideration of any bill we had before our committee and I certainly hope that you will indefinitely postpone this amendment as entered by the gentleman from Skowhegan, Mr. Poulin.

Mr. Healy of Portland requested a division.

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

Mrs. BAKER: Mr. Speaker, Members of the House: I rise in support of the amendment. I think the bill as written is against free enterprise.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Gaudreau, that House Amendment "A" be indefinitely postponed. The gentleman from Portland, Mr. Healy, has requested a division. All those in favor of House Amendment "A" to Bill "An Act relating to Practical Demonstrations Without Fee in Schools of Hairdressing and Beauty Culture," House Paper 1127, L. D. 1537, being indefinitely

postponed, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-eight having voted in the affirmative and forty-four having voted in the negative, the motion prevailed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Mr. BRAGDON: Mr. Speaker, I rise to ask reconsideration of item 2, I guess it was, Bill, "An Act Creating a State Transportation Commission." There was an amendment that was circulated on our desks after we had acted on this bill. I feel that the amendment may not be germane to the bill and it was not given any consideration. If you will go along with me on the motion to reconsider, I will make a motion to table until the amendment can properly be considered.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, now moves that we reconsider our action whereby item 2, Senate Paper 542, L. D. 1540, was passed to be engrossed.

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

Mr. ROY: Mr. Speaker, in reference to the amendment that was submitted to item 2, all the amendment does, it gives the State Transportation Commission the use of the two reports that were made by the state which in turn were done by the House here in the past years. A total amount of twenty-six thousand dollars has been spent on these two reports. All it does, it gives them the right to use these reports and if they agree with the reports, they have the right to purchase the land which in turn would cost them eighty-seven thousand five hundred. If they do not agree with the reports, the amount is not expended. And this is why the figures have changed in this bill. All I am asking is for the thing

to go to the Appropriations table, that's all. Thank you.

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: I had a lovely nap this morning, but I actually didn't see this until perhaps five minutes after we voted on it. All this amendment seeks to do is to overturn a unanimous report of the Appropriations Committee. All this amendment seeks to do is to overturn the action of this and the other House already taken this year. I hope you reconsider.

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

Mr. ROY: Mr. Speaker, Ladies and Gentlemen of the House: I think in regards to the reports that have been voted upon in this House, I think we have changed our mind quite a few times. I think the amendment has a lot of merit. I think this is one need that we have in this state and that's air transportation. This in turn gives the State Transportation Commission only the right to evaluate these two reports, to report it back to the 103rd. If they see fit that they want to spend the money they can, if not the money stays right there. I request a division on the tabling motion.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I hope you will all carefully look at this amendment. This authorizes this Transportation Committee to purchase land on a project that has not been approved and in fact has been turned down by this Legislature. I hope that you will consider it carefully, and at least we will table it and give it the proper consideration that it needs.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Roy, who requests permission to address the House a third time. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. ROY: Mr. Speaker, Ladies and Gentlemen of the House: In regards to Mr. Bragdon's comments, the gentleman from Perham. He is correct, that the House has turned down this bill in the past. In the past years, there was never any harmony. Either the Governor and the Aeronautics Commission was in favor of this type of an airport and the Legislature wasn't. Now this year, the Aeronautics Commission is not in favor of it and the Governor saw fit in his budget to make provision to improve the Augusta State Airport which in turn is going to cost the State of Maine, every single taxpayer in this state, an improvement of about 3.3 million dollars just for fill.

This is not going to build the airport. This is only giving the Commission the opportunity to evaluate the two reports. And one report costs the state ten thousand dollars. The other report, which is made by the James Buckley concern, costs the state another fifteen thousand dollars. I think if we are going to ask outside concerns to make reports and surveys, I think we in turn should make use of the amount of money that we spent on these reports. We just had one done on DED. I ask for the reconsideration and I request a division.

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

Mr. DUMONT: Mr. Speaker, I rise in opposition to the reconsideration motion and I think it's only fair particularly to the Central Maine area that this Commission at least be given the prerogative or the privilege of studying these reports and for once try to put our area as reported in previous surveys in the position with the rest of the state. Air transportation in this state is just as much a problem as other means of transportation. And I hope that the motion to reconsider does not prevail.

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

Mr. BIRT: Mr. Speaker, Members of the House: To correct a couple of statements that have

been made, one statement was made that it would cost several million dollars for fill as presently allocated for the Augusta State Airport, and looking at the budget document on page 419, there is \$731,000 allocated for the extension of the Augusta State Airport runway. It is not several million dollars. Now this bill on the city airport was heard two years. A report actually came in from the previous Legislature that was submitted to the 101st Legislature. It was thoroughly studied. There was a very extensive hearing. At that time it was turned down by the Legislature. We had a very extensive hearing on the Sidney Airport again and the committee came out unanimous in opposition to it.

This report on the study of the Transportation Committee came out with a very favorable report out of the Appropriations and Financial Affairs Committee and I would certainly hope that the motion to reconsider is given favorable action so that this amendment can be indefinitely postponed.

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

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: If this amendment is so innocent and so forth, why do they object to giving us a chance to study it? It came out the same time we voted on it. And I think it's no more than fair that we have a chance to look it over.

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

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: If this amendment proposed simply to give the authority to the Transportation Commission to study these two reports or directed them to do so, I would have no objection to it. However, I would advise you to read it carefully. It goes far beyond this. It would give the Commission the authority to implement its own findings without reporting back to the Legislature and to embark upon a program which would ultimately cost the State

of Maine several millions of dollars. I do not believe that we wish to give this authority to a study committee. We, rather, should expect it to report back to this or a following Legislature for action of such magnitude as is here involved. I would oppose the amendment if it upon reconsideration comes before us.

The SPEAKER: The question before the House is on the motion of the gentleman from Perham, Mr. Bragdon, that we reconsider our action whereby this bill was passed to be engrossed. A division has been requested.

All those in favor of reconsidering our action whereby this Bill was passed to be engrossed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

Mr. KATZ: Mr. Speaker, I move that House Amendment "A" to L. D. 1540 be indefinitely postponed.

The SPEAKER: The question before the House now is to reconsider our action whereby we adopted House Amendment "A". The Chair recognizes the gentleman from Augusta, Mr. Dumont.

Mr. DUMONT: Mr. Speaker, could I ask that this be tabled until the next legislative day?

The SPEAKER: The gentleman from Augusta, Mr. Dumont, now moves that this lie upon the table assigned for tomorrow, pending the motion of the gentleman from Augusta, Mr. Katz, that we reconsider our action whereby we adopted House Amendment "A".

Mr. Birt of East Millinocket requested a division.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, requests a division. All those in favor of this Bill "An Act Creating a State Transportation Commission," Senate Paper 542, L. D. 1540, lying upon the table assigned for tomorrow will kindly rise and remain

standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, the Bill was tabled pending the motion of Mr. Katz of Augusta to reconsider adoption of House Amendment "A" and specially assigned for tomorrow.

### Third Reader

#### Amended

#### Later Reconsidered

Bill "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies" (H. P. 1130) (L. D. 1545)

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

Mr. Libhart of Brewer offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1130, L. D. 1545, Bill, "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies."

Amend said Bill, in the 6th line from the end of "\$3801." by striking out the underlined words "felony and"

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

Bill "An Act relating to Definition of Sale Price under Sales Tax Law" (H. P. 1132) (L. D. 1551)

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

### Amended Bills

Bill "An Act relating to Possession of Firearms by Felons" (S. P. 198) (L. D. 579)

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 Increasing Compensation of Members of the Legislature, the Governor, Court Justices and Certain Department Heads" (S. P. 520) (L. D. 1497)

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

Mr. Berry of Cape Elizabeth offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to S. P. 520, L. D. 1497, Bill, "An Act Increasing Compensation of Members of the Legislature, the Governor, Court Justices and Certain Department Heads."

Amend said Bill by inserting after section 6 the following:

"Sec. 6-A. R. S., T. 5, § 121, amended. The 2nd paragraph of section 121 of Title 5 of the Revised Statutes is amended to read as follows:

"The Treasurer of State shall receive an annual salary of \$8,500 \$10,000 He shall receive no other fee, emolument or perquisite."

(There is appropriated from the General Fund the sum of \$1,125 for the fiscal year ending June 30, 1966 and the sum of \$1,500 for the fiscal year ending June 30, 1967 to carry out the purposes of this section.)"

The SPEAKER: The question now before the House is the adoption of House Amendment "C." The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker, this amendment proposes to increase the State Treasurer's salary fifteen hundred dollars. In support of this, I would like to read to you the salaries which have been set for the State Treasurer over the past fifteen years. In 1950 the salary was four thousand dollars, in 1954 it was five thousand dollars, in 1956 it was six thousand dollars. And now, nine years later, it is eighty-five hundred dollars. This is a position which has historically not had a high salary. And I think in fairness to the present incumbent it should be mentioned that he has promulgated several changes in his de-

partment which have redounded to the financial benefit of the state. I would solicit your support in the adoption of this well deserved salary increase.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I heartily concur with the gentleman from Cape Elizabeth, Mr. Berry, in regard to this Treasurer's increase in salary.

We do now have a hard working treasurer and his work has been paying off for the State of Maine at the rate of many times his salary annually. He has shown a keen insight into the problems of State Government and demonstrated the courage of his convictions to implement his ideas.

Under any method of selection and, at any price, a weak man in this office is the most expensive man you could have, even at a lower salary. If we are going to reward public service when we see it, and if we are going to attract a qualified man to this office which manages hundreds of millions of dollars each biennium, then we should offer a salary of more than the \$8,500 which the Treasurer of the State of Maine now receives.

It has been said, and can be documented, that the present treasurer will save the state over \$200,000 in interest during each of the next two years. In order to do this, it is necessary to hold the checkbook balance down by \$5,000,000 and keep that amount invested at 4% interest. This he is doing day by day. During the month of April, 1964 the average checkbook balance was \$9,713,000. During the month of April, 1965 the average checkbook balance was \$4,795,000. This difference of slightly under \$5,000,000 has been invested at at least 4%. The present treasurer readily admits that there is still room for further improvement but an additional \$400,000 earnings from an \$8,500 a year employee should not go without recognition.

The Public Administration Service recommended this same action in 1956, but because of pressures, of one sort or another, it was never implemented. If it had been we would be almost \$2,000,000 better off today. All these same pressures have been brought to bear on our present treasurer but he has shown the courage to resist them. The General Fund will be about \$400,000 better off for the biennium because of it.

And, therefore, I heartily agree with my colleague, Mr. Berry.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I am glad to see that we have finally come to an agreement as to the necessity of the office of State Treasurer. It gives me great pleasure and I heartily concur with all that has been said.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if we have all agreed that we should retain the office of the treasurer indefinitely, although I think we are completely in agreement that as long as we are going to have a full time treasurer and not only a part time treasurer, that we should make sure that he is amply compensated for the time and the experience and the devotion to the job of state treasurer that we now have. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that we adopt House Amendment "C." Is this the pleasure of the House?

Thereupon House Amendment "C" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: Mr. Speaker, I now offer House Amendment "B" Filing H-338, and move that it be adopted.

Thereupon, House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to S. P. 520, L. D. 1497, Bill "An Act Increasing Compensation of Members of the Legislature, the Governor, Court Justices and Certain Department Heads."

Amend said Bill by striking out all of section 2.

Further amend said Bill in section 9 by striking out in the first line the punctuation, word and figures ", 2 and 3" and inserting in place thereof the word and figure 'and 2'

Further amend said Bill by renumbering sections 3 to 9 to be sections 2 to 8.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: Mr. Speaker, Members of the House: This amendment eliminates the increase in salary to members of the Legislature only. It doesn't affect the Governor, the Court Justices, nor the department heads. It doesn't affect the raise that's in there for the Speaker or the President of the Senate, nor the increase from ten to twenty dollars a day for special sessions plus mileage. Mr. Kennedy, the gentleman from Milbridge, gave all the reasons yesterday why we should not raise the salary for members of the Legislature at this time and one of the reasons was that we will receive around a thousand dollars more this session than we did before. And I move adoption of House Amendment "B".

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

Mr. LEVESQUE: Mr. Speaker, I now move the indefinite postponement of House Amendment "B".

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that House Amendment "B" be indefinitely postponed.

Mr. Binnette of Old Town requested a division.

Mr. Young of Gouldsboro requested a roll call.

The SPEAKER: The gentleman from Gouldsboro, Mr. Young, requests a roll call. In order for the Chair to entertain a roll call, it must have one-fifth of the members present voting in favor of a roll call. All those desiring a roll call will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth having arisen, a roll call is in order.

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

Mr. BERNARD: Mr. Speaker, Members of the House: A roll call has been ordered and I intend to vote on the roll call, but I do hope that the paper publishes the roll calls the way they come out. I voted for the pay increase and was registered as voting against it.

The SPEAKER: The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, that House Amendment "B" be indefinitely postponed. If you are in favor of House Amendment "B" to Bill "An Act Increasing Compensation of Members of the Legislature, the Governor, Court Justices and Certain Department Heads," Senate Paper 520, L. D. 1497, being indefinitely postponed when your name is called you will either answer yea or yes; if you are opposed to House Amendment "B" being indefinitely postponed, when your name is called you will either answer nay or no. The Clerk will call the roll.

### ROLL CALL

YE: Anderson, Orono; Baldic, Beane, Bedard, Benson, Mechanic Falls; Bernard, Berry, Binnette, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Brewer, Buck, Bussiere, Carroll, Champagne, Conley, Cote, Crommett, Curran, Cushing, D'Alfonso, Danton, Davis, Dostie, Doyle, Drigotas, Drouin, Dumont, Edwards, Erwin, Eustis, Evans, Farrington, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gilbert, Gillan, Glazier, Gra-



ham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hawes, Healy, Hunter, Durham; Jalbert, Katz, Keyte, Kilroy, Knight, Labege, Lebel, Lent, Levesque, Lewis, Libhart, Lowery, Lund, Lycette, Martin, McKinnon, Millay, Mills, Mitchell, Nadeau, Palmer, Pike, Pitts, Poulin, Rackliff, Roy, Ruby, Sawyer, Searles, Starbird, Stoutamyre, Sullivan, Ward, Wheeler, Whittier, Wight, Presque Isle; Wood, Wuori.

NAY: Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berman, Birt, Bragdon, Carter, Cookson, Cottrell, Cressey, Crosby, Dickinson, Dudley, Dunn, Gifford, Hammond, Hanson, Gardiner; Harriman, Hawkes, Haynes, Huber, Hunter, Clinton; Jewell, Kennedy, Kittredge, Lang, Lincoln, Littlefield, Meisner, Mosher, Norton, Payson, Peaslee, Pendergast, Prince, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Brownville; Sahagian, Scott, Storm, Susi, Truman, Waltz, Watts, White, Guilford; Young.

ABSENT: Bishop, Burwell, Carswell, Hanson, Lebanon; Hoy, Jordan, Lane, Ross, Bath.

Yes, 92; No, 50; Absent, 8.

The SPEAKER: Ninety-two having voted in the affirmative and fifty having voted in the negative, with eight being absent, the motion prevails.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "C" in non-concurrence and sent up for concurrence.

A motion for reconsideration by Mr. Edwards of Portland whereby this Bill was passed to be engrossed as amended failed on a viva voce vote.

Bill "An Act Increasing Salary of Commissioner of Labor and Industry" (H. P. 23) (L. D. 26)

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.

On motion of Mr. Roy of Winslow, the House voted to recon-

sider its action whereby Bill "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies," H. P. 1130, L. D. 1545 was passed to be engrossed earlier in the day.

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

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

HOUSE AMENDMENT "A" to H.P. 1130, L.D. 1545, Bill, "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies."

Amend said Bill by inserting at the beginning of the first line the underlined abbreviation and figure 'Sec. 1.'

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

**'Sec. 2. Application.** This Act shall in no way affect the tenure of office of the private detectives who hold licenses under the Revised Statutes, Title 32, chapter 55 immediately prior to the effective date of this Act.'

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

#### Failed of Passage Constitutional Amendment

Resolve Proposing an Amendment to the Constitution to Lower the Voting Age to Twenty Years (S. P. 143) (L. D. 394)

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

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

Mr. KENNEDY: Mr. Speaker and Members of the House: I rise in opposition to the final passage of this Resolve. I note that this is the final resolve offered by the Majority Party bringing the voting age down to twenty years. The final passage of similar measures from eighteen, nineteen to twenty have failed in the last few days or few weeks of this legislative session. I do hope that this will not receive passage because it is contrary to Republican philoso-

phy; I feel it is contrary to the wishes of the citizens of the State of Maine.

Through this period of time that has lapsed since these resolves relative to changing the constitution, I have been in contact with the members of the YGOP, the Teenage Republicans, and they have no feeling relative to the voting age being reduced below the now constant twenty-one years, and I do hope that this fails of passage.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This is one of the rare occasions when I will lock horns with my friend the gentleman from Milbridge, Mr. Kennedy, and what brings me to my feet is the comment that he made wherein he states that this is contrary to Republican philosophy. I would pose a question through the Chair to the gentleman from Milbridge, Mr. Kennedy, what party enrollment did Mr. Eisenhower have?

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I would be delighted to answer this question, because I am only representing the Republicans in the State of Maine.

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

Mr. JALBERT: Mr. Speaker, I am happy to hear the question answered that there still carries on further splendid groups within your party, Mr. Kennedy, spreading farther and farther and it has finally landed in Maine.

This was my amendment, I think it's sound, I think it's solid. I think these people for the very obvious reasons of what they produce and what they do in education, on the battlefield and elsewhere, I think they are entitled to this compromise, should I say, of making it twenty years of age instead of eighteen, and I am sure my good

friend has heard about the word compromise.

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

Mr. PENDERGAST: Mr. Speaker, are there any amendments to this bill? Would you give us the numbers please so we can check them in our books?

The SPEAKER: The Chair will answer originally the bill was eighteen years old, the bill has been amended to change the title and also in each place where it says eighteen to change it to twenty. Filing S-206, Senate Amendment "A", House 234, House Amendment "B", and Senate Amendment "B", filing S-139.

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

Mr. JALBERT: Mr. Speaker, I might state in explanation that I believe that the Senate had amended it to nineteen, and we killed the nineteen year old amendment, and they receded and concurred with us and then I put the amendment making it twenty, from eighteen to twenty, and I think that is where it lies now with an amendment from eighteen to twenty. When the vote is taken, I move it be taken by a division.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I think this document before us this morning has been aired very well here in the House. We have compromised from eighteen to twenty, and I think the gentleman from Milbridge, Mr. Kennedy, that it was not the philosophy of the Republican Party of the State of Maine that we lower the voting age, that we find in the records in the early 1950's that the Republican Party, which was a very good majority in the House of Representatives, had passed a bill in the legislature lowering the voting age. Now I am just wondering if the philosophy of the Republican Party in the early '50's has changed so as to now even allow to lower it one year and making it twenty years, or maybe it is because of the fact that there is a different

name on the amendment submitted in this document.

I can remember a few years back that an amendment passed only because of the nature of the name signed on the amendment. So I feel that this House here this morning should probably do like we did last week, I think last week we made an amendment to the constitution changing the bond issues going to the general public, which carried a name of the opposition party.

I think if the Republican Party of the State of Maine are sincere in their beliefs, that at least it should be consistent from year to year and not say one year it was all right for us to pass it, but now we are in the minority it is not all right, because we have changed our philosophy. So I believe that because of the importance of this piece of legislation, and I don't think that I can assume that the young GOP's of the State of Maine are all of the belief that the voting age now could not stand the age of twenty, because it is my firm belief that when this voting age of twenty-one was instituted in our state, the means of communication with the public was not as it is today, and that the general young people of this state today and throughout the country are very much versed on the problems facing government, both state, municipal and federal, and I certainly feel that they are well qualified to be allowed to vote at the age of twenty. So for that reason, I am requesting that the vote be taken by the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have a long record of being opposed to legislation that lowers the voting record in this House, not just this session, but in many other sessions, regardless of who supported the bill. Now I am not here to represent any particular party in this measure, I am here to represent the people in the small towns from which I come, and they see no need for this.

The taxpayer, the real estate taxpayer in the areas of these small towns are already being hard pressed by people that pay a poll tax and care little for the cost of the expenditures. This will only put them with some more support to bury the taxpayers in these small towns. I am opposed to that for this reason, but this isn't the only reason.

Now if you mention out of state people, Harry S. Truman once was said to have thought the voting age should be twenty-six. This I don't agree with, I think twenty-one is all right and I am willing to go along with it, and after what I have seen in the paper the last few weeks of the riots in schools and colleges where the people are supposed to be intelligent, I am more convinced than ever that this bill shouldn't pass, that maybe Harry S. Truman was right, maybe it should be twenty-six. I am willing to go long with twenty-one, but I for one am not willing to lower the voting age not one year, not six months or three months. Thank you.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Speaking for myself, I should like to point out the reason why I am opposed to this particular constitutional amendment. As you know, persons under the age of twenty-one are under many legal disabilities, one of which, for example, is that a person under the age of twenty-one who signs a contract may disaffirm or repudiate the contract until he gets to be age twenty-one. This may sound pretty dry, but the reason why I am opposed to the amendment is that I think that if you are going to give these people the right to vote and the right to make decisions respecting the government of this state, you must at the same time impose upon them the responsibilities that that right carries with it. This constitutional amendment does not do that. I am, therefore, opposed to this constitutional amendment, and it gives me a great deal of pleasure to join

with the gentleman from Mil-bridge, Mr. Kennedy.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of this House: I am a little bit disturbed and amazed at the statement of the leader of the Minority Party, practically when he has almost said that he had no faith in the youth. I have a lot of faith in the youth, and when this gentleman who is in the legal profession from down to Cumberland, I believe, Mr. Richardson, states that twenty-one is the legal age, that may be true, but let us give the youth a chance to vote and then we can correct those laws which are on the statutes at the present time.

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

Mr. STARBIRD: Mr. Speaker, I might remind the people here, this isn't the final say on this, we are just giving the people a chance to vote on it. Let's put it up to referendum and let the people decide whether they want people at twenty or twenty-one to vote.

And in reference to young people, I took a poll over at Lee Academy, and I might mention that Lee is the strongest Republican town in my district, and in Lee Academy there were 121 of the students there that favored a change, and 91 against any change, and I think the young people are for it too. I will admit that more favored 19 than they did 20, seventy-eight favoring 19, and forty-three, 20, out of those that favored a change. I think the people should decide this matter, not us, especially. Put it up for referendum. Let's get it out of here and put it to the people.

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: I find it a little hard to believe that the Republican Party would propound the philosophy of taxation without representation, but believe me, these young people pay taxes, and they pay a heavy load of taxes. Every time they pur-

chase an article in the store they pay a sales tax. Every time they put a gallon of gasoline in their automobiles, they pay the taxes to support our roads. Remove this tax revenue and watch the terrible financial bind this state would be in, and yet we won't give them representation, we won't give them the franchise to vote. I don't think it is right. I don't think it is right at all.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am not surprised at the words that have been said here, I have heard them said over and over again. I have even heard those famous words about our boys and girls in colleges, and their conduct in the colleges. Now when a boy or a girl, a young man or young lady goes away to college, it is up to the faculty of that college to determine the discipline and the conduct of that college. If there are any riots or any action which is not conducive, I blame that on management, ladies and gentlemen, I blame that on the president of the college and the faculty. I say to them, this is your fault, this is not the fault of our youth. You have allowed conditions to exist at your college which should not exist. If you run a tight ship, you will not have trouble.

I am not surprised at the Minority party's action here today. I am sure if we had a hundred states in the union, we would be 100th when it comes to education. This is no surprise to me, but what shocks me, and shocks me a great deal, I have participated in many military funerals in the burial of our war heroes, and when I participated in them my heart was very heavy because they have never had the chance to vote. They gave their lives but they were denied the right to vote. Can you imagine, ladies and gentleman, we vote to send them away to war, but we do not let them pass judgment, we do not let them vote. This is shocking to me when they say they don't want these bills to go out for referendum. You stand up and say you represent the people of the

State of Maine, and yet you don't want the people of the State of Maine to pass judgment. You don't want the people of the State of Maine to vote on a referendum on this subject. I say to the people of the State of Maine, take a good hard look at this legislature here today, and remember, when we come up for re-election, take another good hard look at us all, Democrats and Republicans alike, and remember that we are moving ahead in this area, that the State of Maine has got to move ahead, that we are not in the horse and buggy days, that a boy or girl twenty years old has seen an awful lot, has studied a lot more, and they are ready for their responsibilities. Therefore, I urge you all to offer our people in the State of Maine this opportunity here today to vote on the constitutional amendment lowering the voting age to twenty years old.

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

Mr. ROSS: Mr. Speaker, we most certainly send them off to war and we bury them without giving them the privilege to vote, but as far as I know, we don't give them the legal privilege to buy booze either.

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

Mr. KITTREDGE: Mr. Speaker and Members of the House: I think this military requirement is the worst possible argument in the world because of two things. First, you say because you draft them and send them out to war they should have the right to vote. What about when they get out of the military? Are you going to take that right away?

Most military programs have a thirty year retirement, and mandatory retirement after thirty years. Would anybody here be so ridiculous to suggest that people that retire from the military should at that time be denied the right to vote? So this whole thing tying the voting age to the military requirement is not germane to the problem.

Now one other thing that I would like to say about why people in the military like to have young people. Why is it in submarines we had a mandatory age limit of thirty-four years for a skipper, and we yanked him out after that? We wanted to keep the people young because they did not have the ability to reflect on what might happen to them, and I think when you vote, you want the ability to reflect. You want experience. You want people to reflect on their past experiences, and therefore, I would urge you today to think very seriously before you lower this voting age.

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

Mr. BERRY: Mr. Speaker and Members of the House: I think one characteristic of the American fighting man is intelligent obedience.

There was a few years ago a Constitutional Commission which was headed by an eminent Republican named Fred Scribner, and this Commission did recommend that the voting age be dropped to twenty. So I think that perhaps a little bit of partisan politics may have crept in here which should not be. I think that we do not want to be confused with, the fact that we are voting on anything but the lowering of the voting age. There is no attempt and there is nothing included except, shall the people twenty years old vote? If each member of the House had had the opportunity to attend the state committee hearings, State Government Committee hearings, we held on the three bills, 18, 19 and 20, I feel you too would favor the passage of this amendment.

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

Mr. PALMER: Mr. Speaker, this resolve is to see whether we will allow the people to vote to lower the voting age to twenty years. I think that if this government is a government of the people, by the people, for the people, that there isn't a member

in this House that can vote against this bill.

The SPEAKER: This being a constitutional amendment, a two-thirds vote of the House is necessary. The gentleman from Madawaska, Mr. Levesque, has requested that the vote 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 desiring a roll call will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call is in order.

When the vote is taken, if you are in favor of this Constitutional Amendment, Resolve Proposing an Amendment to the Constitution to Lower the Voting Age to Twenty Years, S. P. 153, L. D. 394, receiving final passage, you will either answer yea or yes. If you are opposed to this Constitutional Amendment receiving final passage, you will either answer nay or no. The Clerk will call the roll.

### ROLL CALL

YEA—Anderson, Orono; Baldic, Beane, Bedard, Benson, Mechanic Falls; Bernard, Berry, Binnette, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Brewer, Busiere, Carroll, Champagne, Childs, Conley, Cote, Cottrell, Crommett, Curran, D'Alfonso, Danton, Dostie, Doyle, Drigotas, Drouin, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gilbert, Gillan, Glazier, Graham, Harriman, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hawkes, Healy, Hunter, Durham; Jalbert, Jordan, Keyte, Kilroy, Knight, Laberge, Lebel, Lent, Levesque, Lewis, Libhart, Lowery, Lycette, Martin, McKinnon, Mills, Mitchell, Nadeau, Palmer, Pendergast, Pitts, Poulin, Roy, Ruby, Sawyer, Searles, Starbird, Stout-amy, Sullivan, Truman, Wheeler, Wuori.

NAY — Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Har-

bor; Berman, Birt, Bragdon, Buck, Burwell, Carter, Cookson, Cressey, Crosby, Cushing, Davis, Dickinson, Dudley, Dunn, Erwin, Evans, Farrington, Gifford, Hammond, Hanson, Gardiner; Hawes, Haynes, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kittredge, Lang, Lincoln, Littlefield, Lund, Meisner, Millay, Mosher, Norton, Payson, Peaslee, Pike, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Brownville; Sahagian, Scott, Storm, Susi, Waltz, Ward, Watts, White, Guilford; Whittier, Wight, Presque Isle; Wood, Young.

ABSENT — Bishop, Carswell, Hanson, Lebanon; Hoy, Lane, Ross, Bath.

Yes, 83; No, 62; Absent, 6.

The SPEAKER: The Chair will announce the vote. Eighty-three having voted in the affirmative, sixty-two having voted in the negative, and six being absent, eighty-three not being two-thirds of 145, this Constitutional Amendment fails to receive passage.

Sent up for concurrence.

### Failed of Passage Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms (S. P. 537) (L. D. 1527)

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

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

Mr. BERNARD: Mr. Speaker and Members of the House: I rise in opposition to this resolve this morning. I rose in opposition to it two years ago and I rose in opposition to it four years ago.

This is my third term in the House. Every two years I have to run and I have to campaign and I have to spend money in order to be reelected. I think that every member of this House also has to spend money every two years.

I am going to leave it up to the judgment of the House whether the Honorable Senate have more work to do than the House mem-

bers. I hope that this passage will not be received.

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

Mr. BUSSIÈRE: Mr. Speaker and Members of the House: I kind of like this two year business, it gives you a chance to meet new faces. So I have to vote against this Constitutional Amendment myself. I ask you to vote against it too.

This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had. 14 voted in favor of same and 113 against, and accordingly the Resolve failed of final passage.

The motion of Mr. Jalbert of Lewiston for reconsideration whereby the resolve failed of final passage, failed on a viva voce vote.

Sent up for concurrence.

#### Passed to Be Enacted

An Act Qualifying the State for Full Participation in Vocational Education Act of 1963 (S. P. 78) (L. D. 223)

An Act Providing for the Formation of Sanitary Districts (S. P. 275) (L. D. 855)

An Act relating to Information Against Attorneys (S. P. 285) (L. D. 847)

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

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

An Act relating to Registration Fee for Motor Vehicles Operated Exclusively on Certain Islands (H. P. 1024) (L. D. 1387)

#### Finally Passed

Resolve Authorizing Fred P. Haskell to Bring Civil Action Against the State of Maine (S. P. 541) (L. D. 1539)

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

#### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

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

Tabled—May 11, by Mr. Binnette of Old Town.

Pending — Passage to be Engrossed.

On motion of Mr. Bishop of Presque Isle, retabled pending passage to be engrossed and specially assigned for later in today's session.

The Chair laid before the House the second tabled and today assigned matter:

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

Tabled—May 11, by Mr. Pendergast of Kennebunkport.

Pending—Motion of Mr. Pike of Lubec to Recede and Concur with the Senate. (In Senate, Passed to be Engrossed without Amendment)

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

Mr. PIKE: Mr. Speaker, Ladies and Gentlemen of the House: I don't regard this as a very important bill and it doesn't make a great deal of difference to me whether it passes with or without amendment, but several members of our Utilities Committee seem to feel differently. So that they can have their say on it and with the full confidence that knowing the penalties that none of them will speak over three minutes, I withdraw my motion.

The SPEAKER: The gentleman from Lubec, Mr. Pike, now withdraws his motion to recede and concur with the Senate.

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

Mr. ERWIN: Mr. Speaker, I move that we adhere.

The SPEAKER: The gentleman from York, Mr. Erwin, now moves that we adhere. The Chair recog-

nizes the gentleman from Madawaska, Mr. Levesque.

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

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that we recede and concur with the Senate.

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

Mr. ERWIN: Mr. Speaker, Members of the House: This may not seem to be an important bill and I hope that it isn't being made a party issue. It's simply that the original document as it was drafted, and you will forgive me if I repeat myself a little bit, because I discussed this I think rather thoroughly the last time a week or so ago.

The original document made it possible for the Public Utilities Commission to order any power company in the State of Maine to provide power for any other power company in the State of Maine on an unlimited time schedule if they saw fit and without any reference to the needs of either of the companies involved, and ultimately there was built into the Public Utilities Commission, I am not sure whether it was inadvertently, a power to go so far as to determine that company X would limit its activities perhaps to generating power and company Y might be limited in its activities to transmitting power. I don't think we want to go this far down the road.

The effect of the amendment which was passed in this House and which was defeated elsewhere, was to make it possible for the Public Utilities Commission to require the interchange of power in those areas where an emergency situation had arisen, provided first that the company ordered to provide the power did not have to expand its generating facilities or generating plant in order to meet the emergency and provided also that it was done under emergency situations. Now, this, of course, is a desirable thing. If someone is in a temporarily bad situation due to a drought where the hydroelectric power output is below

specifications or below requirements, then it's perfectly all right if someone else has power to spare to require the interchange. But, I don't think it's wise to give the Public Utilities Commission the power arbitrarily to sit on the Board of Directors of every power company in the State of Maine and order them without any reference to emergency or without any reference to the welfare of the company involved to require them to conduct their business in a way in which they may not wish to do it.

You must keep in mind in thinking of this, that any time with the growth of electricity and the consumption of electricity being what it is, we are told on the Public Utilities Committee that the requirements even in the State of Maine double every fifteen years. It is almost impossible to keep up with the demand for new electrical generating power. And that being the case, the companies that do generate large quantities of power in the State of Maine, have to plan pretty far ahead for their own requirements. Well, if under the bill without the amendment, the Public Utilities Commission were to order the transmission or the interchange of a substantial amount of power from one company to another, you can see that at the end of a ten year planning period, the larger company ordered to send the power over to the smaller company would then be out of kilter with respect to its own plans.

Now, if you can't plan for the operation of your own business you are going to be in trouble. That is what the main objection of some of us was to this bill, that you don't even under this bill allow some of these people to plan their own future development and their own future growth if the Public Utilities Commission can sit there and at any moment pick off the cream of your generation of power. Now, perhaps this is an extreme example of what might happen, but nevertheless this could happen under this bill as it is unamended. And that is why I



hope that you will vote against the motion to recede and concur with the Senate so that we may adhere to our position and keep this amendment on. It is a good amendment.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman from York, Mr. Erwin, has explained it very well. The only areas that I differ would be in the area that the Commission now cannot authorize the transfer of any power from any district into another district under the present law. With this bill it would authorize the Commission that if a certain small company or if a certain company of any size is producing power at a given rate and B Company is also producing power, but has got an excess of power, under the Commission it could authorize this transfer of power to A company which has a higher cost of production because of inefficiencies or size of plant, but this would only be for the transfer of extra power that is not being used by this second company.

I believe this is very progressive legislation, that some of these small companies that are now having to produce electricity at a very high cost, under this new system, the Commission could be authorized to grant the exchange of power from one company into the other where the cost would be a lesser amount, and at no detriment to the second company because this power they would have extra, they are not using this power at the time.

And the Commission would have to determine how much of this power can be transferred in these interchange lines. So, I believe this is progressive legislation where in some areas the high cost of electricity is the highest in the country, including Alaska. So, I believe that you ladies and gentlemen of the House, could weigh this very carefully because I think this is very progressive

legislation. The interchange of this electric power will help the different areas of the state by transferring this excess power from one company into another.

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

Mr. ERWIN: Mr. Speaker, Members of the House: Only briefly, the gentleman from Madawaska, Mr. Levesque has fairly stated what is a problem in the State of Maine. But, I think we are sometimes tempted in our pursuit of what we like to talk about as cheap power or readily available power in the State of Maine, to assume results that are not going to obtain from the legislation that we have in front of us. It is true that if the Commission were simply to confine itself to the transfer or the interchange of excess power into a higher rate area, the higher rate area would get the power, but there is no guarantee that it would get the power at a reduced cost by necessity out of this legislation.

Power companies by law are entitled to a certain return on their investment, and there is nothing here which gives the Public Utilities Commission the right to lower the return that any company is permitted to make on its investment which is reflected by its rates. But, the main objection is this, if you are power company A and you have made your plans for the doubling of your plant in fifteen years to meet the requirements in your own franchise area and twelve or thirteen years have passed and you have only got two or three years to go before you put into operation your new generating capacities, if the Public Utilities Commission comes along at this time and says well you have got excess power, send it over to company B. There is nothing to say that at the end of the fifteen year period when you need your own power, when you want it for your own purposes for which you have planned and for which you have spent your stockholders' money that you are going to get this back. And under the amendment the Commission is given the right and the authority to order the interchange in emergency sit-

uations where it is necessary to continue the operation and to provide the electricity for the company which is temporarily in trouble.

Now, I don't really think that although this legislation is called progressive, this is true progress. It almost moves the State of Maine into the business of dictating how, when, and where power will be generated. I don't really think that's progress.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: On this amendment here there is a catch phrase in here, whereby the commission is controlled. The phrase is "which exists by reason of an emergency," that is the only clause that they can operate under. I don't consider this amendment a good one.

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

Mr. PALMER: Mr. Speaker, I would pose a question to Representative Erwin and ask him, in the event that excess electricity is generated and another company can use it, would this restrict it to such a point that it couldn't be used and if it wasn't where would he store this excess electricity?

The SPEAKER: The gentleman from Phillips, Mr. Palmer, has posed a question through the Chair to the gentleman from York, Mr. Erwin, who may answer if he so desires.

Mr. ERWIN: Mr. Speaker, I request permission to address the House for a third time.

The SPEAKER: Is there objection? The Chair hears none. The gentleman may proceed.

Mr. ERWIN: Mr. Speaker, Members of the House: I am not an expert in the generation of power. I think in the first place, the idea of storing power is a misnomer. I don't think you can store electricity. You have the capacity to generate and you either use it to its full or you use it to a lesser extent than what your requirements are. If there is excess generation capacity in one company and the company nearby which

can be connected takes advantage of it by order of the Public Utilities Commission, then you are doing just what we discussed. As it is right now, those companies which have excess generating capacity I am sure sell it to companies which don't have the capacity and it is then sent out along the lines to the second company's consumers. I don't know whether this answers the question or not and I don't pretend to be a power expert or a Public Utilities lawyer for that matter. I represent no public utilities. This bothers me, because I think that fundamentally it's an excess of power in the Public Utilities Commission.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, has requested a division. All those in favor of receding from our former action on Bill, "An Act Authorizing Public Utilities Commission to Require the Interchange of Electric Energy," House Paper 846, L. D. 1147, and now concurring with the Senate will kindly rise and remain standing until the monitors have made and returned the count.

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

### House at Ease

Called to order by the Speaker:

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

Mr. ERWIN: Mr. Speaker, I move that we insist and request a Committee of Conference.

The SPEAKER: The gentleman from York, now moves that we insist and join in a Committee of Conference with the Senate. Is this the pleasure of the House?

The motion prevailed.

The Chair laid before the House the third tabled and today assigned matter:

DIVIDED REPORT — Majority (7)—"Ought to pass" as amended by Committee Amendment "A"—

Minority (3)—“Ought not to pass”  
—Committee on Taxation on Bill,  
“An Act Repealing Certain Ex-  
emptions from Sales Tax.” (H. P.  
1007) (L. D. 1339) (C. “A” H-285)

Tabled—May 11, by Mr. Le-  
vesque of Madawaska.

Pending—Acceptance of Either  
Report.

The SPEAKER: The Chair rec-  
ognizes the gentleman from Mada-  
waska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I  
move that the Majority Report be  
accepted.

The SPEAKER: The gentleman  
from Madawaska, Mr. Levesque,  
moves the Majority Report be ac-  
cepted. The Chair recognizes the  
gentleman from Sanford, Mr. Ber-  
nard.

Mr. BERNARD: Mr. Speaker  
and Members of the House: There  
isn't one bill in this session that  
I arose with more sincerity than  
this bill here. The reason I give  
you this is because of the fact  
that I was in the oil business for  
fourteen years until a year ago.  
This is a bad bill and on top of  
being a bad bill for the people of  
the State of Maine, if the Taxa-  
tion Department would only col-  
lect the taxes that are due now,  
the figures that you have been  
given that this would raise would  
be peanuts. Now, you have an  
exemption, the homes are ex-  
empted. Now, under the former  
law where you have to pay on  
commercial, some businesses in  
the State of Maine are paying  
sales tax. But, I can assure you  
that ninety-five percent of the  
people of the State of Maine that  
own businesses, that own an apart-  
ment, if you have a duplex apart-  
ment the oil dealer is supposed  
to charge you one-half of the sales  
tax on the price of the oil. How  
many duplex apartments do we  
have in the State of Maine? How  
many blocks do we have in the  
State of Maine? I do hope that  
you will accept the Minority Re-  
port “ought not to pass” because  
ladies and gentlemen of the House,  
I think it's about time we get after  
the Taxation Department and col-  
lect the taxes that are due now.  
If they go out and collect the  
taxes where they are supposed to

collect them, we wouldn't need  
this legislation. And probably we  
wouldn't need a four percent sales  
tax.

The SPEAKER: The Chair rec-  
ognizes the gentleman from Mada-  
waska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker,  
Ladies and Gentlemen of the  
House: I withdraw my motion to  
accept the Majority “ought to  
pass” Report and I'll move that  
this bill and its accompanying  
papers be indefinitely postponed.

The SPEAKER: The gentleman  
from Madawaska, Mr. Levesque,  
now withdraws his motion and  
moves that this bill and its accom-  
panying papers be indefinitely  
postponed. Is this the pleasure of  
the House?

The motion prevailed.

Sent up for concurrence.

The Chair laid before the House  
the fourth tabled and today as-  
signed matter:

Resolve, Proposing an Amend-  
ment to the Constitution to Permit  
the Governor to Veto Items Con-  
tained in Bills Appropriating  
Money. (S. P. 221) (L. D. 680)

Tabled—May 11, by Mr. Jalbert  
of Lewiston.

Pending—Final Passage.

The SPEAKER: The Chair rec-  
ognizes the gentleman from Den-  
mark, Mr. Dunn.

Mr. DUNN: Mr. Speaker and  
Members of the House: I am per-  
sonally very much opposed to giv-  
ing this power to the Governor  
because by doing it we are taking  
it away from the Legislature it-  
self. I have here a book issued  
by the University of Kansas Gov-  
ernmental Research Series on some  
persisting questions concerning  
the constitutional state executive.  
I'd like to read a few passages  
and by the way if that three min-  
ute limitation order was passed  
this morning you may have to  
order that first glass cage.

“The item veto originated with  
the Southern Confederacy whose  
constitution in 1861 conferred up-  
on the executive the power the  
authority for a strong executive  
budget culminated by item veto  
power. President Jefferson Davis  
never used this power during the

limited existence of the Confederacy.

"Attempts to extend this item veto power to include the power to reduce items and appropriations was a reaction to legislative devices designed to defeat or emasculate the governors item veto power. Some Governors, when first endowed with the new power to veto items in appropriation matters, exercised vigorously their new authority, to the considerable unhappiness of some legislators. These legislators in turn sought to evade the item veto power of the governor through the improper itemization of appropriations. By combining expenditures in large lump sum items, Governors with authority to either approve or disapprove the entire item found themselves robbed of much of the intended power of their item veto.

"At the same time, as the several states gave their governors the item veto power most of them failed to adopt the entire philosophy of this part of the constitution of the Confederacy, accepting the item veto, but overlooking the executive budget arrangements of which it was intended as an important part. Thus the item veto became in those states primarily a negative influence on public policy, not a constructive or positive one through which the governor exercised real initiative and leadership in the formation of policy.

"The item veto, and the power to reduce items, appears to be of less day to day significance in the fiscal processes of states today than earlier. There appears, however, a desire to retain them, in some states. As Prescott has put it, the item veto 'remains a useful,' 'although' somewhat rusty 'gun behind the door,' to be aimed at an occasional predatory prowler.

"A second observation which seems warranted by the information available is that while the item veto, and its extension to include the power to reduce items clearly enhance executive influences over fiscal legislation, they are not the only devices by which such influence may be exerted, and may not even be vital to that end.

"Such reductions discourage the acceptance of responsibility by the legislature. When a legislator, even though opposed in principle to an appropriation, is reasonably certain that the governor will slice it down to moderate size he is tempted to bolster himself politically by voting large sums of money to a popular cause."

Then, in another section it says, "Concerning the governor's relations with the legislature, the veto, and especially the item veto and the power to reduce items, in twentieth century state constitutions reflects a surviving lack of complete popular confidence in state legislatures, a continuing suspicion that they are not to be trusted to protect fully the public interest; in fiscal matters, while the governor, elected by all the people of the state, is a more trustworthy agent, and protector of the public interest against the profligacy, if not the corruption, of state legislators.

"To the extent that the authority to reduce items in appropriations produces this result, it is clearly unsatisfactory and ought to be abandoned, so that legislative responsibility can be restored, and the people can demand an accounting of their legislators. Professor Negley's comment is particularly appropriate here, 'that to safe-guard the people from the folly of their elected representatives is the surest way to perpetuate folly in legislatures.' While a specific power, available to a few governors, is the matter under immediate consideration here, the concern of those who make or revise state constitutions cannot be with the executive alone. They must also consider the legislature. A strong, independent, and responsible legislative branch is as vital to good government as is a strong executive. And any device which may be expected to encourage irresponsibility among legislators certainly ought to be viewed with considerable misgiving.

"Turring next to the use of this power as a device for the governor's control of administration, use of the authority to this end would appear less justified. Those

responsible for drafting a state constitution must resolve for themselves the question of whether or not they want a strong undivided executive, with a centralized administration under the command of the governor. If they determine this is what they do want, they should establish it in an open and above-board fashion, by making administrative subordinates appointed by, removable by, and responsible to the governor. They should equip the governor with the tools of command which would include the executive budget. When this is done, there is little call for either the item veto or the authority to reduce items, to prevent subordinates from appealing over the governor's head to the appropriations committee or the legislature as a whole, and thus distorting the governor's budget. The governor has far more appropriate powers for disciplining or eliminating any such insubordination in his official family, and if he is man enough to be governor, he is man enough to use them and maintain his authority. He does not need the back-door control of denying by veto what he has the authority to deny by official command in the first instance.

"As a power to be exercised in an isolated and irresponsible manner as a club over the legislature, the authority would appear to be subject to considerable abuse, and of dubious merit for good government."

I hope that we will not go along and pass this item veto.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I'm in complete agreement with my very good friend from Denmark, Mr. Dunn, and I hope the membership will see fit not to give a two-thirds vote to this measure. And because of the great importance which Mr. Dunn has told us that this measure has, I would request the yeas and nays when the vote is taken.

Now, we were established to be a government of equal and coordinate branches, legislative, ex-

ecutive and judiciary. And if we are to have equilibrium we cannot permit one branch to have the power to harass major appropriations bills of another branch, by singling out individual items for veto. This is really an extraordinary proposal, this proposal for the item veto, because it could lead to pressure on the legislature of a rather unseemly nature.

We know that our major appropriation bills, like current services and supplemental appropriations and capital construction are reported out in multiple form, as this is a reasonable procedure. While other places may have the item veto, I agree with my good friend from Denmark, Mr. Dunn that this matter is really a gloomy and unhappy one and we should not permit it in Maine.

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

Mr. LEVESQUE: Mr. Speaker, I request permission to approach the rostrum.

The SPEAKER: The gentleman may approach the rostrum and the House will be at ease.

#### House at Ease

Called to order by the Speaker.

The SPEAKER: Will the members kindly take their seats. The Chair at this time would like to recognize in the rear of the House a Mr. Robert Nylon, who is president of Intercontinental Promotions Incorporated and Sam Michaels, who are co-promoters for the Sonny Liston - Cassius Clay fight.

Mr. Nylon is world renowned as the sponsor of great promotions such as the one which will be held in Lewiston, on May 25. Mr. Michaels who is a former industrial director for Lewiston and he is now the industrial director for Oxford County and has been well known in the fight business in the State of Maine.

These gentlemen are joined with three very distinguished gentlemen who are former heavyweight champions of this world. Joe Louis, Jim Braddock, and Joe Walcott.

The Chair will request the Sergeant-at-Arms to have this very distinguished group come to the rostrum if they so desire.

Thereupon, Mr. Sam Michael, Joe Walcott, Jim Braddock and Joe Louis were escorted to the rostrum amid prolonged applause of the House, the members rising.

The SPEAKER: On behalf of the House, gentlemen, I want to say that we are most honored to have such a distinguished group in our presence, and we hope that you will enjoy your stay here in Maine and we hope that you will all return again.

Is there objection at this time if the gentleman from Lewiston, Mr. Michael, addresses the House very briefly? The Chair hears none, the gentleman may proceed.

Mr. MICHAEL: Thank you Mr. Speaker. Members of the Legislature, friends: first I would like to apologize. President Bob Nylon of Intercontinental Promotions Incorporated was unable to be here with us today. He does send his best wishes to this group. I'd like to say that this has been an honor for me to be associated with such a group to put on this world's heavyweight championship fight. I'd like to take this opportunity to thank Governor Reed, Attorney General, Dick Dubord, the boxing commission, the local officials at Lewiston, Mayor Couturier and everyone else concerned and I hope that we can see you all at Lewiston on the night of the 25th. I thank you very much. (Applause)

Thereupon the distinguished guests were escorted from the House by the Sergeant-at-Arms, amid applause, the members rising.

The SPEAKER: We will now return to item four which is Resolve Proposing an Amendment to the Constitution to Permit Governor to Veto Items Contained in Bills Appropriating Money, Senate Paper 221, L. D. 680. This being a constitutional amendment under the constitution it requires for its final passage the affirmative vote of two-thirds of the members of the House. The gentleman from Houlton, Mr. Berman, has requested that when the

vote be taken it be taken by the yeas and nays. For the Chair to order the yeas and nays it must have the expressed desire of one-fifth of the members present. All those in favor of the 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 did not arise.

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

Mr. Jalbert of Lewiston requested a division.

The SPEAKER: The question before the House is final passage of this constitutional amendment. All those in favor of this constitutional amendment receiving final passage will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ten having voted in the affirmative and one hundred twenty-five having voted in the negative and ten not being two-thirds of one hundred and thirty-five, this constitutional amendment failed to receive passage.

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

Mr. JALBERT: Mr. Speaker, I move that we adjourn until 9:30 tomorrow morning.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Bernard and inquires for what purpose does he rise. There is a motion to adjourn before the House.

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

Mr. JALBERT: Mr. Speaker, I withdraw my motion to adjourn.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now withdraws his motion. The Chair recognizes the gentleman from Sanford, Mr. Bernard.

Mr. BERNARD: Mr. Speaker and Members of the House: I move we reconsider our actions on item three where we accepted the "ought not to pass" report and I hope that when the vote is

taken you will vote against my motion.

The SPEAKER: The gentleman from Sanford, Mr. Bernard, now moves that we reconsider our action whereby we indefinitely postponed L. D. 1339 which is an act repealing certain exemptions from the sales tax. Is it the pleasure of

the House that we reconsider our action?

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

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On motion of Mr. Jalbert of Lewiston,

A d j o u r n e d until nine-thirty o'clock tomorrow morning.