

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 17 - JUNE 4, 1965

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, May 20, 1965

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

Prayer by the Rev. Mr. Royal Brown of Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

**ORDERED**, the House concurring, that \$1,000 be paid from the Legislative Appropriation to Edith Hary, Law and Legislative Reference Librarian, for services rendered to the 102nd Legislature during the session (S. P. 553)

Came from the Senate read and passed.

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

**Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Appropriating Money for Cottage Renovations at Boys Training Center (S. P. 141) (L. D. 382)

Came from the Senate read and accepted.

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

**Ought to Pass in New Draft**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Allocate Monies for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1966 and June 30, 1967" (S. P. 36) (L. D. 208) reporting same in a new draft (S. P. 551) (L. D. 1550) 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.

The **SPEAKER**: At this time the Chair would declare approximately a fifteen minute recess.

We will reconvene at the sounding of the gong.

**After Recess**

Called to order by the Speaker.

The **SPEAKER**: The Chair will request the Sergeant-at-Arms to conduct the gentleman from Cumberland, Mr. Richardson, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Richardson assumed the Chair as Speaker pro tem and Speaker Childs retired from the Hall.

The **SPEAKER** pro tem: The Chair is pleased to recognize in the balcony of the House forty-seven pupils of the eighth grade of the Sacred Heart School in Waterville, accompanied by Mother Henry, Mrs. Gagne, lay teacher, and chaperones Mrs. Lucille Morrisette and Mrs. Norman Hutchinson. These pupils and their chaperones and lay teacher are the guests of the gentleman from Waterville, Mr. Fortier. On behalf of the House the Chair welcomes you and hopes that your visit will be both educational and enjoyable. (Applause)

**Divided Report**

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Resolve Opening Cold Stream Pond, Penobscot County, to Ice Fishing (S. P. 147) (L. D. 388)

Report was signed by the following members:

Messrs. **MANUEL** of Aroostook  
**McDONALD**  
of Piscataquis  
— of the Senate.

Messrs. **POULIN** of Skowhegan  
**CHAMPAGNE**  
of Fairfield  
**ROBERTS**  
of South Berwick  
**COOKSON** of Glenburn  
— of the House.

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

Report was signed by the following members:

Mr. **HOFFSES** of Knox  
— of the Senate.

Messrs. ANDERSON of Ellsworth  
BALDIC of Waterville  
GAUDREAU of Lewiston  
— of the House.

Came from the Senate with the  
Minority Report accepted.

In the House: Reports were  
read.

On motion of Mr. Binnette of  
Old Town, the Minority "Ought not  
to pass" Report was accepted in  
concurrence.

### Divided Report

Majority Report of the Commit-  
tee on Legal Affairs reporting  
"Ought to pass" on Bill "An Act  
relating to the Change of Name of  
Association of Historical Societies  
and Museums" (S. P. 497) (L. D.  
1465).

Report was signed by the follow-  
ing members:

Mr. SHIRO of Kennebec  
Mrs. SPROUL of Lincoln  
— of the Senate.

Mrs. WHEELER of Portland  
Mr. HUNTER of Clinton  
Mrs. BAKER of Orrington  
Messrs. CONLEY of Portland  
COTE of Lewiston  
— of the House.

Minority Report of same Com-  
mittee reporting "Ought not to  
pass" on same Bill.

Report was signed by the follow-  
ing members:

Mr. JACQUES  
— of Androscoggin  
— of the Senate.

Messrs. BOISSONNEAU  
— of Westbrook  
LIBHART of Brewer  
— of the House.

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

In the House: Reports were  
read.

The SPEAKER pro tem: The  
Chair recognizes the gentleman  
from Westbrook, Mr. Boissonneau.

Mr. BOISSONNEAU: Mr. Speak-  
er, first I would like to explain  
an error in the divided report. I  
was supposed to have signed the  
majority report, so at this time I  
will ask that we concur with the  
Senate.

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

### Divided Report

Majority Report of the Commit-  
tee on Public Utilities reporting  
"Ought not to pass" on Bill "An  
Act relating to Operation of Cer-  
tain Motor Vehicles for Profit"  
(S. P. 297) (L. D. 911)

Report was signed by the fol-  
lowing members:

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

Minority Report of same Com-  
mittee reporting "Ought to pass"  
on same Bill.

Report was signed by the fol-  
lowing members:

Messrs. VIOLETTE of Aroostook  
BOISVERT  
— of Androscoggin  
LETOURNEAU of York  
— of the Senate  
Mr. ERWIN of York  
— of the House

Came from the Senate with the  
Majority Report accepted.

In the House: Reports were read.  
On motion of Mr. D'Alfonso of  
Portland, the Majority "Ought not  
to pass" Report was accepted in  
concurrence.

### Non-Concurrent Matter

Bill "An Act relating to Chiro-  
practic Treatment under Work-  
men's Compensation Law" (S. P.  
95) (L. D. 262) on which the House  
on April 13 voted to adhere to its  
action whereby the Bill was in-  
definitely postponed.

Came from the Senate passed to  
be engrossed as amended by Sen-  
ate Amendment "A" in non-concur-  
rence.

In the House:

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

Mr. JALBERT: Mr. Speaker and  
Members of the House: We have

gone over this matter time and time again. I move that we adhere.

The SPEAKER pro tem: Now the motion before the House is that we adhere to our former action, which was taken on April 13, whereby this bill was indefinitely postponed. Is this the pleasure of the House?

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

Mr. POULIN: Mr. Speaker and Members of the House; I move that we concur with the Senate.

The SPEAKER pro tem: The motion now before the House is that we recede and concur.

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

Mr. JALBERT: Mr. Speaker, I move that we indefinitely postpone the bill and its accompanying paper and I further move the previous question. We have debated this long enough.

The SPEAKER pro tem: The question now before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this bill and all its accompanying papers be indefinitely postponed. There is also a motion pending to move the previous question. In order to entertain this motion the Chair must have the consent of one-third of the membership.

Mr. Levesque of Madawaska requested a division.

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

Mr. KENNEDY: Mr. Speaker, a point of order. A motion for the previous question has just been posed to the Chair and the Chair should entertain the motion.

The SPEAKER pro tem: The Chair is doing so.

Mr. KENNEDY: Thank you.

The SPEAKER pro tem: Those now desiring the previous question please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER pro tem: Obviously more than one-third having arisen, the previous question is ordered. The question now is, shall the main question be put now? Any member may speak on this motion for five minutes. Is it now

the pleasure of the House that the main question be put?

The motion prevailed.

The SPEAKER pro tem: The main question now before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this bill and all its accompanying papers be indefinitely postponed.

Mr. Jalbert of Lewiston requested a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, I would oppose the motion to indefinitely postpone this bill —

The SPEAKER pro tem: The Chair will rule that the gentleman has debated the merits of the bill out of order. The previous question has been put. All those in favor of the motion that this bill and its accompanying papers be indefinitely postponed please rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER pro tem: Is it now the pleasure of the House that we adhere to our former action?

The motion prevailed.

#### Non-Concurrent Matter

Bill "An Act relating to Fixing the Number of Personnel at the State Teachers Colleges and State Vocational - Technical Institutes" (S. P. 189) (L. D. 554) which was indefinitely postponed in non-concurrence in the House on May 4.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed.

In the House:

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

Mr. JALBERT: Mr. Speaker, this is another of these items that we have soundly and roundly defeated. I move that we adhere and I move the previous question.

The SPEAKER pro tem: The question now before the House is

the motion of the gentleman from Lewiston, Mr. Jalbert, that we adhere to our former action whereby this bill and its accompanying papers were indefinitely postponed on May 4. The previous question has been moved. In order for the Chair to entertain the motion it must have the expressed desire of one-third of the members. All those desiring the previous question will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER pro tem: Obviously one-third having arisen, the previous question is ordered. Is it now the pleasure of the House that the main question be put?

The motion prevailed.

The SPEAKER pro tem: The main question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that we adhere to our former action whereby this bill was indefinitely postponed on May 4. Is this the pleasure of the House?

The motion prevailed.

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

#### Non-Concurrent Matter

An Act Increasing Salary of Commissioner of Agriculture (S. P. 224) (L. D. 683) which was passed to be enacted in the House on May 6 and passed to be engrossed as amended by Committee Amendment "A" on May 4.

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

In the House: On motion of Mr. Levesque of Madawaska, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Bill "An Act relating to Tuition for Students Attending Secondary School Outside of Residence" (S. P. 335) (L. D. 1080) which was passed to be engrossed as amended by House Amendment "A" in non-

concurrence in the House on May 11.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Levesque of Madawaska, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Bill "An Act Regulating Fly Fishing in Certain Portion of Kennebec River" (S. P. 425) (L. D. 1360) which was indefinitely postponed in non-concurrence in the House on May 18.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendments "A" and "C".

In the House:

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

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

Mr. Stoutamyer of Madison requested a division.

The SPEAKER pro tem: The gentleman from Madison, Mr. Stoutamyer, has requested a division. All those in favor of the motion of the gentleman from Augusta, Mr. Dumont, that we recede and concur, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER pro tem: The Chair at this time would recognize in the balcony of the House ten children from Cranberry Island, accompanied by Mrs. Miller and Mrs. MacAllister. These young people are the guests of the gentleman from Stonington, Mr. Richardson, and the gentleman from Southwest Harbor, Mr. Benson. On behalf of the House the Chair welcomes you and we hope that your visit here will be both educational and enjoyable. (Applause)

**Non-Concurrent Matter**

Bill "An Act Clarifying the Inland Fisheries and Game Laws" (S. P. 428) (L. D. 1375) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto, and House Amendments "A", "B" and "C" in non-concurrence in the House on May 13.

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

In the House:

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

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

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Eagle Lake, Mr. Martin, that we recede and concur.

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

Mr. ANDERSON: Mr. Speaker, I move the indefinite postponement of Senate Amendment "A" under filing number S-230, relative to moose hunting in Aroostook County, and I would speak very briefly to my motion.

The SPEAKER pro tem: The Chair would advise the gentleman from Ellsworth, Mr. Anderson, that in order to propose this motion he must suspend the rules.

Mr. ANDERSON: Mr. Speaker, I now ask that the rules be suspended.

The SPEAKER pro tem: The question now before the House is on the motion of the gentleman from Ellsworth, Mr. Anderson, that the rules be suspended for the purpose of reconsideration. For the Chair to entertain this motion it must have the expressed desire of two-thirds of the membership of the House.

Mr. Martin of Eagle Lake requested a division.

The SPEAKER pro tem: All those in favor of suspending the

rules for the purpose of reconsideration will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER pro tem: The Chair will announce the vote. Sixty-eight having voted in the affirmative and forty-three in the negative, and sixty-eight being less than two-thirds of the membership of the House, the motion is lost. The motion now—

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

Mr. ROSS: Mr. Speaker, a parliamentary inquiry. Why did we have to reconsider since we had never adopted Senate Amendment "A", S-230?

The SPEAKER pro tem: The gentleman requested that House Amendment "A" be indefinitely postponed. Was that correct?

Mr. ANDERSON: It was Senate Amendment "A" under filing number S-230.

The SPEAKER pro tem: The Chair stands corrected and the motion is proper. The question now before the House is on the motion of the gentleman from Ellsworth, Mr. Anderson, that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes that gentleman.

Mr. ANDERSON: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to bore you with a long dissertation on this. I will simply say that I think it is an insult to the intelligence of the members of this body to send this back in here after it was so soundly defeated two days ago, and I certainly hope and I feel that you should again soundly defeat it, and when the vote is taken on my motion to adhere or to indefinitely postpone, I request a division.

The SPEAKER pro tem: The gentleman from Ellsworth, Mr. Anderson requests a division.

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

Mr. POULIN: Mr. Speaker and Ladies and Gentlemen of the House: The reason this was put on was to help the biologists in their study of the moose herd in that part of the country. You

certainly couldn't hire fifty people to go out and do that work, but they are going to pay us \$35.00 apiece to do it for us. Unless you move the herd you have no chance to get any type of report, nobody is going to crawl through the woods counting moose unless they have a reason for it, and their reason is just fifty people will have a chance to hunt for them and they will be moving the herd and the biologists will have a chance to study them.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would merely call your attention to the amendment, which is filing number Senate 230. This is somewhat different from the bill itself. It now provides that no more than fifty licenses be issued. This compares to the 200 that was previously mentioned in the bill itself.

This would certainly be a conservation measure as far as I am concerned, primarily since New Brunswick has had a similar law on the books for the past four years and they have found that their moose herd has increased rather than decreased, so I really feel that this would be a benefit to all of Maine.

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

Mr. ROSS: Mr. Speaker, we went all through this a couple of weeks ago and we soundly defeated any bill to kill moose. Whether it is conservation or not, you are still slaughtering moose.

Now last Tuesday evening just this side of the Newport interchange there was a whole line of cars, not obstructing traffic, parked on the side of the road. Mr. Asa Gordon from the Department of Education was with me, and as I said before, it is a great tourist attraction. We stopped there and we watched the moose for as much as fifteen minutes, and you could have killed them with a blow gun. I don't see any

sense in opening the season on moose at this time.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: You can't legislate human nature, you can't legislate emotions, you can't legislate bullets. I know just what it will be if there is an open season in Aroostook County, you will find cows and calves and even deer strewn all over the woods. I certainly hope that you will join me in indefinitely postponing this amendment.

The SPEAKER pro tem: The question now before the House is on the motion of the gentleman from Ellsworth, Mr. Anderson, that we recede to our former action and that Senate Amendment "A" be indefinitely postponed in non-concurrence. That gentleman has requested a division. All those in favor of Senate Amendment "A" to Bill "An Act Clarifying the Inland Fisheries and Game Laws," S. P. 428, L. D. 1375 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.

Ninety-one having voted in the affirmative and twenty-four having voted in the negative, the motion did prevail.

Thereupon, the House voted to insist on its former action.

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

Bill "An Act relating to Length of Certain Motor Vehicles" (S. P. 489) (L. D. 1452) which was passed to be engrossed as amended by House Amendment "B" in non-concurrence in the House on May 18.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Gifford of Manchester, the House voted to recede and concur with the Senate.

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

Report of the Committee on Inland Fisheries and Game reporting



"Ought not to pass" on Bill "An Act Permitting Sunday Hunting in Unorganized Territory of Aroostook County" (H. P. 64) (L. D. 75) which Report and Bill were indefinitely postponed in the House on April 7.

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

In the House:

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

Mr. ANDERSON: Mr. Speaker, I move we adhere to our previous action of indefinite postponement.

The SPEAKER pro tem: The gentleman from Ellsworth, Mr. Anderson, moves the House adhere.

The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoïn.

Mr. BOURGOÏN: Mr. Speaker and Members of the House: I believe that if we could have Sunday hunting in Aroostook County that it would give a chance to the people who work six days a week to hunt and buy a license. It would bring in money to the Department of Inland Fisheries and Game and the wardens would not be working any harder, as Sunday now is the hardest work that they have to do to try to apprehend illegal hunters. It would bring in some extra money to the department and to the State of Maine.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: If this law were enacted, I know exactly what it would mean. Other sections of the state would want Sunday hunting, and soon it would be state-wide. Our deer herd certainly won't stand this increased pressure. I sincere hope that you go along with my motion to adhere.

The SPEAKER pro tem: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoïn.

Mr. BOURGOÏN: Mr. Speaker, from the recommendations of our biologists, our deer herd in Aroostook County can stand three times the hunting it is getting now, and

it will not destroy the deer on Sunday in any other part of the State of Maine. I would respectfully request a division.

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

Mr. MARTIN: Mr. Speaker, I move that we recede and concur with the Senate, and ask for a division.

The SPEAKER pro tem: The gentleman from Eagle Lake, Mr. Martin, now moves that we recede and concur with the Senate.

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

Mr. ANDERSON: Mr. Speaker, I move indefinite postponement of this bill. I request a division.

The SPEAKER pro tem: The question now before the House is on the motion of the gentleman from Ellsworth, Mr. Anderson, that this bill and its accompanying papers be indefinitely postponed. A division has been requested. All those in favor of this Bill "An Act Permitting Sunday Hunting in Unorganized Territory of Aroostook County," (H. P. 64, L. D. 75 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.

Ninety-two having voted in the affirmative and twenty-three having voted in the negative, the motion did prevail. Thereupon, the House voted to adhere.

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

Resolve Directing a Study of the Moose Population in Maine (H. P. 226) (L. D. 293) which was passed to be engrossed in the House on May 5.

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 Employment of Minors under 16 Years of Age" (H. P. 342) (L. D. 445) which was passed to be engrossed as amended by Committee

Amendment "A" in the House on May 18.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Dumont of Augusta, the House voted to insist on its former action and ask for a Committee of Conference.

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

Resolve Designating Portion of Maine Turnpike as "The Maine Gold Star Memorial Highway" (H. P. 383) (L. D. 485) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence in the House on March 23.

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

In the House: On motion of Mr. Carroll of Limerick, the House voted to recede and concur with the Senate.

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

An Act Revising the Savings Banks Laws (H. P. 620) (L. D. 857) which was passed to be enacted in the House on May 11 and passed to be engrossed as amended by Committee Amendment "A" on May 4.

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

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

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

Bill "An Act to Regulate Sewer Utilities" (H. P. 651) (L. D. 879) on which the House accepted the Majority "Ought to pass" Report of the Committee on Public Utilities and passed the Bill to be engrossed on April 22.

Came from the Senate with the Minority "Ought not to pass" Report accepted in non-concurrence.

In the House:

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

Mr. BERNARD: Mr. Speaker and Members of the House: This bill went to the Senate from the House and only four Senators voted for this bill —

Mr. BERRY: Mr. Speaker!

The SPEAKER pro tem: The Chair will rule the gentleman out of order. You may not refer to actions of the other body. You may continue.

Mr. BERNARD: In order to expedite matters, seeing that this bill would go to a committee of conference on a disagreeing action, I now move that we recede and concur.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Sanford, Mr. Bernard, that the House recede and concur.

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

Mr. PIKE: Mr. Speaker, I don't think there is any need of debating this all over again. I ask for a division.

The SPEAKER pro tem: The gentleman from Lubec, Mr. Pike, requests a division on the motion of the gentleman from Sanford, Mr. Bernard, that the House recede and concur with the Senate. All those in favor of the motion to recede and concur will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-seven having voted in the affirmative and fifty-six having voted in the negative, the motion did prevail.

#### **Non-Concurrent Matter Tabled and Assigned**

Resolve Authorizing Disposal of Northern Maine Sanatorium (H. P. 676) (L. D. 903) which was indefinitely postponed in the House on May 17.

Came from the Senate passed to be engrossed in non-concurrence.

In the House:

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

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

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Perham, Mr. Bragdon, that we adhere.

Thereupon, on motion of Mr. Bishop of Presque Isle, the Resolve was tabled pending the motion of Mr. Bragdon of Perham, and specially assigned for Tuesday, May 25.

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

Bill "An Act relating to Repeal of Sardine Tax on Exports" (H. P. 848) (L. D. 1261) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 9.

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

In the House: On motion of Mr. Young of Gouldsboro, the House voted to recede and concur with the Senate.

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

Resolve to Reimburse Delmont R. Hawkes, of Standish, for Well Damage (H. P. 1098) (L. D. 1501) which was referred to the Committee on Claims in the House on April 28.

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**

Resolve to Reimburse Hazel Costigan, of Milford, for Well Damage (H. P. 1101) (L. D. 1506) which was referred to the Committee on Claims in the House on April 29.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Roy of Winslow, the House voted to recede and concur with the Senate.

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

Bill "An Act relating to Condensed Summary of State's Annual

Financial Report" (H. P. 1102) (L. D. 1507) which was referred to the Committee on State Government in the House on April 29.

Came from the Senate indefinitely postponed in non-concurrence.

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

#### **Messages and Documents**

The following Communication:

#### **THE SENATE OF MAINE AUGUSTA**

May 19, 1965

Hon. Jerome G. Plante  
Clerk of the House  
102nd Legislature

Sir:

The President of the Senate has appointed Senators to join with members of the House in Committees of Conference on the disagreeing action of the two branches on Bills as follows:

Bill, An Act relating to Payment by Dealers to Producers for Milk Purchased (H. P. 1037) (L. D. 1408)

Sensors:

HILTON of Somerset  
MANUEL of Aroostook  
SPOUL of Lincoln

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

Sensors:

CAHILL of Somerset  
SHIRO of Kennebec  
MOORE of Washington

Bill, An Act relating to Uniforms for Deputy Sheriffs (H. P. 260) (L. D. 330)

Sensors:

SMITH of Cumberland  
GIRARD of Androscoggin  
CASEY of Washington

Respectfully,

(Signed) EDWIN H. PERT  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### **Orders**

On motion of Mr. Peaslee of Farmingdale, it was

ORDERED, that Gregory Prescott of Farmingdale be appointed

to serve as Honorary Page for today.

The SPEAKER pro tem: On behalf of the House, Gregory, we should like to welcome you, and we hope that your duties here will be profitable and educational for you. (Applause)

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

Mr. Richardson from the Committee on Judiciary on Bill "An Act Providing for an Additional District Court Judge for District 10" (H. P. 921) (L. D. 1249) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

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

Mr. Danton from the Committee on Judiciary on Bill "An Act relating to Trespass on Public Beaches and Shores" (H. P. 920) (L. D. 1248) reported same in a new draft (H. P. 1143) (L. D. 1563) under same title and that it "Ought to pass"

Mr. Richardson from same Committee on Resolve Authorizing Change of Shoreline of Certain Lots at Long Lake in Sinclair (H. P. 143) (L. D. 166) reported same in a new draft (H. P. 1138) (L. D. 1558) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to Relocation Payments in Eminent Domain" (H. P. 739) (L. D. 976) reported same in a new draft (H. P. 1139) (L. D. 1559) under title of "An Act relating to Relocation Assistance in State Highway Projects" and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act Adopting the Uniform Arbitration Act" (H. P. 924) (L. D. 1252) reported same in a new draft (H. P. 1140) (L. D. 1560) under title of "An Act relating to Arbitration Agreements" and that it "Ought to pass"

Mr. Pitts from the Committee on State Government on Bill "An Act relating to Insurance on Public Buildings" (H. P. 931) (L. D. 1281) reported same in a new draft (H. P. 1142) (L. D. 1562) under

title of "An Act Establishing the Maine Insurance Advisory Board and Reserve Fund for Uninsured Losses" and that it "Ought to pass"

Reports were read and accepted, the New Drafts of Bills read twice, the New Draft of Resolve read once, and tomorrow assigned.

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

Mr. Gillan from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Restricting Certain Trustees Process until After Judgment" (H. P. 818) (L. D. 1109)

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

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

Mr. Richardson from the Committee on Judiciary on Bill "An Act relating to Certain Expenses of Supreme Judicial Court Paid by State to Cumberland County" (H. P. 584) (L. D. 776) 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. 584, L. D. 776, Bill, "An Act Relating to Certain Expenses of Supreme Judicial Court Paid by State to Cumberland County."

Amend said Bill in section 1 by striking out all of the last 2 lines and inserting in place thereof the following: "of \$2,000 to be set by the county commissioners in full compensation for service and attendance to be paid from the county treasury  $\frac{1}{2}$  from the county treasury and  $\frac{1}{2}$  by the State."

Further amend said Bill in section 3 by striking out in the 2nd line the figure "\$4,050" and inserting in place thereof the figure "\$2,925" and by striking out in the 3rd line the figure "\$5,400" and inserting in place thereof the figure "\$3,900"

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

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Labor on Bill "An Act Revising the Maine Employment Security Law" (H. P. 283) (L. D. 365) reporting same in a new draft (H. P. 1137) (L. D. 1557) under same title and that it "Ought to pass"

Report was signed by the following members:

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

Messrs. LEVESQUE  
—of Madawaska  
BEDARD of Saco  
Mrs. BAKER of Winthrop  
Messrs. DUMONT of Augusta  
GAUVIN of Auburn  
KITFREDGE  
—of South Thomaston  
—of the House.

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

Report was signed by the following member:

Mr. BENSON  
—of Southwest Harbor  
—of the House.

Reports were read.

(On motion of Mr. Gifford of Manchester, tabled pending acceptance of either report and specially assigned for Tuesday, May 25.)

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Liquor Control on Bill "An Act relating to Retail Liquor Store Premises with Entrances to Other Premises" (H. P. 838) (L. D. 1129) reporting same in a new draft (H. P. 1141) (L. D. 1561) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. JACQUES  
—of Androscoggin  
SOUTHARD of Penobscot  
FALOOD of Penobscot  
—of the Senate.

Messrs. BERNARD of Sanford  
ROY of Winslow

FAUCHER of Solon  
LUND of Augusta  
COTE of Lewiston  
HAYNES of Camden  
—of the House.

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

Report was signed by the following member:

Mr. MEISNER  
—of Dover-Foxcroft  
—of the House.

Reports were read.

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

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

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Cote, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. MEISNER: Mr. Speaker, since this motion has been made, I said this morning to a member of this House that I wasn't going to debate this issue. I am not going to debate it. When this came before the Committee it had not been printed. I read over the new draft, I didn't understand it then, not being of legal mind, so that is the reason I signed the minority report. Looking at the new draft here before me on the desk this morning, I still don't understand it. I think there are some things here that should receive study, so I would hope that somebody would move that this lie on the table until Friday, May 21st.

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

Mr. EUSTIS: Mr. Speaker, I move this be tabled until tomorrow.

The SPEAKER: The gentleman from Dixfield, Mr. Eustis, now moves this matter be tabled until tomorrow, Friday, May 21, pending the motion of Mr. Cote of Lewiston, to accept the Majority "Ought to pass" Report.

Mr. Jalbert of Lewiston requested a division.

The SPEAKER pro tem: A division has been requested. All those in favor of this matter being tabled until tomorrow, Friday, May 21, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy-seven having voted in the affirmative and forty-six having voted in the negative, the tabling motion did prevail.

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

Majority Report of the Committee on Sea and Shore Fisheries on Bill "An Act relating to Use of Purse Seines in Taking Herring from Certain Waters" (H. P. 540) (L. D. 714) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MOORE of Washington  
GLASS of Waldo  
—of the Senate.  
Messrs. WATTS of Machias  
BEDARD of Saco  
PRINCE of Harpswell  
YOUNG of Gouldsboro  
—of the House.

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

Report was signed by the following members:

Mr. JUTRAS of York  
—of the Senate.  
Messrs. LOWERY of Brunswick  
MITCHELL of Frankfort  
MILLS of Eastport  
—of the House.

Reports were read.

(On motion of Mr. Lowery of Brunswick, tabled pending acceptance of either report and specially assigned for Monday, May 24.)

#### **Divided Report**

Majority Report of the Committee on State Government on Bill "An Act Conferring Upon Others the Powers Now Vested in the Executive Council" (H. P. 543) (L. D. 1028) reporting same in a new draft (H. P. 1136) (L. D.

1555) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. STERN of Penobscot  
MAXWELL of Franklin  
WILLEY of Hancock  
— of the Senate.  
Messrs. PITTS of Harrison  
LIBHART of Brewer  
EDWARDS of Portland  
DOSTIE of Lewiston  
STARBIRD  
of Kingman Township  
— of the House.

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

Report was signed by the following members:

Messrs. BERRY  
of Cape Elizabeth  
KATZ of Augusta  
— of the House.

Reports were read.

On motion of Mr. Dudley of Enfield, the Majority "Ought to pass" Report was accepted, the New Draft read twice and tomorrow assigned.

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

Report "A" of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act Permitting Entrances from Class A Restaurants to Owners Living Quarters" (H. P. 978) (L. D. 1316) which was recommitted.

Report was signed by the following members:

Mr. JACQUES  
of Androscoggin  
— of the Senate.  
Messrs. BERNARD of Sanford  
ROY of Winslow  
FAUCHER of Solon  
COTE of Lewiston  
— of the House.

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

Report was signed by the following members:

Messrs. FALON of Penobscot  
SOUTHARD of Penobscot  
— of the Senate.

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

Reports were read.

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

Mr. DANTON: Mr. Speaker, for the purpose of submitting an amendment, I would request someone to table this until the next legislative day.

Thereupon, on motion of Mr. Bernard of Sanford, tabled pending acceptance of either report and specially assigned for Friday, May 21.

At this point, Speaker Childs returned to the rostrum.

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

Thereupon Mr. Richardson of Cumberland was escorted to his seat on the Floor amid applause, and Speaker Childs resumed the Chair.

### Third Reader Tabled and Assigned

Bill "An Act relating to Sales and Use Tax Liability of Lessors of Tangible Personal Property" (S. P. 269) (L. D. 817)

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

(On motion of Mr. Pendergast of Kennebunkport, tabled pending engrossment and specially assigned for Monday, May 24.)

### Passed to Be Engrossed

Bill "An Act Providing for Appeal of Sentence in Criminal Cases" (S. P. 548) (L. D. 1547)

Was 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 Agreements Between Attorney and Client" (S. P. 550) (L. D. 1549)

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

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

Mr. BERRY: Mr. Speaker and Members of the House: This is the second bill to come from the Judiciary Committee to which I referred in our debate on the removal of any limitations in the event of jury awards for death. And you may recall that I referred in that debate to the other three bills and this one, which is basically a contingency fee bill in its original state, is a bill which would legalize an agreement between attorney and client whereby the amount of money paid the attorney would depend upon the successful outcome of a court case in or out of court.

It was and is my belief that the removal of any limitation on death awards coupled with a legalization of contingency fees presents a potential hazard, not only to the public, but to the legal profession. There is a temptation under the provisions of both these bills for an attorney, if he were so inclined, to charge an exorbitant fee not based upon the effort he put into it, but upon the outcome. Accordingly, I have prepared House Amendment "A" which replaces this second redraft of the bill which originally started out as "An Act Repealing Law Relating to Corrupt Agreements by Attorneys and Others," and is now in front of us entitled "An Act relating to Agreements Between Attorney and Client." I have repealed this in this amendment and have set forth definite maximum limitations on fees to be paid as the result of both death and personal injury awards.

As an example of what this amendment would do, let me cite you two examples. If an award for \$100,000 were successfully culminated under the proposed amendment an attorney may receive a maximum of \$22,000. If an award of \$50,000 were arrived at, the attorney would receive \$12,000. And it is scaled on down, everything below \$15,000 being one-third of the award. If the award were \$10,000, the attorney would receive \$3,-

333 as a maximum. Any agreement reached between the attorney and the client below these figures would be acceptable.

Now, in the unlikely event that an attorney did have to put in a great deal of time and effort, there is in my amendment provision for the attorney to go to court and explain to the judge, who is familiar with the case, the basis for his charge and the court can grant whatever figure it wishes based upon the actual time the attorney put in the case, based on his usual charges in such matters.

It seems to me that this will remove the potential problem which I do not say does exist, but the problem, ladies and gentlemen of the House, which well may exist.

Mr. Speaker, I offer House Amendment "A" and move its adoption.

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

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

HOUSE AMENDMENT "A" to S. P. 550, L. D. 1549, Bill, "An Act Relating to Agreements Between Attorney and Client."

Amend said Bill by striking out all of the Title and inserting in place thereof the following: 'An Act Relating to Certain Attorneys' Fees.'

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

"R. S., T. 17, §801, amended. Section 801 of Title 17 of the Revised Statutes is amended by adding at the end thereof, the following 2 paragraphs:

**'Every death or personal injury award or contract shall be subject to the following maximum schedule of attorney charges:**

**33 1/3% of the first \$15,000, plus 20% of any recovery over \$15,000.**

**Charges in excess of the preceding schedule may be allowed by the court in extraordinary circumstances and such allowances shall be based on the customary daily**

**rate charged in similar matters by the attorney involved.'**"

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

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: This bill now in third reading and the amendment completely emasculates the bill that went to second reading yesterday. You notice it very cleverly eliminates the language of the original bill which came out of the Judiciary unanimously "ought to pass" in new draft. Not only does it do that, but then it goes on very inartfully to attempt to do something, that in my opinion should not be done. The Constitution of the State of Maine guarantees every man the right to contract and only when an emergency type of public need is shown, can that right to contract be interfered with. This is a constitutional freedom right. It was fought for a thousand years ago by our forefathers and has been in all our constitutions ever since.

Not only is this true, but the language of the amendment itself disturbs me greatly. You eliminate the wording of the new draft and start off at the end of the title with what is written here, that particular sub-section 801 makes no sense. This is one of the difficulties we face in this Legislature, not having Maine Revised Statutes before us on our desks so that we can try to interpolate what someone is trying to do with these amendments. This is why we so often backwater and reconsider because it is necessary to do the research in the interim. Now, I can tell you that what this bill attempts to do is to emasculate the new draft completely and then add something that is completely meaningless.

Now, let's assume for a moment what I say is not true. Not only does it do that, but it completely ignores the situation that the attorney very frequently finds himself faced with, this proposition. The client comes in and says I have got a case. I want you to try it. The attorney evaluates the case after a great deal of work and he



says I don't think we have got much of a show. So, I recommend that we don't sue, but the client says well, I want you to sue, regardless. Now this amendment would completely prevent the attorney from entering into an agreement with his client in that case. What this bill would do, would be to force attorneys in the case of death or personal injury to refuse to take any case that they felt did not have much of a show because they are not going to try the case five days in court and come up with a two hundred dollar recovery.

Now, this means that if you pass this amendment you are going to eliminate the possibility of any little claims going to court, because attorneys just aren't going to fool around with these very highly improbable cases. What is there about attorneys that they can't set their own contract? They are limited by their own bar fees and if a person after having gone through court is dissatisfied with the attorney's fee, he has and very frequently this is told, that attorneys always tell their clients that if they are not satisfied with the fees, they are always subject to negotiation and then if they are still dissatisfied they can go to court and get them reduced themselves. Now, this is the fact of the situation right now. This bill is not needed.

I wonder how my friend from Cape Elizabeth would feel if on one of these public utilities bills we put on an amendment that owners of public utilities would be limited in the amount of salaries that they could take. Well, this is the same thing. This is why attorneys don't like this subtle attempt to try to regulate their business when no public need is shown.

Mr. Speaker, I now move for the indefinite postponement of House Amendment "A" to L. D. 1549.

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

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

Mr. GILLAN: Mr. Speaker, Ladies and Gentlemen of the

House: When a person in Maine passes the bar and is admitted to practice law, he is considered to be a minor officer of the court and as such his entire conduct and acts, including any fees that he can charge, are subject to review by the presiding justice in any civil action. I consider that this proposed amendment, I am going to raise the old bugaboo, I think it is unconstitutional. Article III, Section I of the Constitution of Maine says, "the powers of this government shall be divided into three distinct departments, the legislative, executive and judicial. Therefore, I join in the motion of the gentleman from Brewer, Mr. Libhart, for the indefinite postponement of this amendment. Thank you.

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

Mr. DANTON: Mr. Speaker, Members of the House: First I wish to thank the gentleman from Cape Elizabeth, Mr. Berry, for being so concerned about the legal profession, but I must warn each and every member of this House that the reason for this bill was to protect the poor man and by this amendment he wipes away whatever chances the poor man would have had.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: First of all, as you can see by the number of lawyers who have been and are getting up on this bill, my friend from Cape Elizabeth, Mr. Berry, has struck a nerve. Secondly, when this bill came out of committee it merely validated contingent fee contracts which are under a decision of our Supreme Judicial Court illegal, but which as a practical matter are used to a considerable degree by attorneys all over the state in personal injury accidents and to a smaller extent in some other kinds.

I signed the "ought not to pass" report on this bill validating contingent fees and I should like to tell you why I signed the "ought not to pass" report. I am not opposed to contingent fees, but I

had hoped that when we met for this session of the Legislature our committee or the proponents of legislation such as this would come up with a comprehensive set of standards by which general public and attorneys dealing with the general public could guide themselves. I have very strong reservations about simply opening the door on contingent fees without at the same time taking the necessary steps to see that substantial abuses which exist in other parts of the country do not develop here.

As far as the amendment is concerned, you can see that it does not answer the very serious questions that I have about the entire bill. I must, however, tell you that I do not agree with my friend from Brewer, Mr. Libhart, when he says that this is going to deny the poor man a day in court. If you will look in the amendment, it says that the attorney may recover as a maximum fee one-third or 33 1/3%, that is, of the amount recovered by judgment. Now if you have a verdict of a jury in the amount of fifteen thousand dollars, the attorney under this law would be permitted to take up to five thousand dollars. That does not include costs or anything else. He takes his fee right off the top.

I don't think that you are going to have any substantial decline in the willingness of attorneys to represent personal injury claimants because, as a matter of fact, I believe that by indicating one-third up to fifteen thousand dollars, you are perhaps in a way encouraging higher attorneys fees. This is a decision that you must make after having heard the discussion. I did want to point out to you my very serious reservations about the bill. The amendment is an attempt to compromise and as far as the argument that it will deprive personal injury litigants or their lawyers any income, I must admit to you that I don't see any validity in the argument.

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

Mr. ERWIN: Mr. Speaker, Members of the House: I know hope-

fully you desire that perhaps—I am the only lawyer who hasn't spoken on this, and that no more will. I will try not to belabor it. I am sorry that I was out on the telephone when the first debate came and if I repeat somebody that has already spoken, I apologize in advance, but I feel very strongly about this solely as a matter of principle.

I remember in 1961 how appalled I was at the actual reservoir of ill will which the average layman in the Legislature seems to bear to the legal profession. A certain amount of introspection will indicate to the attorneys and their profession this is their own fault. Nevertheless, this isn't the way to correct an evil if an evil exists. Attorneys are members of the court. And they are subject to supervision by the court and by their own bar associations, but if you do this to one of the learned professions, you have opened the door to going about correcting real or fancied evils in the other professions by reaching them through a maximum income provision, and I don't think this is the right way to do it.

After all, lawyers are in competition with each other, although they don't like to admit it, for you're coming to them as clients and any lawyer who prices himself out of the market is very soon going to be out of clients as well. And I ask you please to consider that this is really not a proper subject for legislation, that this is not really germane to the argument that the five bills in here from the Maine Trial Lawyers Association should be considered in a peculiar light. I just hope that you will realize that by setting a maximum fee upon the efforts and the economic return of any segment of our society is an enormous step and I hope you won't do it.

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

Mr. BERRY: Mr. Speaker, I would briefly like to refute the statements that have been made that this is a unique and unprecedented situation and I will quote you the situation in New York

in this connection. This is the so-called New York Rule, it was adopted by court rule and this provides this: "the attorney may without restriction charge by a schedule contained in the Rule, fifty percent of the first one thousand dollars of net recovery, forty percent of the next two thousand dollars, thirty-five percent of the next twenty-two thousand dollars and twenty-five percent of any recovery over twenty-five thousand dollars. To charge more without court approval is misconduct."

I think that this will indicate to you ladies and gentlemen that we are not forging a new path and that the attorneys are well protected.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: I hate to rise again in defense of my own profession. What we have been trying to tell you is that this amendment does not correct the situation which we were trying to correct, in addition to which, we feel it is an imposition on the profession. The situation we were trying to correct was that if a person came to you with a personal injury case and he had no money, you practically had to turn him away. You couldn't tell him that you would work for nothing if you didn't recover anything and that you would charge only if you recovered. Now this is something which is done in most other states. It probably has been done sub rosa in this state. This is what we were trying to correct. This amendment says nothing about the contingent fee arrangement and merely attempts to set a schedule of fees which, I might add, are very generous and I thank the gentleman from Cape Elizabeth, but this is not what we are trying to correct.

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

Mr. LIBHART: Mr. Speaker, Members of the House: Again my friend from Cape Elizabeth, has I think misled you, I don't say

deliberately, but he has quoted from rules of court in New York. These rules of court do exist, which points out the fact that my friend from South Portland, Mr. Gillan, was telling you before and Mr. Erwin from York that we are regulated by the court. And the court as a rule can set rules for its own people, whom we are. This is what has been done in New York. This is not a statute that he is quoting from, it is a rule of courts, something completely different. We have always recognized the rights of the court to regulate the attorneys in all of their procedural rules and in their compensation and in how they shall defend and represent clients. This is not a departure but simply a showing of what we have always done. New York is not the only state that does this.

The State of Maine does it to a certain extent. Clifton Morrow set up the same kind of a schedule here and this the attorneys would go along with and welcome, but setting, as this amendment attempts to do, the contractual fees for attorneys is in my opinion unconstitutional until a need is shown and wrong in principle.

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

Mr. Danton of Old Orchard Beach requested a division.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, requests a division. All those in favor of House Amendment "A" to Bill "An Act relating to Agreements Between Attorney and Client," Senate Paper 550, L. D. 1549, being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

### Third Reader Indefinitely Postponed

Bill "An Act Defining Public Utility in Relation to Certain Sewer Districts and Systems" (H. P. 930) (L. D. 1268)

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

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

Mr. PIKE: Mr. Speaker and Ladies and Gentlemen of the House: I hope we haven't painted ourselves into a corner on this matter of sewer districts. This morning we accepted the "ought not to pass" report on Legal Document 879, which said in effect that all sewer districts should be utilities. It was by a very narrow vote, but looking across the hall I can see that that bill was doomed. This one says that no sewer district shall be a public utility. Now some are and some aren't under present laws. Most of them are set up under Private and Special Laws. In general in the discussion we had in the Public Utilities Committee, the larger communities which could handle their own affairs quite effectively didn't want their districts if they had them to be public utilities. The smaller ones as near as we could make out, although they were not represented very much, wanted what they regarded as the help and assistance of the Public Utilities Commission in the various problems that hit every sewer district large or small.

Now we have knocked out the one that says they'll all be utilities. As it is now, it is quite unsatisfactory. Some are, some aren't, and each one of these Private and Special Laws has a hickey in it somewhere, one kind or another. This bill before us eliminates and nullifies all of the Public Utilities provisions of all of these sewer districts that are utilities in one way or another under present laws. Now I think it's fair to say that this would tend very much to pull the rug out of some of these smaller districts who feel very

comfortable where they are and without any reasonable warning being given to them that this was about to be done. This is a very drastic thing. Now the Utilities Commission is quite uncomfortable with the present situation where, as I say, each district law more or less differs with every other district law. But it does seem to me that rather than to knock out at one fell swoop the utilities provisions in the sewer districts that now have them, it would be better to leave the Utilities Commission in a somewhat uncomfortable and anomalous position for the next two years until we make up our minds just what we should do. And I think we are making progress in that direction and we must make more because we are going to have a lot more of these sewer districts as the pollution abatement attempt continues.

So, I rather regretfully have to move that this bill and all its accompanying papers be indefinitely postponed.

Thereupon the Bill was indefinitely postponed and sent up for concurrence.

Bill "An Act to Encourage Conservation of Forest Resources Through Uniformity of Tax Assessment" (H. P. 1134) (L. D. 1553)

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

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Ordinarily my good seatmate of two terms, the gentleman from Standish, Mr. Hawkes, who has cosponsored this bill with the gentleman from Eagle Lake, Mr. Martin, and I have agreed on issues. In this case we agree on the general problem and its urgency, but we seem to disagree as to what way to attack it. Presently, I believe the appeal procedure for any real estate owner who is dissatisfied with the appraisal he has received by the local assessor on his property is

to go first to the assessors themselves, then to the county commissioners, then if he has no luck there to the courts. This procedure would not be changed under this bill except for forest land owners. For them would be established a forestry appeal board of three members, one designated by the forest commissioner, one by the landowner and one by the assessors.

Now according to the terms of this bill, the owner to obtain relief will show "that by reason of the burden of the tax, he is unable by efficient operation of the forest land on a sustained yield basis to obtain" and I think these are the key words, "an adequate annual net return commensurate with the risk involved." Now, what is our situation here in Maine regarding property taxes? Quoting from a state report entitled "Property Taxes in Maine" 1963 revised to December 1964, we find such sweet reading as this: First, "We have the highest average tax rate in the nation." Second, "90 per cent of all the communities in this state exceed the 2 per cent level suggested as a top limit for proper industrial growth and development."

Now the two percent applies to the fair market value of the property. And, I think that in this problem here we may find some of the solution to the problem that year in, year out we are having with our DED. If we had a little more receptive tax climate around our communities I think perhaps that problem would be less.

In the third case, "96 percent of the communities in the state exceed the national average of 1.4 percent . . ." and so forth, on and on for pages.

Now these disastrous conditions referred to in this report on the property tax are not restricted as applying only to forest property. It is plain that these ridiculous real estate taxes are being imposed on real property, all real property. But this bill affords relief only to forest landowners and at the expense of the rest of the community which is already over-

burdened. There is no such a thing as any board excusing a tax once the appropriation is made. You can shift the tax from one property owner to another, but that tax has to be raised.

Now does it offer relief to all woodland owners? In theory yes. In practice, definitely no. This bill was offered in committee hearing as a bill for the small woodlot owner and several of its proponents spoke in its behalf and they were all small woodlot owners if you compared them to the Great Northern Paper Company. Now these proponents are all knowledgeable men in the timber industry. They are well versed in forest economics, they have men working with them who are trained foresters, and these people before an appeal board consisting of in part, first their appointee, who obviously will be responsive to them and secondly an appointee by the Forest Commission, who through the years has certainly been responsive to the affairs of forest people, can certainly convince a majority of this board of three of the righteousness of their claim. But so far as the average small woodlot owner is concerned, this bill can do no more for him than you could do for me in offering me the use of a helicopter when I have trouble running these self-service elevators out here.

I further dislike this bill for this reason. Assessment in this state has been on the basis of "fair market value." The procedure outlined in this bill introduces a new criterion, the "adequate annual net return" provision. Now many of you have extensive municipal experience and I leave it to you, that if the owner were first to be assured of this adequate return before a property became eligible for real estate taxation, then much of our real estate would be tax exempt. We can't assure anyone of an adequate return in our communities. We are doing well to keep our towns out of bankruptcy, getting all the real estate tax money that we can from any place that we can. Now if we're to approve

of this appeal board for forest-land owners, then surely we should amend this bill providing for the same appeal boards for farmers, commercial property owners, industrial property owners, homeowners and all other categories, each with a board of three members, one of whom would be appointed by the property owner, in the case of farmers it would perhaps be an official from the Farm Bureau who certainly would be responsive to the farmer, and we would result in having affirmative action on all of the appeals ever presented.

Now in closing, first I plead that I not be the first to be stuffed and placed down in the museum. Secondly, may I plead that the proponents of this measure join with me and many others who are thoroughly alarmed at the disastrous levels to which the real estate taxes have climbed in so many communities and work with us through support of such measures as the "Uniform Tax Effort" bill or any other which affords relief from the stifling effect of our current real estate tax level.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and request a division.

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

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: This bill is intended to help the landowner who is being taxed now beyond what he can pay. He is being taxed beyond his ability to earn a fair and reasonable return on his investment and it's not intended at all for a reduction in his tax except in that case where he is taxed too much. The bill will help establish sort of a yardstick for measuring of what is fair and proper assessment for all the towns to pay. The assessors, and I was an assessor for six years in a town, very often lack the necessary knowledge about how much

a woodlot is worth and the appeal board will be made up of experts capable of furnishing the knowledge and the guide lines needed by the appraisers.

Now the cost to the town would be very little. They figure about thirty-five dollars for each appeal case. What has been happening in these towns, a lot of these forest lands have been taxed so much that the owner of the land after he strips it, he deeds it to someone that's not going to hang around to pay any taxes on the land and the town has a piece of property that isn't worth anything at all. Forest lands are very important to us. I think it furnishes about thirty-six percent of all the labor in the state with work on forest lands or pulp mills and things like that. So I think this is a very good bill and I hope that you don't vote to indefinitely postpone it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I, as you may know, am co-sponsor of this L. D., primarily because I feel that it will do justice to everyone in Maine. This measure has been carefully thought out both in Taxation Committee and otherwise and I have been working personally on it since last year. It is intended to be fair to both the town and to the landowners. This bill is intended to help a landowner who is being taxed above and beyond the ability of his land to earn a fair and reasonable return on his investment. It is not intended to be a reduction in taxes whatsoever, except in case of course of unreasonable assessment in relation to someone else who also owns the same type of property.

This bill will help establish the yardsticks and the measurements of what is fair and what is a proper assessment for a town to charge. The fact that the landowner under this bill will pay one-half of the cost of the appeal procedure will mean that he will not appeal unless he really feels justified in doing so. In addition to this cost, of course, he will also have to

provide the necessary information about forest types and forest and growth rates for the land involved. Therefore, if you want to look at it this way, you could say the landowner will actually be paying more than the one-half cost as provided in the bill.

The alternate to reasonable forest land taxation in Maine, of course, is the stripping of land and in some cases even abandoning that land to the town, and I am sure that all of you have had that problem in the past. This in itself is no way to solve the taxation problem. This bill was presented in an attempt to provide a more equal assessment of forest lands. It would merely, of course, put teeth into the so-called Chase Law which had been passed in 1953 for this purpose. This law had been intended to get rid of some of the inequalities in assessing the values of timberland throughout the state. However, it did not succeed, primarily because the only recourse to the decision of the town was to the courts, which of course is a great expense to everyone including the large and the small landowners. This bill, therefore, is an attempt to set up some sort of a board to get better results.

As far as the makeup of the board is concerned, this is something that has been debated for the past two months and we have come up with a solution that we feel is justifiable. I realize that woodland taxation is only part of the overall problem of property taxation in Maine, but we have to start somewhere. I realize that if all the money were available for a very, very complete study, and this is more than the fifty thousand dollar study that we are asking for which has already been passed and is on the special appropriations table in the other body, I would be of course in favor of it, and I still am.

However, we must start somewhere. Again I repeat, due to the high taxes that you have, you have what is called stripping, and stripping of the land is a detriment to Maine's forest products and forest resources and research. High taxes, of course, result from

increased demands and in Maine the greatest burden is placed on the property owners, but it must be placed equally. The woodland owner is one of these and he does not object to having taxes placed on him. What is objectionable is having the fellow who owns the same type of property next to him having to pay more than he is.

Therefore, I certainly hope that you vote against the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, I would like to answer to a couple of the ideas that have been offered here. First off, it isn't too plain in the bill, but evidently one-half of the cost is to be borne by the landowner and I from the tax department have learned that they consider \$25.00 a day for these people on the appeal board or a total of \$75.00 for the three of them a fair rate of pay, and there are provisions in the bill for expenses including office expenses for the people in the Forest Commission office over here who will be drawing up the results of the appeal and so it's easy to see that an appeal might run into two or three days and eliminate a large number of small woodlot owners or a high percentage perhaps up to eighty or ninety percent of the woodlot owners and the state never would have an opportunity to use this bill because immediately it would call for an expenditure which in connection or in relation to the amount of their annual tax just wouldn't warrant it.

As a criticism of our present setup, it's been indicated that the expenses of court procedure are too high to warrant an appeal from present assessments. Now, I'm not going to disagree with that, but that's true for all other real estate property owners too. And this bill that we have before us will give relief to the forest owners, but the rest of the property owners in the state will still have to go to the expense and the bother of court procedure if they want relief. Now there has been some mention of this \$50,000

survey and we have acted affirmatively on it, and I think we should wait and see what comes from it, although I recognize that not being too valid an argument. I think the gist of it boils down to this. The proponents of this have said that taxes are too high on forest lands. Well, I certainly have to agree with them on that, but so are taxes too high on all other properties. Now to me it's something like this. If there are ten fellows and they have a load of twelve hundred pounds that just has to be moved; there are no ifs, ands or buts about it, it figures out to 120 pounds apiece which is too much of a load, and I think that we all recognize that on the extended march sixty pounds is a good adequate load. Now, if you put through a rule which would allow blonds between the age of twenty-five and thirty-five to appeal to their superior officer then on a basis of the fairness of a sixty pound load, he's got to afford them relief, but it doesn't do anything for these other people except put more load on them. And I think its eminently unfair and I hope that you will go along with indefinite postponement. Thank you.

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

Mr. SULLIVAN: I would like to ask through the Chair that very able gentleman Mr. Susi who, in his opinion, does this bill favor. Doesn't it favor the big landowner?

The SPEAKER: The gentleman from Portland, Mr. Sullivan has posed a question to the gentleman from Pittsfield, Mr. Susi, who may answer if he so desires. The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, Members of the House: I'm in sympathy with the views expressed by the gentleman from Durham, Mr. Hunter and the gentleman from Eagle Lake, Mr. Martin.

Yesterday my most excellent friend the gentleman from Standish, Mr. Hawkes spoke to me about this bill of his in which

he is deeply interested and asked me to go over it for him. He told me that he had checked this through with the Attorney General's Department and also with the Forestry Department. Now you have heard the viewpoints expressed by the gentleman from Durham, Mr. Hunter and the gentleman from Eagle Lake, Mr. Martin, I'm not going to repeat them. But I will say this, this bill appears to be a very reasonable bill, and Mr. Hawkes is a very reasonable man. He asks very little of this House and I hope you will go along with him on the bill and vote against indefinite postponement.

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

Mr. LUND: Mr. Speaker and Members of the House: I'm not very well conversant with the fine points of tax assessment, but my understanding is that tax assessment generally is controlled somewhat by our State Constitution in that fair value is the test which is applied by our State Constitution in property taxation. As I read this bill, I have listened to the debate concerning this bill although I can't find the section, I've gotten the impression that this bill has set up a somewhat different standard of taxation for forest land as land as compared to other properties and I'd like to pose a question to Mr. Martin, the gentleman from Eagle Lake, or some other person to ask whether they have considered the constitutional aspect of this in view of the provisions which I believe our constitution has concerning the valuation of property for assessment purposes.

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

Mr. MARTIN: Mr. Speaker Ladies and Gentlemen of the House: In response to the question of the gentleman from Augusta, Mr. Lund, I would say that we did go over this carefully. It was not our intention of



course to — it has always been our intention not to place an excess burden on anyone whatsoever. We wish to keep within the constitution, of course. The purpose of the bill is an attempt to correct a situation where a landowner on one side of the tracks so-called will be charged twice what he should be in relationship, and I repeat, in relationship to to a landowner having the same type of a forest product or forest land next door to him. This is what I believe this bill is trying to correct.

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

Mr. LUND: Mr. Speaker, the question was not directed at what the bill was trying to do, but my question was directed at whether or not the sponsors of the bill or any other person had studied particularly the constitutionality aspect of this bill.

The SPEAKER: The Chair recognizes the gentlemen from Eagle Lake, Mr. Martin, who requests permission to again address the House. Is there an objection? The Chair hears none. The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't wish to take all afternoon with this bill, but I would point out that we did bring the bill to the Attorney General's Office and they themselves revised the first portion of the bill; therefore I assume they read the bill in its entirety and that the bill was constitutional or else they would not have told me so.

The SPEAKER: The question before the House is the motion of the gentleman from Pittsfield, Mr. Susi that this Bill "An Act to Encourage Conservation of Forest Resources Through Uniformity of Tax Assessment," H. P. 1134, L. D. 1553 and its accompanying papers be indefinitely postponed and he has requested a division. All those in favor of this bill and its accompanying papers being indefinitely postponed will kindly rise and remain standing

until the monitors have made and returned the count.

A division of the House was had.

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

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

### Order out of Order

On motion of Mr. Sullivan of Portland, it was

ORDERED, that the "Ross For Governor" sign used at last night's Mock Session be given to the gentleman from Bath, Mr. Ross, to ease his expenses in any future gubernatorial aspirations, and

BE IT FURTHER ORDERED, that the Sergeant-at-Arms present same to that gentleman at this instance. (Applause)

Mr. Ross of Bath was granted unanimous consent to briefly address the House.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House; This comes as a great surprise and I thank my erstwhile campaign manager, Bartholomew Sullivan.

### Third Reader Tabled and Assigned

Bill "An Act Relating to Excise Tax on Aircraft" (H. P. 1135) (L. D. 1554)

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

(On motion of Mr. Binnette of Old Town, tabled pending engrossment and specially assigned for Tuesday, May 25.)

### Amended Bills

Bill "An Act Increasing Salaries of Judges of the District Court" (S. P. 55) (L. D. 378)

Bill "An Act relating to Definition of Kidnapping" (S. P. 149) (L. D. 390)

Bill "An Act relating to Mental Examination and Observation of Persons Accused of Crime" (S. P. 513) (L. D. 1485)

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

Bill "An Act Providing for Compensation of Attorneys Appointed for Indigent Persons Charged with Crimes" (H. P. 537) (L. D. 779)

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

#### Enactor Reconsidered and Amended

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

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

On motion of Mr. Richardson of Cumberland, the House voted to suspend the rules and to reconsider its action of May 18 whereby this bill was passed to be engrossed as amended by Committee Amendment "A"

On further motion of the same gentleman, the House voted to suspend the rules and to reconsider its action of April 28 whereby Committee Amendment "A" was adopted and to indefinitely postpone Committee Amendment "A".

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

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills, and inquires for what purpose does he rise.

Mr. MILLS: This paper passed out here calls for House Amendment "B" not House Amendment "A", is that correct?

The SPEAKER: The Clerk informs me there are two amendments. Would you give the Members of the House the filing number on House Amendment "A".

The Clerk will read House Amendment "A" which is filing number 354.

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

HOUSE AMENDMENT "A" to S. P. 164, L. D. 494, Bill, "An Act Increasing Salaries of Official Court Reporters."

Amend said Bill by striking out in the last line of section 1 the underlined figure "\$10,000" and in-

serting in place thereof the underlined figure "\$9,250"

Further amend said Bill by striking out in the 2nd line of section 2 the figure "\$12,375" and inserting in place thereof the figure "\$6,188"; and by striking out in the 3rd line the figure "\$16,500" and inserting in place thereof the figure "\$8,250"

The SPEAKER: The question before the House now is the adoption of House Amendment "A". The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill dealing with an increase in the salaries of court reporters which increase I know from personal knowledge, daily experience, is long overdue.

The bill in its original form proposed an increase for these court reporters from the amount of \$8,500 to \$10,000. I certainly could not have any valid opposition to the amount of \$10,000, but I suppose like all of you I have had the feeling that we should do some of these things by steps. I have therefore prepared this amendment which would in effect give them the sum of \$9,250 per year which is precisely one-half of what they've asked for.

Years ago I suppose when our courts were operating at a more leisurely pace because there was less litigation, a court reporter's job was, perhaps, not as arduous as it is today. But today, for example, in Cumberland County the civil trial term in June which starts in June, consistently goes through July. In York County there is a civil term in session now which I know is going to go through July. Added to that we have two Court Reporters in the legislature who are with us on a full time basis when we are in session, so that the number of court reporters during six out of every twenty-four months is reduced by two full time reporters. I feel that this is a reasonable compromise and I urge you to adopt House Amendment "A".

The SPEAKER: The question before the House is the motion of the gentleman from Cumberland, Mr. Richardson, that House Amend-

ment "A" be adopted. Is this the pleasure of the House?

The motion prevailed.

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

#### **Passed to Be Enacted**

An Act Exempting Liquor Bottled or Manufactured in Maine from Additional Taxes (S. P. 326) (L. D. 1048)

An Act Affecting Certain Statutes Pertaining to Court Process and Procedure in Criminal Cases and to Kindred Matters (S. P. 356) (L. D. 1140)

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

#### **Enactor**

##### **Indefinitely Postponed**

An Act relating to Qualifications for Practice of Hairdressing and Beauty Culture and to Membership on the State Board of Hairdressers (S. P. 491) (L. D. 1456)

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was asked by one of the proponents of this measure how I got penned into this bill. Frankly, I got penned in because I read the bill and I read this note that was sent to me. You know in the course of about an hour you can learn a great deal by walking around a little bit. I just read a note that somebody apparently was surprised and amazed that without some permission from the state board, the way I read it, that the young ladies in the back of the hall were here without their permission, in the State House, had invaded the State House, so to speak. Insofar as I am concerned I feel that this is their State House as well as it is any other citizen in the state and they pay their good money to go to school and I think

they're entitled to come here and I for one and I know the membership joins me, and I have no ulterior motive and I wish those grins would be wiped off, I certainly want to welcome them and I hope they come back.

Getting back onto the bill, I asked the representative from Gardiner, Mr. Hanson, who happens to own a barber school in my city if, after graduating and passing their exams, barbers, men barbers, were allowed to open a shop. He said absolutely. On that basis I think this measure is discriminatory and as far as I am concerned if I'm going to discriminate it's not against the fair sex I can assure you of that, even though I have a little mileage on me. I feel seriously that this bill is discrimination at its nth degree. I think after they pass their state boards that these people are certainly entitled to the same privileges as a man barber is entitled to. For that reason and other reasons as written on this bulletin I now move the indefinite postponement of this measure and all of its accompanying papers.

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

Mr. BLOUIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in support of the motion of Mr. Jalbert, the gentleman from Lewiston. I feel that this bill is one of the most unfair bills ever to be put in this 102nd legislature this year. I am told and I have been explained the bill, that one of these girls—some of the girls I mean they have to go to school for nine months. And then this bill says that when they come out of school and pass the state exam that they could not open their shop. Ladies and gentlemen of the House, this is not right. These young people are just trying to make a living like everyone else after going through school. So this is why I rise today against this bill. I do hope that this bill and all of its accompanying papers is killed today. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Farmingdale, Mr. Peaslee.

Mr. PEASLEE: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Committee who heard this bill, I wasn't too happy with it when we brought it out "Ought to pass" and I'm in full accord with Mr. Jalbert on indefinite postponement and I hope you will all vote to do so.

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

Mrs. RUBY: Mr. Speaker and Ladies and Gentlemen of the House: I partially spoke on this bill the other day, but I would like to refresh your memories. Now, I am not against any young girl who wants to open up a shop. But they are not prepared. Now I went to the state board examinations the other day. No one knew that I had any training in the hairdressing business whatsoever and I did not make it known until I was ready to. Now I watched students from ten o'clock in the morning until two-thirty in the afternoon. I watched one student wind a permanent rod that had big fish hooks in the end of it. Now everybody laughs. They say oh a fish hook, what is a fish hook? Well a fish hook when a student rolls, winds a head, the paper must come to the end of the hair and the ends must go under smoothly. If they double over it makes a straight end and when the hair is set you have all these little dallying quirks all over the head. Now the only way you're going to get rid of them is to cut them off with the scissors.

Four students were giving manicures and they didn't even know how to hold the pushers. They were all upside down. They were using their clippers upside down. Do you know what happens to the finger of a patron when the clipper is not properly used, the nipper. You get a nip and it hurts and if you get an infection the shop is going to be sued.

One student was giving a massage and the headband was half way down the forehead. Now the headband should be at the top of the hairline and the hair should be properly tucked in. The ends were all straggling down here.

Now if I had a nice hairdo and I decided to have a facial the next day I would at the same time have to have another hairdo.

Two students came without the proper equipment. Now all of these youngsters are told what they must have when they come for their state boards. Here is a responsibility right here. They can't even start with this responsibility. One student had wave lotion half way down the manikin's back. Now if this student had been properly trained this would have been corrected before she left this school, because you treat a manikin the way you treat a patron. Now I would hate to go into this shop with a thirty-five dollar dress and have a half a bottle of wave set running down my neck while I am having my hair set. One student pulled the headband completely down over the face and pulled all the facial muscles down.

Now ladies and gentlemen I am not criticizing these girls and these seem like humorous little things, but these are things that these kids have not been corrected for and they're going to do it in their shops and don't tell me they're not. If they had been trained properly none of these things would have shown up at the state board. Now we've got to uprate our state boards but we've got to get after these schools a little more and make them train these youngsters to work on a patron as well as a manikin.

We're trying to protect these youngsters. They don't know the responsibilities, the money that goes into running a shop, the following that's needed. They can't afford to sit around and wait for a following and hope that somebody's going to come in and with some of these things that I saw at the state board, they're not going to have very many customers. Now this is not discrimination. This is to help them train for a year to get some good practical experiences. All right they passed their state board, but a good trained operator will pick up some of these little flaws that they didn't pick up at the school. Ladies and

gentlemen, think about this bill seriously.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I'm sure that if some of these schools are not giving the proper training, after hearing the debate this morning and probably the other times that it has been debated, I'm sure that the instructors of the state schools are going to take this to heart and I now ask for the previous question.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, has moved the previous question. For the Chair to entertain the motion for the previous question it must have the expressed consent of one-third of the members present. All those in favor of the previous question kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose:

The SPEAKER: Obviously, more than one-third having arisen, the previous question is in order. The question now is, shall the main question be put now? This is debatable for no more than five minutes by any one member and the merits of the bill are not debatable. All those in favor of the main question will say aye; those opposed, no.

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

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Bill "An Act relating to Qualifications for Practice of Hairdressing and Beauty Culture and to Membership on the State Board of Hairdressers," S. P. 491, L. D. 1456, be indefinitely postponed.

Mr. Katz of Augusta requested a division.

The SPEAKER: A division has been requested. All those in favor of this bill 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.

One hundred nine having voted in the affirmative and seventeen having voted in the negative, the motion prevailed.

Sent up for concurrence.

Mr. Katz of Augusta was granted unanimous consent to briefly address the House off the record. (Applause)

The motion of Mr. Levesque of Madawaska for reconsideration of action whereby the Bill was indefinitely postponed failed on a viva voce vote.

### Finally Passed

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

Resolve Authorizing the Establishment of a Residential and Day School for the Mentally Retarded in Northern Maine (H. P. 452) (L. D. 606)

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

### Orders of the Day

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

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

Tabled May 12, by Mr. Birt of East Millinocket.

Pending—Acceptance.

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

Mr. BEANE: Mr. Speaker, and Ladies and Gentlemen of the House: I have talked with Mrs. Carswell this morning who is in the hospital. She sent up this speech and asked me if I would read it for her. This is dated May 20, 1965.

"Mr. Speaker and Members of the House: With all due respect to the members of the Appropria-

tions Committee, I feel that I am compelled to ask the members of the House to "accept the bill in place of the "ought not to pass" report. There is only \$5,000 involved here which would generate \$10,000 in federal funds if this is put through as an emergency measure. I feel that this is a real emergency as much as sugar beets or any other legislation that I voted along with.

Seven artificial limbs are needed; five braces, four hearing aids, seven surgery cases, two physical therapy cases, and nineteen short-term training cases.

I feel that where there is a will, there is also a way. I began asking for this pittance of \$5,000 to help save human life and suffering early in the session in order to get federal funds before June and here we are still holding tight on the purse strings and saying "No" in the face of human need. We are actually saying we cannot help it if you stop breathing or if you cannot get around without braces or artificial limbs.

One person needs an artificial heart valve that will save his life. A clergyman needs cardiac surgery immediately. Several mentally retarded young people can be trained and placed in industrial jobs. This is only a part of what this money will do.

I ask the members of the House to open your hearts and open the money bag and give this \$5,000. A handicapped person needs training in depth even more than a person who is not disabled. For the first time in several years, the Vocational Rehabilitation Division has a seasoned staff. There has been an unusually heavy influx of rehabilitation plans involving cost services early in the year. Vocational rehabilitation is sending more clients for college training which is urgently needed in this automated age to enable them to compete for jobs.

Inanimate objects can wait for repair—the human body cannot.

If mental and physical illness are to be swept under the rug until the next Legislature when only \$5,000 is involved, we can be tagged as cold and calculating.

I do hope you will accept the bill in place of the committee report."

(signed) Mrs. Catherine Carswell

The SPEAKER: Is the gentleman making a motion?

Mr. BEANE: I move to substitute the bill for the report.

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

The motion prevailed.

Thereupon the Bill was read twice and assigned for third reading tomorrow.

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

HOUSE REPORT—"Ought not to pass"—Committee on Judiciary on Bill, "An Act to Establish a Department of Family Relations." (H. P. 497) (L. D. 650)

Tabled—May 12 by Mr. Haugen of South Portland.

Pending—Acceptance.

On motion of Mr. Danton of Old Orchard Beach, the Committee "Ought not to pass" Report was accepted and sent up for concurrence.

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

DIVIDED REPORT Majority (8) —"Ought not to pass"—Minority (2)—"Ought to pass"—Committee on Taxation on Bill, "An Act Providing for a State Income Tax." (H. P. 1006) (L. D. 1353)

Tabled—May 12, by Mr. Levesque of Madawaska.

Pending—Acceptance of Either Report.

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

Mr. LEVESQUE: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, that we accept the

Majority "Ought not to pass" Report. The Chair recognizes the gentleman from Freeport, Mr. Graham.

Mr. GRAHAM: Mr. Speaker and Members of the House: Several years ago you may recall, a Yale professor was loitering in front of the U. S. Embassy in Moscow, Russia. Someone sidled up, thrust some papers into his hand and sped away. The Russian police then pounced on the good professor, arrested him for possessing incriminating documents and hustled him off to the cooler. Something of this sort happened to me during my first days in the Legislature. I was loitering in the hall, watching in awe as the senior statesmen passed to and fro when a charming creature from the League of Women Voters sidled up and pressed an L. D. into my hand. Shortly afterwards, I vaguely recall one of the party leaders gave me a pat on the head and in something of a daze, I shoved off for home. Then the roof fell in. I had agreed, it seems, to sponsor a state income tax, the very bill we have before us. But the longer I sheltered this little fatherless foundling, the more I grew to love it. And I want to thank the League of Women Voters. They made a man out of me.

Once you have an income tax around your neck, your days of ducking and dodging are over. Nothing more can happen to you. You have had it. It gives you a wonderful feeling of freedom, of release. You have nothing to fear but the next election. No one to shrink from but the voters. But I believe in this income tax for three very simple reasons. It is a fair tax. It is easily administered and it will be needed. What more can you say for a tax?

Being tied to the taxable income of one's federal income tax it is simple to estimate and easy to collect. Administration costs will be much less than two percent. That an income tax is the fairest of all taxes, no one can deny. It is based on the ability to pay. This tax bears lightly, if at all, on the low income families. Most couples with many children and elderly couples of modest means will pay no tax

under this bill. These people, we feel, need their income for the necessities of life, food, shelter and medical care. But on the other hand this tax is no soak the rich program, being in all cases but a small fraction of the federal tax.

As you know, the demands for additional money have been rolling in. Even to stay in the same place, education-wise and otherwise, we are going to have to raise more money. Our present place, education-wise, is at the very bottom of the list in high school graduates going on to college. Yet education is the open sesame to our highly technical world. Of the two uniform tax effort bills that would pump more state aid into our local schools, one would call for an additional four or five million, the other nineteen million. But both by subsidizing education from the state level would ease, I say ease, local property taxes, the highest in the nation. Property owners need tax relief and only an income tax would have the muscle to bring this relief.

You and I, ladies and gentlemen, know that a state income tax is the simplest, the surest, and the fairest way to raise money. Let us be brave and face up to the truth. If in this session we don't need it, in the next session an income tax is inevitable.

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

Mr. BUSSIÈRE: Mr. Speaker, Members of the House: I have to sympathize with the gentleman from Freeport, Mr. Graham. He was a new member of the House and that is why the League of Women picked up on him. And I hope that two years from now, if I am still a member of the House, that you refer them to me. I could have quite a time.

The SPEAKER: Is the House ready for the question?

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

Mr. Lowery of Brunswick requested a division.

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

A division of the House was had.

One hundred two having voted in the affirmative and sixteen having voted in the negative, the motion prevailed. Sent up for concurrence.

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

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

Tabled—May 13, by Mr. Bernard of Sanford.

Pending—Acceptance of Either Report.

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

Mr. BERNARD: Mr. Speaker and Members of the House: As a signer of the Minority Report on this bill, I wish to apologize to the House for having to retable this bill for the last three months. We kept the bill retabled because we had L. D. 1327, a certified public accountant bill which we were waiting to come from the Legal Affairs Committee. I want to thank Mr. Berry, the sponsor of 1327, when we could not agree between the certified public accountants and the PAs he agreed to Leave to Withdraw on his bill, and for this reason I wish that we accept the "Ought not to pass" report on this bill.

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

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

**DIVIDED REPORT — Majority (7)—"Ought not to pass"—Minority (3)—"Ought to pass"—Committee on Taxation on Bill "An Act**

to Establish a Voluntary Contributions Commission." (H. P. 161) (L. D. 183)

Tabled—May 13, by Mr. Levesque of Madawaska.

Pending—Acceptance of Either Report.

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

Mr. LEVESQUE: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that we accept the Majority "Ought not to pass" Report.

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

Mr. EDWARDS: Mr. Speaker, I had hoped that this could be tabled until next Tuesday. I am not quite prepared to speak on this. However, if somebody would table it for me I promise I won't ask for a tabling motion beyond that.

On motion of Mr. Blouin of Sanford retabled pending the motion of Mr. Levesque of Madawaska to accept the Majority "Ought not to pass" Report and specially assigned for Tuesday, May 25.

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

**HOUSE REPORT — Committee on Health and Institutional Services on Bill, "An Act Authorizing Use of Prisoner Assistance by Certain Charitable Organizations." (H. P. 805) (L. D. 1097) reporting same in New Draft (H. P. 1115) (L. D. 1522) under title of "An Act Authorizing Use of Prisoner Assistance by Charitable Organizations," and that it "Ought to pass."**

Tabled—May 14, by Mr. Birt of East Millinocket.

Pending—Acceptance.

On motion of Mr. Dunn of Denmark, retabled pending acceptance of the Committee "Ought to pass" in New Draft Report and specially assigned for Friday, May 21.

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



Bill, "An Act to Clarify the Motor Vehicle Laws." (H. P. 1093) (L. D. 1489) (S. "A" S-165) (H. "A" H-306)

Tabled—May 14, by Mr. Birt of East Millinocket.

Pending — Adoption of House Amendment "A."

On motion of Mr. Dunn of Denmark, retabled pending adoption of House Amendment "A" and specially assigned for tomorrow.

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

Bill, "An Act Appropriating Funds for Classroom Building at Erskine Academy." (H. P. 444) (L. D. 598) (C. "A" H-283)

Tabled — May 17, by Mr. Levesque of Madawaska.

Pending — Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

SENATE REPORT — "Ought not to pass" — Committee on Business Legislation on Bill, "An Act Relating to Advisory Board on Examinations of Life Insurance Agents." (S. P. 411) (L. D. 1307)

Tabled — May 17, by Mr. Cottrell of Portland.

Pending — Motion of Mr. Scott of Wilton to Indefinitely Postpone.

Thereupon, the Bill and accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

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

DIVIDED REPORT — Majority (8) — "Ought not to pass" — Minority (2) — "Ought to pass" — Committee on Taxation on Bill, "An Act relating to Sales Tax on Farm Machinery and Equipment." (H. P. 856) (L. D. 1153)

Tabled — May 17, by Mr. Farrington of China.

Pending — Motion of Mr. Ross of Bath to accept Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Norton.

Mr. NORTON: Mr. Speaker, the gentleman from China, Mr. Farrington, tabled this bill at my request. I now move the pending motion, the acceptance of the "ought not to pass" report.

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

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

Bill, "An Act relating to Working Capital of Liquor Commission." (S. P. 377) (L. D. 1194) (C. "A" S-171)

Tabled—May 17, by Mr. Bishop of Presque Isle.

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

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: This came before the Appropriations Committee and with an original request of a million dollars. After a hearing, the committee recommended an increase of five hundred thousand dollars. It was our feeling that we should not deny the Commission working capital because we are planning on revenue from that operation. Mr. Lund has raised some question as to whether or not this addition is necessary to the essential operation of the Commission and on the evidence that has come to his hand I am not prepared to dispute it. I might ask that we pass it and let it go to the Appropriations table, but I'm not really strong for passage in either event.

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

Mr. BERNARD: Mr. Speaker, Members of the House: I agree with Mr. Bishop. We ought to send this to the Appropriations

table. I was out back discussing another bill, but I assure you members of the House that we are building new liquor stores every single day. We have got five of them going up in the next month and if you think they can work without extra capital, I don't know how they are going to do it.

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

Mr. LEVESQUE: My Speaker, may I ask for an inquiry as to what the committee report was on this measure originally?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, poses a question to the Clerk. The committee report was unanimously "ought to pass" as amended by Committee Amendment "A".

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

Mr. JALBERT: Mr. Speaker, Members of the House: I took this matter up with the House Chairman and other members of the committee and it appears that two years ago we raised the working capital from three to three and a half million and there were some twenty-five or thirty numbers added, and this year here for some reason or other there was one hundred and three numbers added that I found out about, after I agreed to go along with the committee to give this Liquor Commission another sum of five hundred thousand dollars for working capital and I couldn't quite see the propriety of that and I think sometimes it is well to keep an open mind and I quite agree with the validity of the gentleman from Augusta, Mr. Lund's, argument. For that reason I am going to go along with him.

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Lund, that this bill and its accompanying papers be indefinitely postponed. All those in favor of this bill and its accompanying papers being indefinitely postponed will say aye; all those opposed will say no.

A viva voce vote being taken, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

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 19, by Mr. Bishop of Presque Isle.

Pending — Passage to be Engrossed. (Assigned for later in Wednesday's session.)

Mr. Binnette of Old Town offered House Amendment "A" and moved its adoption.

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

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

Amend said Bill by striking out all of the last underlined line of paragraph B of subsection 7 of section 2 and inserting in place thereof the following: **'funds to which members make contributions.'**

Further amend said Bill by striking out all that part designated subparagraph (1) of paragraph B of subsection 7 of section 2, which reads as follows:

**"(1) Except that any member who, at the effective date of this Act, is required to contribute to the Members' Contribution Fund at a rate higher than 5% shall be exempted from making contributions to the Retirement Allowance Adjustment Fund but shall be entitled to such benefits that may accrue."**

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

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

Mr. JALBERT: Mr. Speaker, is a motion to adjourn in order now?

The SPEAKER: The House will recess for a moment.

After Recess

Called to order by the Speaker.

On motion of Mr. Levesque of Madawaska, the House voted to take from the table the eighth tabled and unassigned matter:

DIVIDED REPORT — Report "A" — "Ought to pass"—Report "B" — "Ought not to pass" — Committee on Taxation on Bill,

"An Act Providing State Tax on Deed Transfers." (H. P. 980) (L. D. 1318)

Tabled — May 19, by Mr. Levesque of Madawaska.

Pending — Acceptance of Either Report.

On further motion of the same gentleman, Report "B" "Ought not to pass" was accepted and sent up for concurrence.

On motion of Mr. Levesque of Madawaska,

Adjourned until nine - thirty o'clock tomorrow morning.