

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

Friday, May 21, 1965

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

Prayer by the Rev. Mr. Paul E. Keirstead of Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Weight of 3-Axle Trucks" (S. P. 155) (L. D. 395) reporting that the House recede from its action whereby it passed the Bill to be engrossed, adopt Senate Amendment "A" and pass the Bill to be engrossed as amended in concurrence.

(Signed) CAHILL of Somerset
MOORE of Washington
SHIRO of Kennebec

—Committee on part of Senate.

KEYTE of Dexter
BUSSIÈRE of Lewiston
GIFFORD of Manchester

—Committee on part of House.

Came from the Senate read and accepted.

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

The House voted to recede and concur.

**Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Industrial and Recreational Development on Bill "An Act to Create the Maine Tourist Development Commission" (S. P. 426) (L. D. 1361) reporting Leave to Withdraw.

Report of the Committee on Public Utilities reporting same on Bill "An Act relating to Transportation of Commodities for Hire by a Common Carrier" (S. P. 298) (L. D. 912) which was recommitted.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Age of Operators of Motor Vehicles" (S. P. 398) (L. D. 1223)

Report of same Committee reporting same on Bill "An Act relating to Bonds in Attachment on Trustee Process" (S. P. 400) (L. D. 1225)

Report of the Committee on Taxation reporting same on Bill "An Act relating to Class A and Class B Taxes under Inheritance Tax Law" (S. P. 439) (L. D. 1370)

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

**Ought to Pass in New Draft
Tabled and Assigned**

Report of the Committee on Labor on Bill "An Act Revising the Minimum Wage Law" (S. P. 416) (L. D. 1313) which was re-committed, reporting same in a new draft (S. P. 526) (L. D. 1504) under same title and that it "Ought to pass"

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

In the House, the Report was read.

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

Mr. KITTREDGE: Mr. Speaker and Members of the House: I was the signer of the Majority "Ought to pass" Report on this bill and since I have signed it I find that there are many things here perhaps that would require correction. For example, what is going to happen to the jobs for our young people during the summertime? What is going to happen to the meat packing industry? What is going to happen to the freezing plants for fruits and berries? I could go on like this, but what I would request in order that we can have somebody really look at this bill in its full implications, would somebody table it until the next legislative day?

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending acceptance in concurrence of the Committee Report and specially assigned for the next legislative day.

Report of the Committee on Legal Affairs on Bill "An Act Revising the Electricians Licensing Laws" (S. P. 383) (L. D. 1199) reporting same in a new draft (S. P. 540) (L. D. 1583) under same title and that it "Ought to pass"

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

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

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

SENATE AMENDMENT "A" to S. P. 540, L. D. 1538, Bill, "An Act Revising the Electricians Licensing Laws."

Amend said Bill, in section 6, by striking out in the last line the underlined word "not"

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

Report of the Committee on State Government on Bill "An Act Increasing Salaries of Members of Liquor Commission" (S. P. 325) (L. D. 1047) reporting same in a new draft (S. P. 519) (L. D. 1496) under title of "An Act relating to Expenses of Members of Liquor Commission" and that it "Ought to pass"

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

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

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

SENATE AMENDMENT "A" to S. P. 519, L. D. 1496, Bill, "An Act Relating to Expenses of Members of Liquor Commission."

Amend said Bill, in the Title, by inserting after the word "Ex-

penses" the words 'and Increasing Salaries of'

Further amend said Bill by striking out in the 5th line the figure "\$8,500" and inserting in place thereof the following: '\$8,500 \$10,000'

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

Ought to Pass

Report of the Committee on Towns and Counties acting by authority of Joint Order (S. P. 484) reporting a Bill (S. P. 51) (L. D. 1519) under title of "An Act relating to Salaries of County Officers in the Several Counties of the State" and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the Bill read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment Amended in Senate

Report of the Committee on Judiciary on Bill "An Act to Create the Unit Ownership Act" (S. P. 194) (L. D. 766) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 194, L. D. 766, Bill, "An Act to Create the Unit Ownership Act."

Amend said Bill in that part designated "\$570." by striking out in the 2nd line of subsection 2 the underlined words "and records" and inserting in place thereof the

underlined words **'registry of deeds'**

Further amend said Bill in that part designated "**\$571.**" by striking out in the next to the last line of subsection 4 the underlined words **"on the land records of the municipality"** and inserting in place thereof the underlined words **'in the registry of deeds of the county'**

Further amend said Bill by striking out all of that part designated "**\$587.**" and inserting in place thereof the following:
"\$587. Loans"

Savings banks, trust and banking companies and savings and loan associations may make loans under this chapter to individuals or corporations to be secured by a first mortgage of a unit together with its undivided interest in the common areas and facilities, owned under the provisions of this chapter, to the extent that each of them may make loans secured by real estate mortgages, and subject to the applicable conditions and limitations imposed by law.' "

Committee Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 194, L. D. 766, Bill, "An Act to Create the Unit Ownership Act."

Amend said Bill by striking out in the 10th line of "**\$581.**" the underlined words **"on the land records of the municipality"** and inserting in place thereof the underlined words **'in the registry of deeds of the county'**

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to Dedication of Student Payments and Fees at the State Teachers Colleges and State Vocational-Technical Institutes" (S. P. 177) (L. D. 543)

Report was signed by the following members:

Messrs. DUQUETTE of York
BROWN of Hancock
—of the Senate.

Messrs. BISHOP of Presque Isle
BRAGDON of Perham
BIRT of East Millinocket
JALBERT of Lewiston
DUNN of Denmark
—of the House.

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

Report was signed by the following members:

Mr. HARDING of Aroostook
—of the Senate.

Messrs. ANDERSON of Orono
HEALY of Portland
—of the House.

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

In the House: Reports were read.

On motion of Mr. Bragdon of Perham, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to Exemption of the State Teachers Colleges and State Vocational-Technical Institutes from Line Category Budget Control" (S. P. 180) (L. D. 545)

Report was signed by the following members:

Messrs. DUQUETTE of York
BROWN of Hancock
—of the Senate.

Messrs. BISHOP of Presque Isle
BRAGDON of Perham
BIRT of East Millinocket
JALBERT of Lewiston
DUNN of Denmark
—of the House.

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Report was signed by the following members:

Mr. HARDING of Aroostook
—of the Senate.

Messrs. ANDERSON of Orono
HEALY of Portland
—of the House.

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

In the House: Report were read.

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Revising the Laws Relating to Disclosure of Debtors" (S. P. 264) (L. D. 813)

Report was signed by the following members:

Mr. GLASS of Waldo
—of the Senate.

Messrs. BRENNAN of Portland
DAVIS of Calais
DANTON
of Old Orchard Beach
BERMAN of Houlton
GILLAN

of South Portland
BISHOP of Presque Isle
RICHARDSON
of Cumberland
—of the House.

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

Report was signed by the following members:

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

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

In the House: Reports were read.

On motion of Mr. Richardson of Cumberland, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair will request the Sergeant-at-Arms to escort the gentleman from Lewiston, Mr. Jalbert, to the rostrum

for the purpose of acting as Speaker pro tem.

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Testimony in Tort Actions" (S. P. 313) (L. D. 1026)

Report was signed by the following members:

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

Messrs. DAVIS of Calais
BISHOP of Presque Isle
DANTON
of Old Orchard Beach
BRENNAN of Portland
RICHARDSON

of Cumberland
GILLAN
of South Portland
—of the House.

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

Report was signed by the following members:

Mr. STERN of Penobscot
—of the Senate.

Mr. BERMAN of Houlton
—of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.
On motion of Mr. Danton of Old Orchard Beach, the Majority "Ought not to pass" Report was accepted in concurrence.

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

Divided Report

Majority Report of the Committee on Sea and Shore Fisheries reporting "Ought not to pass" on Bill "An Act relating to Catching Lobsters by Skindivers" (S. P. 386) (L. D. 1202)

Report was signed by the following members:

Messrs. MOORE of Washington

GLASS of Waldo
JUTRAS of York
—of the Senate.

Messrs. LOWERY of Brunswick
MILLS of Eastport
BEDARD of Saco
WATTS of Machias
YOUNG of Gouldsboro
PRINCE of Harpswell
—of the House.

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

Report was signed by the following member:

Mr. MITCHELL of Frankfort
—of the House.

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

In the House: Reports were read.
On motion of Mr. Lowery of Brunswick, the two Reports and Bill were indefinitely postponed.

Divided Report Tabled and Assigned

Report "A" of the Committee on Education reporting "Ought to pass" on Bill "An Act Requiring all Municipalities to Join School Administrative Districts by 1970" (S. P. 349) (L. D. 1115)

Report was signed by the following members:

Messrs. SNOW of Cumberland
MENDELL of Cumberland
FALOON of Penobscot
— of the Senate.

Messrs. CARROLL of Limerick
LEVESQUE of Madawaska
— of the House.

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

Report was signed by the following members:

Mr. GRAHAM of Freeport
Mrs. HANSON of Lebanon
Messrs. GIFFORD of Manchester
RICHARDSON

— of Stonington
— of the House.

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

In the House: Reports were read.

(On motion of Mr. Gifford of Manchester, tabled pending ac-

ceptance of either report and specially assigned for the next legislative day.)

Divided Report

Report "A" of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act relating to Definition of Club under Liquor Laws" (S. P. 434) (L. D. 1368)

Report was signed by the following members:

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

Messrs. COTE of Lewiston
HAYNES of Camden
—of the House.

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

Report was signed by the following members:

Messrs. ROY of Winslow
BERNARD of Sanford
LUND of Augusta
FAUCHER of Solon
MEISNER
— of Dover-Foxcroft
—of the House.

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

In the House: Reports were read.
The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Bernard.

Mr. BERNARD: Mr. Speaker and Members of the House: I move we accept Report "B" "Ought not to pass."

The SPEAKER pro tem: The gentleman from Sanford, Mr. Bernard, now moves that we accept the "Ought not to pass" Report "B" of the Committee.

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

Mr. RICHARDSON: Mr. Speaker, I would direct a question to any signer of the "Ought not to pass" Report through the Chair, if I may; that is, as to the basic reason for reporting this bill—or some of the committee members for reporting the bill "ought not to pass."

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

Mr. BERNARD: Mr. Speaker, and Members of the House: There are different problems in all different localities in the State of Maine. In my area that I represent we have fine substantial clubs and there are many small groups of people that would like to start clubs in my area. We have got good clubs operating, they have lived up to their two years when they came up with their charters, and I don't see why we should have a dozen new clubs starting, and I know this is what is going to happen in my area. A lot of people are going to start new clubs if you give them this suspension that they only have to go six months as an organized club in order to get a liquor license.

Thereupon, Report "B" "Ought not to pass" was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

An Act Creating a Second Assistant County Attorney for Penobscot County (S. P. 50) (L. D. 221) which was passed to be enacted in the House on May 17 and passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" on May 13.

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

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

Non-Concurrent Matter

Bill "An Act Appropriating Funds for Construction of a Span on the Westport-Wiscasset Bridge" (H. P. 627) (L. D. 834) on which the House accepted the Majority "Ought not to pass" Report of the Committee on Highways on April 14.

Came from the Senate with the Minority "Ought to pass" Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Harvey of Woolwich, the House

voted to recede and concur with the Senate.

Thereupon, the Bill was given its two several readings.

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

SENATE AMENDMENT "A" to H. P. 627, L. D. 834, Bill, "An Act Appropriating Funds for Construction of a Span on the Westport-Wiscasset Bridge"

Amend said Bill by adding at the end thereof the following: "Such appropriation shall not become available unless federal funds are appropriated which, together with the state's share, will be sufficient to complete the project and such appropriation shall lapse June 30, 1967."

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

Non-Concurrent Matter

An Act Creating a Second Assistant County Attorney for Androscoggin County (H. P. 867) (L. D. 1164) which was passed to be enacted in the House on May 18 and passed to be engrossed on May 7.

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

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

Non-Concurrent Matter

Bill "An Act relating to Licensing of Embalmers, Funeral Directors and Funeral Homes" (H. P. 964) (L. D. 1299) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 30.

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

In the House:

On motion of Mr. Wight of Presque Isle, the House voted to recede from its former action.

On further motion of the same gentleman, the House voted to in-

definitely postpone Senate Amendment "B" in non-concurrence.

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

At this point, Speaker Childs returned to the rostrum.

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

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

(Off Record Remarks)

Non-Concurrent Matter

Bill "An Act Providing for Adequate Fishways in Dams" (H. P. 1108) (L. D. 1514) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Inland Fisheries and Game on May 11.

Came from the Senate with the Majority "Ought to pass" in new draft Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

The **SPEAKER:** 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:** 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 now move indefinite postponement of L. D. 1514 and all accompanying papers and I would speak to the motion.

The **SPEAKER:** The question before the House now is on the motion of the gentleman from Ellsworth, Mr. Anderson, that this

bill and its accompanying papers be indefinitely postponed and he may proceed.

Mr. **ANDERSON:** Mr. Speaker, Ladies and Gentlemen of the House: In regard to adequate fishways in dams, we already have a law on the books which will do exactly what this law would do. The sum total of fishway construction and dam removal projects from 1951 to 1965 by the Department of Inland Fisheries and Game totals two hundred and seven. Now I am not going to take up your time, it probably would take twenty minutes to tell you where all these took place, but anyone that would like this folder can go over to the Inland Fisheries and Game office and they will gladly give them one. But I would like to tell you very briefly the counties where these projects have taken place. Lincoln, Knox, Sagadahoc, Waldo, Oxford, York, Cumberland, Aroostook, Penobscot, Piscataquis, Hancock, Washington, Somerset and Franklin. So you may see the law on the books is now working and is plenty adequate as you can see by projects already completed. So I can see no reason for cluttering up our statutes with another confusing and overlapping law, and Mr. Speaker, when the vote is taken I move it to be taken by division.

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

Mr. **POULIN:** Mr. Speaker, and Ladies and Gentlemen of the House: The bill here would just give teeth, or put teeth into the bill that's already on the books. To cite an example, we have nine dams on the Kennebec River without a fishway in any of them. They have been able to soft-soap the commissioner to do what they want. This is strictly a power bill. We want to put some teeth in it and allow the citizens of the area that's affected to have a hearing, to determine whether they should have a fishway or not. As the law reads right now, it is up to the commissioner to decide whether we need it or not. With this addition to it, it would be not just his decision but the local citizens. I

don't believe it should be indefinitely postponed. They have had their way for years and years. Now let's get something done.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to point out the new draft merely allows the people of Maine a chance to say something about the placing of fishways. The amendment that was placed in the other body says that when two hundred citizens of a municipality where the dam or artificial obstruction either exists or is adjacent to a municipality in which the dam exists a petition shall be held, that the Commissioner of Inland Fish and Game shall hold that hearing. This is merely giving the people of the area a chance to express their opinion on this and I really feel that this is certainly in the best interest of all of Maine. Therefore, I hope that all of you vote against the motion for indefinite postponement.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I personally would be very interested to see this type of legislation passed. We have been trying on one dam situation since 1911 to get a fishway over that dam in our county. I would love to see this passed.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: In going back over the past records of some of the other states as well as our own, I find that in the State of Connecticut at one time there were so many salmon going up the river that it was stated it would be almost impossible for a man to ever count them. They were thick enough for a man to walk across the Connecticut River on their backs. Three years after the introduction of dams, these salmon were gone and some twenty years later when one

was caught nobody in the neighborhood knew what they were. There are dams in the State of Maine that need fishways and need them bad and I think that this is a law that will put teeth enough to it that maybe we can once again have this sport to give to our recreational business. And I don't think it should be neglected. I think it's a good bill and I hope everyone votes for it.

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

Mr. ANDERSON: Mr. Speaker, Members of the House: I think you all must agree that the Fish and Game Department has done a remarkable job since 1951 to 1965 in completing 207 fishways and dam removals. They can't do it all at once, and I think if you give them time they will take care of this without putting this overlapping, as I repeat, and confusing law on our books.

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

Mr. GAUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I heartily concur with the gentleman from Eagle Lake, Mr. Martin. I think this is a good bill and I think it gives a chance for the people to be heard. I would ask for a division on the motion to indefinitely postpone.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was before the House a few weeks ago, I pointed out at that time that although the drafters and supporters of this bill apparently felt that it was going to make it easier to erect fishways, if you read the bill carefully I think you find that isn't the case. Under the present law the Commissioner alone has the power to order a fishway to be built after a hearing has been held and he has made a determination that it is appropriate to build a fishway. If you will look at L. D. 1514, it says: "After hearing, the commissioner," and this is the

change in the law, "with the approval of the advisory council, by written order may require the . . . dam" to be built. This means that if somebody is opposed to the building of a fishway, whereas previously all they had to do was to convince the commissioner that it should not be built, now it would be possible to prevent a dam being built by lobbying the members of the Advisory Council. I think this changes the role of the Fish and Game Advisory Council from an advisory capacity to an executive capacity. I think this is a bad step in our government and I don't think we should adopt this bill and I hope you will vote for indefinite postponement.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I think this step is a step in the right direction where you are now leaving it almost entirely in the hands of one person. I think the responsibility of the Advisory Council by adopting these new measures would be beneficial to our lakes and streams and also probably the fishing industry in the State.

The SPEAKER: The question 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 Providing for Adequate Fishways in Dams," House Paper 1108, L. D. 1514, and all its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

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

SENATE AMENDMENT "A" to H. P. 1108, L. D. 1514, Bill, "An Act Providing for Adequate Fishways in Dams."

Amend said Bill by striking out all of subsection 1 of section 1 and inserting in place thereof the following:

'1. Petition by citizens. Whenever he shall be petitioned by 200 citizens of a municipality or municipalities in which such a dam or artificial obstruction either exists or is adjacent to a municipality in which such dam or artificial obstruction exists;'

Further amend said Bill by inserting at the end of the 2nd paragraph of section 2, before the period, the following: 'and said notice shall be sent by registered mail to the owner or owners of such dam or artificial obstruction, if same shall be known or determined by the records of the municipality in which the dam or obstruction is located'

Senate Amendment "A" was adopted in concurrence.

Thereupon, Mr. Libhart of Brewer offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H.P. 1108, L.D. 1514, Bill, "An Act Providing for Adequate Fishways in Dams."

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

'Sec. 2. R. S., T. 12, §2201, amended. The 3rd paragraph of section 2201 of Title 12 of the Revised Statutes is amended to read as follows:'

Further amend said Bill in section 2 by striking out all of the last paragraph.

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

Mr. POULIN: Mr. Speaker, I move for indefinite postponement of this amendment.

The SPEAKER: The question before the House now is on the motion of the gentleman from Skowhegan, Mr. Poulin, that House

Amendment "A" be indefinitely postponed.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: The only thing this amendment does is to leave the decision in the Commissioner of Inland Fish and Game alone as far as the hearing on the question as to whether a fishway should be built. You will note that the law does give an appeal so that the dam owner has plenty of protection if he doesn't like the decision of the commissioner. I put this amendment on because the department feels that this is unwieldy to have the whole of the committee to sit on each one of these hearings as they come up. It has worked out very well to have the commissioner hold the hearing and make the decision himself. There is no need to proliferate this decision making power among the whole committee.

Mr. Mills of Eastport requested a division.

The SPEAKER: The gentleman from Eastport, Mr. Mills, requests a division. The Chair recognizes the gentleman from Skowhegan, Mr. Poulin.

Mr. POULIN: Mr. Speaker and Ladies and Gentlemen: We are trying to put teeth in the law and this amendment would take the teeth out.

The SPEAKER: The question before the House is on the motion of the gentleman from Skowhegan, Mr. Poulin, that House Amendment "A" be indefinitely postponed. A division has been requested. All those in favor of House Amendment "A" being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon the Bill was assigned for third reading the next legislative day.

Non-Concurrent Matter

Resolve Appropriating Moneys to Repair Runway of Rockland Airport (H. P. 120) (L. D. 144) on which the House accepted the "Ought not to pass" Report of the Committee on Appropriations and Financial Affairs on April 9.

Came from the Senate with the Resolve substituted for the Report and passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "B" in non-concurrence.

In the House:

On motion of Mr. Bishop of Presque Isle, the House voted to recede and concur with the Senate.

The Resolve was then read once.

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

SENATE AMENDMENT "A" to H. P. 120, L. D. 144, Resolve, Appropriating Moneys to Repair Runway of Rockland Airport.

Amend said Resolve in the first line by striking out the figure "\$59,000" and inserting in place thereof the figure '\$20,000'

Senate Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "B" to H. P. 120, L. D. 144, Resolve, Appropriating Moneys to Repair Runway of Rockland Airport.

Amend said Resolve, in the Title, by striking out everything after the word "Appropriating Moneys" and inserting in place thereof the following: 'for Improving Bar Harbor and Rockland Airports.'

Further amend said Resolve by striking out the period at the end of the first paragraph and inserting in place thereof the following: '; and be it further

Funds for Improvements at Bar Harbor Airport. Resolved: That there is appropriated the sum of \$20,000 from the Unappropriated Surplus of the General Fund to the Maine Aeronautics Commission for the fiscal year ending June 30, 1966 and the sum of \$20,000 for the fiscal year ending June 30, 1967 for making necessary improvements to the airport located at Bar Harbor, Maine (Bar Harbor

Airport), with a like amount of federal funds being available.'

Further amend said Resolve by inserting at the end of the Statement of Facts a new paragraph to read as follows:

'The Bar Harbor Airport services the coastal region of Maine and is used mainly by tourists during the summer months. This appropriation is necessary for the improvements which are badly needed on the airport.'

Senate Amendment "B" was adopted in concurrence and the Resolve assigned for second reading the next legislative day.

Failed of Final Passage

Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions (S. P. 44) (L. D. 215) which failed of final passage in the House on May 7 and which on May 14 was ordered placed on file.

Came from the Senate with that body voting to insist on its former action whereby the Resolve was finally passed.

On motion of Mr. Levesque of Madawaska, the House voted to adhere.

Tabled and Assigned

Resolve Proposing an Amendment to the Constitution to Lower the Voting Age to Twenty Years (S. P. 153) (L. D. 394) which failed of final passage in the House on May 19.

Came from the Senate finally passed.

(On motion of Mr. Levesque of Madawaska, tabled pending further consideration and specially assigned for Tuesday, May 25.)

From the Senate: The following Order:

ORDERED, the House concurring that when the Senate and House adjourn they adjourn to meet on Monday, May 24th. (S. P. 562)

Came from the Senate read and passed.

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

Orders

Mrs. White of Guilford presented the following Order and moved its passage:

WHEREAS, the girls at Stevens Training Center presented the "Stars Over Stevens" last evening for the benefit of the students' fund and that such performance was excellent, therefore,

BE IT ORDERED, that the House of Representatives commend the participants, director and staff of Stevens Training Center for their fine effort.

BE IT FURTHER ORDERED, that the Clerk of the House is directed to send an attested copy of this Order to the Superintendent of the Institution, Dr. McCready.

The Order received passage.

Mr. Knight of Westbrook presented the following Order and moved its passage:

Tabled

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the policy, functions and activities of the Division of Alcoholic Rehabilitation of the Bureau of Health of the Department of Health and Welfare for the purposes of determining necessary and possible improvements in its operations; and be it further

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

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

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

Tabled and Assigned

WHEREAS, freight transportation service and costs are important factors in the economic and industrial growth of this state; and

WHEREAS, motor carriers by highway furnish an essential part of such freight transportation; and

WHEREAS, changes in the regulatory system governing such motor carriers require a more detailed study and deliberate consideration on the effect of such changes upon all aspects of the

statutes and the transportation system; and

WHEREAS, such study and deliberation should reflect not only the knowledge and judgment of persons with special skills in the field, but also the points of view of the several interests affected by any proposed change, now therefore, be it

ORDERED, the Senate concurring, that a committee be created consisting of two Senators to be appointed by the President of the Senate, two Representatives to be appointed by the Speaker of the House, a representative of the Public Utilities Commission to be designated by its Chairman, and five members to be appointed by the Governor, one of whom shall be designated a public member, two common carrier members, and two contract carrier members, to study the desirability of legislation providing for new classifications of motor carriers and related matters, and to report its recommendations to the 103rd Legislature; and be it further

ORDERED, that the members of the committee shall serve without compensation, but shall be reimbursed for their expenses incurred in the performance of their duties under this Order; and be it further

ORDERED, that the committee shall have the authority to employ such expert and professional advisors as it shall deem necessary within the limit of the funds provided; and be it further

ORDERED, that there is appropriated to the committee from the Legislative Appropriation the sum of \$2,500 to carry out the purposes of this Order.

(On motion of Mr. Levesque of Madawaska, tabled pending passage and specially assigned for the next legislative day.)

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

Mr. LUND: Mr. Speaker, may I inquire whether the Clerk has in his possession L. D. 1553, House Paper 1134, Bill "An Act to Encourage Conservation of Forest Resources Through Uniformity of Tax Assessment."

The SPEAKER: The gentleman from Augusta, Mr. Lund, inquires if the Clerk has in his possession L. D. 1553, which was passed to be engrossed on May 20; and the answer is in the affirmative.

Mr. LUND: Mr. Speaker and Members of the House: I move that the House reconsider its action of yesterday whereby it passed this bill to be engrossed.

Mrs. Kilroy of Portland then requested a division.

The SPEAKER: The gentleman from Portland requests a division on the reconsideration motion.

The gentleman may proceed.

Mr. LUND: Mr. Speaker and Members of the House: Yesterday I inquired of the sponsor of this bill as to the question of constitutionality and after the session was over I went to the Attorney General's office and spoke with George West. I directed his attention to two portions of the bill and I would like to direct your attention now to the last paragraph of 1553 which provides that once a hearing has been held before this Board of Appeals that the town may not change the assessment for five years. George West indicated that he did have some reservations about the constitutionality of this provision and in response to my request that he give an opinion as to it he said that he would like to have some time to do this. I have discussed this provision of the bill with the sponsor of the bill, Mr. Martin, the gentleman from Eagle Lake, and if the House moves to reconsider I would hope that some person would move to table this until next Tuesday to give us a chance to have the opinion of the Attorney General on this question.

Thereupon, on motion of Mr. Buck of Southport, tabled pending the motion for reconsideration and specially assigned for Tuesday, May 25.

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

Mr. COTTRELL: Mr. Speaker, I rise to inquire if the House has in its possession Senate Paper 411, L. D. 1307, a Bill "An Act relat-

ing to Advisory Board on Examinations of Life Insurance Agents.”

The SPEAKER: The gentleman from Portland, Mr. Cottrell, inquires whether the House has in its possession Senate Paper 411, L. D. 1307, which was indefinitely postponed in the House on May 20; and the answer is in the affirmative.

Mr. COTTRELL: I now move that the House reconsider its action whereby this was indefinitely postponed.

Thereupon, the House voted to reconsider its action of May 20 whereby the Bill was indefinitely postponed.

On further motion of the same gentleman, the House voted to substitute the Bill for the “Ought not to pass” Report.

The Bill was then given its two several readings and assigned for third reading the next legislative day.

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

Mr. LEVESQUE: Mr. Speaker, I would inquire if the House has in its possession Senate Paper 224, L. D. 683, Bill “An Act Increasing Salary of Commissioner of Agriculture.”

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, inquires whether the House has in its possession Senate Paper 224, L. D. 683, and the answer is in the affirmative.

On motion of that gentleman, the House voted to reconsider its action whereby on May 20 it recessed and concurred with the Senate.

On further motion of the same gentleman, the House voted to suspend the rules and to reconsider its action on April 30 whereby Committee Amendment “A” was adopted; and on further motion of the same gentleman Committee Amendment “A” was indefinitely postponed.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment “A” in concurrence and sent up for concurrence.

Tabled

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

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study nursing homes, boarding homes and children’s homes; their operation, regulation and licensing; said committee to report its findings and recommendations to the 103rd Legislature.

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

Mr. Katz of Augusta was granted unanimous consent to briefly address the House.

Mr. KATZ: Mr. Speaker, I notice that the gentlewoman from Orrington, Mrs. Baker, is sporting a very expensive orchid. She won’t say, but it’s obviously her birthday, her anniversary, or she’s got a quiet boy friend on the side. In any event, we extend our congratulations to her. (Laughter and applause)

The SPEAKER: Does the gentlewoman from Orrington, Mrs. Baker, desire permission to address the House?

(No response)

On the disagreeing action of the two branches of the Legislature on Bill “An Act relating to Uniforms for Deputy Sheriffs, (H. P. 260) (L. D. 330) the Speaker appointed the following Conferees on the part of the House:

Messrs. BERNARD of Sanford
HARRIMAN of Hollis
DRIGOTAS of Auburn

On the disagreeing action of the two branches of the Legislature on Bill “An Act relating to Employment of Minors Under 16 Years of Age” (H. P. 342) (L. D. 445) the Speaker appointed the following Conferees on the part of the House:

Messrs. DUMONT of Augusta
LEVESQUE
of Madawaska
KITTREDGE
of South Thomaston

House Reports of Committees Leave to Withdraw

Mr. Bishop from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for a Gymnasium at Pineland Hospital and Training Center" (H. P. 296) (L. D. 399) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Bernard from the Committee on Liquor Control on Bill "An Act relating to Sunday Sales of Liquor by Hotels, Restaurants, Taverns and Retail Stores" (H. P. 243) (L. D. 312) reported Leave to Withdraw, as covered by other legislation.

Mr. Faucher from same Committee reported same on Bill "An Act relating to Sale on Sunday Afternoons of Malt Liquor not to be Consumed on the Premises" (H. P. 151) (L. D. 174)

Mr. Meisner from same Committee reported same on Bill "An Act relating to Definition of Hotel under Liquor Law" (H. P. 242) (L. D. 311)

Same gentleman from same Committee reported same on Bill "An Act relating to Definition of Hotel under Liquor Laws" (H. P. 751) (L. D. 988)

Mr. Roy from same Committee reported same on Bill "An Act relating to Definition of Premise under Liquor Laws" (H. P. 753) (L. D. 990) which was recommended.

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Anderson from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees" (H. P. 30) (L. D. 42)

Mr. Bernard from the Committee on Liquor Control reported same on Bill "An Act Providing for Sunday Sales of Liquor" (H. P. 523) (L. D. 697)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Davis from the Committee on Judiciary on Bill "An Act Authorizing Qualified Licenses after Conviction for Drunken Driving if Essential to Livelihood" (H. P. 820) (L. D. 1111) reported same in a new draft (H. P. 1144) (L. D. 1568) under same title and that it "Ought to pass"

Report was read.

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

Mr. LUND: Mr. Speaker, I move the indefinite postponement of this bill and ask for a division.

The SPEAKER: The question before the House now is on the motion of the gentleman from Augusta, Mr. Lund, that this bill and its accompanying papers be indefinitely postponed. The gentleman has requested a division.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: This bill was very carefully considered by the Judiciary Committee and it was redrafted from a bill which was introduced originally by the gentleman from Portland, Mr. D'Alfonso, a bill which we felt was not perhaps as carefully worded and as carefully drawn as a matter like this should have been. Now the bill actually almost speaks for itself. We all know that there are some extreme hardship cases where persons on first convictions, and that is what this bill is restricted to, on first conviction of driving under the influence loses their license for a period of one year and for a person who perhaps is a salesman or a truck driver or has to use his vehicle in order to reach his place of employment this may result in the loss of his livelihood and a terrific hardship to his family. And his only recourse presently is to go to the Governor and Council and ask for a pardon, and there are a great many of these pardon petitions before the Governor and Council each year because it is the only place where the person has an opportunity for relief.

Now we felt that this law, which is tied up with a great many restrictions, would give an opportunity to people under certain circumstances where relief was justified. Now I might just run through the bill very briefly and say that the power is given to the Secretary of State after a first conviction only and upon payment of a fee of fifty dollars at the time of an application to issue the restricted license. Now such restricted license may be issued, that is it is absolutely permissive on the part of the Secretary of State after an investigation, only in cases of extraordinary hardship and upon a clear showing by the applicant for such restricted license that revocation substantially and seriously impairs his means of earning a livelihood, a restricted license issued hereunder shall permit operation by such person of a specified vehicle within specified hours and provide for operation of the motor vehicle within prescribed geographical limits and on specified days of the week.

And we feel that we have hedged this law around with enough various qualifications so that there will be very few of these that will be issued, but it does allow a little bit of discretion within the limits of the law and it allows a little bit of Christian charity to enter into the law and accordingly I oppose the motion to indefinitely postpone.

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

Mr. BENSON: Mr. Speaker and Ladies and Gentlemen: I notice from the presentation of the gentleman from Calais, Mr. Davis, that he is trying to satisfy or alleviate hardship cases. Now this gentleman that we are speaking about has already paid his fine for driving under the influence and yet we are going to turn around and ask him to buy his license back. There may be some merit to the bill but I don't think that we ought to ask another fifty dollars for his license.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: As a member of the Judiciary Committee and the member who had the somewhat dubious distinction of being asked to draft a new draft, I would like to comment on some of the provisions of this new draft. First of all, the reason in answer to the question of the gentleman from Southwest Harbor, Mr. Benson, the reason for the fifty dollar fee is that the Secretary of State is required under this bill to conduct an investigation into the petitioner's claim that his means of earning a livelihood have been seriously and dangerously hampered, and the cost of this investigation we feel should be borne by the petitioner for reinstatement of his driving privileges who is causing the state this cost. The second reason for the fifty dollar provision is that we are most anxious that you not have people applying for reinstatement as a frivolous matter.

This is an attempt to give the Secretary of State in extraordinary, and I wish to emphasize that word, extraordinary cases, the right to grant a restricted license under such conditions as this for example. A man is a worker employed, let's say, in Lisbon Falls and lives twenty miles away. The license could provide that he could operate a certain specified motor vehicle between his home and Lisbon Falls during certain hours and certain days of the week only. I submit to you that the purpose of the bill is to permit the family of a man who has lost his license from becoming a public charge. The purpose of it is not to overrule a decision of revocation but simply to provide an opportunity in extraordinary cases to let the man use his license to avoid becoming a charge on public welfare rolls, and I certainly urge you to defeat the motion to indefinitely postpone.

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

Mr. LEVESQUE: Mr. Speaker, may I pose a question through the Chair to any member of the Judiciary Committee if they wish to

answer and the question is this: Is there any other way that a person under the same conditions can get a license or a permit other than to the Governor and Council?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, has posed a question to any member of the Judiciary Committee and any member of the Judiciary Committee may answer if he so desires.

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

Mr. DANTON: Mr. Speaker, to my knowledge there is no other way and I doubt that they can get it through the Governor and Council until a year elapses after their drunken driving charge.

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

Mr. LUND: Mr. Speaker, Members of the House: I listened with great care to the arguments presented by the members of the Judiciary Committee and all I can say is that if members of that committee had spent some time trying the state's drunken driving cases and more drunken driving cases are tried by the state than any other kind of case, I can assure you, you would soon learn that every drunken driving case is an extraordinary case. Every man who comes before the court on a drunk driving charge finds his livelihood endangered and I haven't seen any exceptions to that rule. The one thing that makes the drunken driving charge, the one which is the hardest fought is that year suspension. And the moment you start to soften that year suspension you are starting down the path from which you cannot return and I would be very interested to have those people who have in this House been expressing the concern for the safety of youngsters who are wandering about the streets and the people who are concerned about the rest of the people in the state to give some thought as to the effect of this bill.

Every time there is a case in District Court, a drunk driving

case, the attorney, if he represents the respondent, may appeal. He then has the opportunity to present about fifteen hundred different arguments to the county attorney why his one client should have the charge reduced to driving to endanger, reckless driving, overtime parking, anything to avoid that one year suspension. I suggest to you gentlemen the year's suspension is the one part of this offense that is providing the deterrent, and the minute you start to soften that year's suspension you are eliminating the one real threat that the state has to carry out its laws with regard to drunken driving.

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

Mr. LYCETTE: Mr. Speaker and Ladies and Gentlemen of the House: We keep talking about this menace of drunken driving. I want to tell you that it certainly is real and I want you to know also that I have been very lenient in my police work with fellows who are attempting to drive, so I am no crank on the issue. I know from experience that it is a mighty hard thing to convict people of drunken driving. Now, as I remember it, originally it took the license — when the license was lost, I believe that you could apply within two years and get your license back on a hearing after two years. Then they cut it down to one year. Now you want to cut down some more and call some of these cases extraordinary. I concur with my contemporary, Mr. Lund, that—well, I don't remember just what he did say, but I concur with him anyway. Thank you.

The SPEAKER: The Chair would like to recognize at this time in the balcony of the House, thirty pupils of the eighth grade at Rangeley Junior High School, accompanied by their teacher, Mrs. Rupert Huntoon, and chaperones, Mrs. Ardine Collins and Mrs. John Russell. They are the guests of the gentleman from Phillips, Mr. Palmer. On behalf of the House the Chair welcomes this group and we hope that your

visit will be both educational and enjoyable. (Applause)

Mr. Kittredge of South Thomaston requested a division.

The SPEAKER: The gentleman from South Thomaston, Mr. Kittredge, requests a division.

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

Mr. MILLS: Mr. Speaker, Members of the House: My remarks are short. I agree wholeheartedly with Jon Lund.

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

Mr. CONLEY: Mr. Speaker, and Ladies and Gentlemen of the House: I believe every year the state takes in millions of dollars of the revenue from the sale of alcoholic beverages. The fact that a gentleman or a lady has lost his license through drunken driving is a deterrent to prevent them from driving. This in itself is by law enough punishment to prevent them from enjoying themselves with a vehicle. I think when we take a serious look at the problem, I believe that the gentleman from Westbrook just last week spoke very seriously on this problem of alcoholism and I certainly feel very much inclined as the way the gentleman from Cumberland, Mr. Richardson, feels today that because someone may possibly have this illness or someone may possibly have been fined from over excessive drinking that his family should not be punished by depriving the individual from the right to work. So I feel that if these licenses are given out and, as Mr. Richardson has spelled out this morning, they are extraordinary cases, that this law should prevail and I hope the motion to indefinitely postpone does not prevail.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: The evidences of the effect of drunken driving are continually recurring and appearing before us. I have contended for many years that we have got to face up to strengthening our laws with regard to penal-

ties under the drunken driving statutes. I believe that this is definitely weakening those laws and I hope the bill will be properly killed.

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

Mr. POULIN: Mr. Speaker, Ladies and Gentlemen of the House: There is something we are forgetting. A person may be arrested by an officer, he may be doing his duty. He thinks he is doing right. The person may be right but in a low court he has a choice, plead guilty and appeal. If you don't have the money, you can't appeal. There are some people that have been convicted of drunken driving and actually were not guilty, due to the fact that they could not afford a lawyer to go to the higher court and appeal it. Now I believe this indefinite postponement should be killed.

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

Mr. BERNARD: Mr. Speaker, Members of the House: I do not intend to debate this matter, but the only thing that I would like to point out to the members of the House, that the time element involved in the loss of license I do not believe a fact on this bill, because the State of New Hampshire, now they are not having any more cases than we are, and they only lose their license for sixty days. But they make it hard on the insurance end of it when they come back for their license. This is what we should strive for. Harder insurance when they come back for their license. But the time element I don't believe even enters in this phase.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: I am virtually positive that this has been debated too much, but I just want to answer a couple of the points raised by my friend from Augusta, Mr. Lund. Perhaps there is a better word to use than extraordinary, but none oc-

curred to me at the time I attempted to rewrite the bill which came in. The bill which came into our committee, the committee agreed was much too liberal and would perhaps have led to raising some of the objections that are here this morning. However, I would like to call to your attention. We are talking about extraordinary cases. The Secretary of State makes his investigation into this question. One of the questions he might properly ask and I think would is: Is there another means by which this man can get back and forth to his employment? And you must remember that the bill envisions only providing a limited license where the man's means for earning a living is involved. We are not talking about taking a ride or going down to the corner store to get groceries. We are talking about a trip from his home to his place of employment in order to earn a living. And I would ask the members of the House to give this bill an opportunity; if the Secretary of the State is too liberal with respect to issuing these restricted licenses then we can change. But I think that we should attempt to cure what I think is a very serious problem and this is as far as I am concerned a very narrow restrictive piece of legislation to that end.

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. A division has been requested.

All those in favor of this Bill "An Act Authorizing Qualified Licenses after Conviction for Drunken Driving if Essential to Livelihood," House Paper 1144, L. D. 1568, 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-five having voted in the affirmative and seventy-three having voted in the negative, the motion did not prevail.

Thereupon, the New Draft was read twice and assigned for third reading the next legislative day.

Ought to Pass with Committee Amendment

Mr. Anderson from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Appropriation to Adjust State Employees' Pay" (H. P. 184) (L. D. 239) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I was a co-sponsor of this bill because I have always had a keen interest in trying to obtain satisfactory wages for the working man and woman in the State of Maine. For this reason, several years ago I sponsored the first Minimum Wage Law.

I am interested in the pay scale for the employees at all levels, but of course, the reasons are different. My primary concern is for the person making an inadequate living wage. First of all, let us see who is specifically being covered. There are approximately 7,100 state employees; 510 of these will not be changed; 751 will receive a one step increase or approximately 5%; 5,469 will receive a two step increase or about 10%; 425 will receive an additional step or the equivalent of 15%.

Also, let us examine two state employee policies that differ from the normal policies in other business. Theoretically, employees are paid on a forty hour week. However, many state employees work from 42-48 hours. In one instance, a group of employees worked 12 days straight and then received days off. However, although these hours vary, the state does not pay a premium for overtime work. Very often overtime is only accounted for by "compensatory time off."

I was amazed and very disturbed to see a list of 40 persons who are paid more than the Governor in

the Portland Sunday Telegram on February 21st. The newspaper report, showing these top 40 people, certainly is not indicative of a thing because these were just a few professionals and specialists out of the total of 7,100 persons. Unfortunately, this article, which received front page coverage, highlighted this very minor percentage. This left the impression with many persons that state jobs per se are overpaid, underworked, cushy spots, condoned by an irresponsible state government.

Again, I will state that my primary concern is for our less fortunate citizens. This is also the concern of the Executive Secretary of the State Employees Association. He was also disturbed by this disproportionate highlighting of these top echelon jobs. To counter any misconceptions, he presented further data to the press, applicable to the great majority of our state workers. Unfortunately, for reasons unknown to me, this was not highlighted on page one, but buried on the inside of the paper and went by comparatively unnoticed. Still, here are the real justifications for the submission of a pay bill such as this. Let me briefly quote from this second article. "The fellow who takes your dime at a bridge toll house, for instance, with a wife and two children may bring home a weekly pay check of \$54.08 if he is at the top of his class. Or a woman, with three children at home, who works as a domestic in a state institution can expect a total take home pay check of \$45.08 per week."

Let me give you some other examples of individual pay rates. A clerk typist I starts at \$45 a week and a switchboard operator I at \$47.50; an X-ray assistant can only earn between 50 and 60 dollars. As an example of some of the more skilled jobs: an assistant manager in a retail store only starts at \$61; an Electroencephalograph Technician starts at \$70.50 along with a Photocopy Machine Operator II. A bookkeeping machine operator supervisor can only go to \$85.50 per week.

Now I will give you a couple of classifications which disturb me

more than any. A Park receptionist starts at \$41; a food service worker, maid, and seamstress I, starts at \$43 a week. As you can see, these are below the minimum wage which is currently suggested in this legislature of \$1.25 an hour. I feel very strongly that every person should at least make this bare minimum.

Now I would like to express my concern for an entirely different group of people. These are the persons making an adequate living wage now. However, their salaries must be further increased for the benefit of other persons rather than themselves. This may sound contradictory, but in reality—it is not. We may have many necessary programs designed to help our people who are now suffering from some malady or another, but the pay is not high enough to obtain the specialists needed. As an example, at the Augusta State Hospital they need 20 additional psychiatrists. There is also great need for occupational therapists, and social workers. Although they have 40 nurses at the present time they definitely need 40 more. In the Department of Health and Welfare there are 22 vacancies in the professions alone. There are 15 vacancies for case workers, child welfare workers, supervisors and so forth. In the final analysis, there is a real need for pay increases at all levels. The reasons are different, but both are equally valid. Workers must be paid a living wage. On the other hand, specialists must be recruited if we are to render assistance to our less fortunate citizens who require their skills.

The committee amendment only reduces the original amount of the appropriation \$750,000 by having the pay become effective next January. I certainly favor this proposal. I move that we accept the Committee Report.

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

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

COMMITTEE AMENDMENT
"A" to H. P. 184, L. D. 239, Bill
"An Act Relating to Appropriation to Adjust State Employees' Pay."

Amend said Bill by striking out all of section 1 and inserting in place thereof the following:

'Sec. 1. Appropriation. There is appropriated from the General Fund the sum of \$750,000 for the fiscal year ending June 30, 1966, and the sum of \$1,500,000 for the fiscal year ending June 30, 1967, to be effectuated as of the first pay period in January, 1966. The above appropriated funds are for both classified and unclassified positions in the General Fund. Any balance at June 30, 1966 shall not lapse but shall carry forward into the 1966-67 fiscal year to be used for the same purpose.

The breakdown shall be as follows:

Department	1965-66	1966-67
Employees Salary Plan		
Personal		
Services	\$750,000	\$1,500,000'

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Appeals by State on Questions of Law in Criminal Cases" (H. P. 702) (L. D. 940)

Report was signed by the following members:

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

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

Minority Report of same Committee on same Bill reporting in a new draft (H. P. 1145) (L. D. 1569) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. GLASS of Waldo
— of the Senate.

Mr. RICHARDSON

of Cumberland
— of the House

Reports were read.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: This bill would provide a very strictly limited right to appeal in the state, under such rules and regulations as to procedure as set forth by the Supreme Judicial Court. There is really no reason as far as I am able to determine why this bill should not become the law of the state, particularly in view of the fact that the procedure is going to be governed as I have said by our Supreme Court. One of the objections to this bill, which you undoubtedly will be given an opportunity to hear, is that it is going to harass the defendant. Provision will be made if this bill is passed under the rules for the payment of counsel fees. Our understanding is that the Supreme Court will rule that the appeal will have no effect as to the defendant who was acquitted. It will promote the orderly procedure of our court system. It is a system which is enforced in some other, not the majority, some of the states. A provision somewhat similar to this was approved by the Supreme Court of the United States with respect to the State of Connecticut and that decision is of some years age.

I submit to you that this is legislation which deserves your approval and I move that you accept the Minority "Ought to pass" Report.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Richardson, that we accept the Minority "Ought to pass" Report.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill, if it were passed, would put a defendant at the mercy of an overly zealous prosecutor. The prosecutor could always

threaten to appeal or use the threat of an appeal as a lever to get convictions. And probably more important, they could use this threat of appeal when they had a weak case in order to secure convictions. This bill would put the defendant at the mercy of the awesome machinery and unlimited, for all practical purposes, finances of the state.

At present the courts of this state can look to the United States Supreme Court's decisions for guide lines as well as our own law court. Under this bill, the Maine Supreme Judicial Court could determine the limitations. I have the greatest confidence in the Maine Supreme Judicial Court; however, I don't think that this Legislature should delegate such sweeping powers. An example under this bill would be, if someone went to court charged with speeding and the lower court judge ruled as a matter of law that he was not guilty, the state could appeal this decision and then maybe some eight months later after the state has gone to the Maine Supreme Judicial Court, the state could come back and re-arrest this person and try him again, this for a speeding charge. The defendant himself couldn't too well go to the law court in the sense that it probably costs a minimum of five hundred dollars to take a case to law court whereas the state has regular full time employees that could do this.

On that basis I move that we accept the Majority "Ought not to pass" Report.

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

Mr. GILLAN: Mr. Speaker, Ladies and Gentlemen of the House: Despite the Perry Mason television show, the number of convictions in criminal cases far outweigh the acquittals. The defendant in a criminal case suffers from the mere imputation of the crime. Many times he is without funds, represented by one attorney only who may or may not be a specialist in criminal law. Whereas the state has the entire poll of the state at its disposal, the federal govern-

ment, excellent laboratories of the FBI, the assistance of county attorneys who become specialized in criminal matters. I think that this in an unfair bill and I agree with the gentleman from Portland, Mr. Brennan. Thank you.

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

Mr. DANTON: Mr. Speaker and Members of the House: I would like to explain why I signed the majority report of "ought not to pass." It seems to me that the argument that the state would have the right to appeal the same as an individual has the right to appeal, is not a valid one in that — let's assume that a man has been brought into court at Superior Court level on a felony charge, whether it be larceny or something else and the state appeals to the Supreme Court on a point of law. And the proponents of this bill will argue that this will not affect the individual as far as his being summoned back into court is concerned. I am concerned that if the state had the right of appeal to the Supreme Court and the Supreme Court did find—there has been in fact, never in law, that the stigma would remain with this individual; and I think that the individual should have the right to go into court, face his accusers and once he is acquitted, he should go out free without having any stigma on him at all.

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

Mr. HAMMOND: Mr. Speaker, I would ask a question of any member of the Judiciary Committee. Does this law, if passed, place a man in jeopardy the second time?

The SPEAKER: The gentleman from Paris, Mr. Hammond, poses a question to any member of the Judiciary Committee, who may answer if he so desires.

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

Mr. RICHARDSON: Mr. Speaker, there may be some disagreement between myself and the gentleman from Old Orchard Beach, Mr. Danton, on that, but I would answer

the gentleman's question by saying that it does not. There is a good deal of interest in this bill among the members of the bench and it is our understanding, and I think we have every right to have this understanding, that the Supreme Court would formulate rules, one of which would provide that this would not place the man in jeopardy. The reason for this bill is to provide an orderly process of law so that enforcement officers, judges and we as members of the general public can know what our rights are and what is or is not proper under the law.

The suggestion that there is going to be harassment I think is unfounded. The Supreme Court certainly has the power to make rules with respect to appeals in criminal cases. I would remind my friend from Portland, Mr. Brennan, that the Supreme Court is in the process now, or has already adopted broad, sweeping rules relating to criminal procedure and there isn't the slightest question but that they have authority to do so and that they always have had.

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

Mr. DANTON: Mr. Speaker, in answer to the gentleman who inquired as to whether or not there will be double jeopardy, I will submit that there will be a double jeopardy as far as the reputation of this individual is concerned who has won his acquittal in a court of law.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to speak so many times in one day, but sometimes we can't control the way the calendar turns out. I would like to join in support of the gentleman from Cumberland, Mr. Richardson, and point out to you that there has been a very marked change in our criminal law within the last half dozen years. We are suddenly discovering new rules relating to the admissibility of evidence and admissibility of confessions, articles that have been seized and so on, and

there is a problem at the present time because judges do make mistakes. And if that mistake is made in favor of the defendant, the state has no opportunity to appeal in order—it is not simply a question of deciding this particular case properly, but the state has no way of bringing a case before our law court in order to arrive at decisions by which to guide the future conduct of our law enforcement officers.

Thus, if an illegal search is made or a search which is allegedly illegal and evidence is excluded at the trial, unless for some other reason the defendant appeals, the state can never get a determination whether or not the evidence should have been admitted. And I think that this bill is something which our court is very much interested in having, the sponsors of the bill have communicated with the court. As a matter of fact, the Committee redraft which is before you is the result of the writing of Professor Glassman who is working with our Supreme Court in the revision of our criminal procedural rules.

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

Mr. BISHOP: Mr. Speaker, Members of the House: I hate to prolong the debate. I would like to make three brief points. In the first place, this law suggests a radical departure from our criminal procedure. Traditionally there has been no appeal on the part of the state and this has been because of the tremendous power of the state. The state would in effect be appealing to itself. It isn't the same as a controversy between two private individuals. Secondly, it may seem to you that the law is hedged about with too many restrictions for the protection of the criminal. Remember that these are not for the protection of criminals as a class, they are for the protection of you in case you should be accused of a crime. This is for your protection.

The last thing is, that whether it would be in the end declared double jeopardy by a court of last resort, I don't know, but remem-

ber that the outcome of a criminal case can be very determinative of human relationships, whether the person would continue to have a job, whether his wife might desert him, what his children would think of him, his neighbors, everything else, and I feel that there is plenty of law being made by appeals by people who have been convicted and I think that once a man has been acquitted in our courts, he should go free.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I am in complete sympathy with the views so well expressed just now by the gentleman from Presque Isle, Mr. Bishop. He has summed up the problem very succinctly and very neatly and therefore I would like to move indefinite postponement of this bill and request a division when the vote is taken.

The SPEAKER: The question before the House now, is the motion of the gentleman from Houlton, Mr. Berman, that this bill and its accompanying papers be indefinitely postponed and he has requested a division.

All those in favor of this Bill "An Act relating to Appeals by State on Questions of Law in Criminal Cases," House Paper 702, L. D. 940, 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.

One hundred two having voted in the affirmative and twelve having voted in the negative, the motion prevailed.

Sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act to Revise the Workmen's Compensation Law" (H. P. 894) (L. D. 1253) reporting same in a new draft (H. P. 1146) (L. D. 1570) under same title and that "Ought to pass"

Report was signed by the following members:

Messrs. O'LEARY of Oxford

Mrs. SMITH of Cumberland
CHISHOLM
of Cumberland
—of the Senate.

Messrs. KITTREDGE
of South Thomaston
BEDARD of Saco

Mrs. BAKER of Winthrop

Messrs. DUMONT of Augusta
LEVESQUE

of Madawaska
GAUVIN of Auburn
—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. Levesque of Madawaska, tabled pending acceptance of either Report and specially assigned for Monday, May 24.)

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Revising Certain Laws under the Workmen's Compensation Law" (H. P. 895) (L. D. 1214) reporting same in a new draft (H. P. 1147) (L. D. 1571) 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.

Mr. BEDARD of Saco

Mrs. BAKER of Winthrop

Messrs. LEVESQUE
of Madawaska
DUMONT of Augusta

KITTREDGE
of South Thomaston
GAUVIN of Auburn
—of the House.

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

Report was signed by the following member:

Mr. BENSON of Southwest Harbor
—of the House.

Reports were read.

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

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

The SPEAKER: The question before the House now is on the motion of the gentleman from Madawaska, Mr. Levesque, to accept the Majority "Ought to pass" in new draft Report.

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

Mr. BENSON: Mr. Speaker. I ask that this be tabled until Tuesday next.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, now moves that this matter lie upon the table assigned for Tuesday, May 25.

Mr. Levesque of Madawaska then requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests a division. All those in favor of this matter lying upon the table assigned for next Tuesday pending the acceptance of the Majority "Ought 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.

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

Thereupon, the Majority "Ought to pass" in new draft Report was accepted, the New Draft read twice and assigned the next legislative day.

The SPEAKER: The Chair at this time would like to recognize in the rear of the House five cub scouts, Pack 26, Den 3, at Bucksport, and they are accompanied by their Den Mother, Rosalie Doughty. They are the guests of the gentleman from Bucksport, Mr. Cushing. On behalf of the House the Chair welcomes these five cub scouts and their den mother and we hope that your visit will be both educational and enjoyable. (Applause)

Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act relating to Definition of Premises under Liquor Law" (H. P. 241) (L. D. 310) which was re-committed, reporting same in a new draft (H. P. 1149) (L. D. 1574) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. JACQUES

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

Messrs. ROY of Winslow
COTE of Lewiston
BERNARD of Sanford
HAYNES of Camden
LUND of Augusta
FAUCHER of Solon
— 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. On motion of Mr. Cote of Lewiston, the Majority "Ought to pass" in new draft Report was accepted, the New Draft read twice and assigned the next legislative day.

Divided Report

Report "A" of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act relating to Local Option Questions on Sale of Liquor" (H. P. 774) (L. D. 1017) which was recommitted.

Report was signed by the following members:

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

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

Report "B" of same Committee on same Bill reporting same in a new draft (H. P. 1148) (L. D. 1572)

under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. JACQUES
— of Androscoggin
— of the Senate.

Messrs. ROY of Winslow
FAUCHER of Solon
BERNARD of Sanford
COTE of Lewiston
— of the House.

Reports were read.

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

Mr. BERRY: Mr. Speaker and Members of the House: L. D. 1017 is a bill which I submitted in an attempt to simplify the ballot procedure. It was my belief that inasmuch as we have been voting in the state for thirty years on liquor questions, that the various local situations as far as liquor is concerned had been more or less crystalized and that further repeats every two years of voting on the various and numerous liquor questions were a waste of the voter's time. There was a safeguard in my L. D. which would put any issue before the people at the next election on petition, so that there was protection. However, I must say that I was reasonably disturbed in the form in which the Sunday liquor bill was reported out. I feel that the inclusion of the beer package sales casts this L. D. 1017 in a different light in my opinion.

I feel that the people of the State of Maine in their various communities now should have the right and have put before them as provided by the present law, at the next election, the matter of selling particularly beer, until this matter has been again crystalized in each community. I think the need for the legislation as basically proposed is still with us. The issue has, however, been clouded by this other aspect and I would think that perhaps two years from now or four years from now again we could try this. Accordingly, reluctantly, Mr. Speaker, I move for the indefinite

postponement of L. D. 1017 and all its accompanying papers.

Thereupon the Reports and Bill were indefinitely postponed and sent up for concurrence.

Divided Report Tabled and Assigned

Report "A" of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act Directing Review of the Liquor Laws" (H. P. 988) (L. D. 1342)

Report was signed by the following members:

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

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

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

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.

Reports were read.

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

Mr. BERNARD: Mr. Speaker, I move that we accept Report "B" of the committee, "Ought not to pass."

The SPEAKER: The question before the House now is on the motion of the gentleman from Sanford, Mr. Bernard, that we accept the Report "B" "Ought not to pass".

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

Mr. COTE: Mr. Speaker, Members of the House: I rise in support of the adoption of Report "B" and if Report "B" is adopted "ought not to pass" it is the intention of myself to put in an order asking the President of the other body and the Speaker of this

House to name a committee in order to review the liquor laws.

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

Mr. LUND: Mr. Speaker, Members of the House: We have already heard quite a bit about liquor today and I have spoken more than I should. I hope that somebody will move to table this matter until the next legislative day.

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

Mr. BIRT: Mr. Speaker, I move that this be tabled until the next legislative day.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, now moves that this matter lie upon the table assigned for the next legislative day.

Mr. Levesque of Madawaska requested a division.

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

A division of the House was had.

Fifty-five having voted in the affirmative and forty-nine having voted in the negative, the motion prevailed.

Passed to Be Engrossed

Bill "An Act relating to the Change of Name of Association of Historical Societies and Museums" (S. P. 497) (L. D. 1465)

Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1966 and June 30, 1967" (S. P. 551) (L. D. 1550)

Bill "An Act Appropriating Funds to the Division of Vocational Rehabilitation, Department of Education" (H. P. 786) (L. D. 1039)

Bill "An Act relating to Restricting Certain Trustee Process until after Judgment" (H. P. 818) (L. D. 1109)

Bill "An Act Conferring Upon Others the Powers Now Vested in the Executive Council" (H. P. 1136) (L. D. 1555)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Relocation Assistance in State Highway Projects" (H. P. 1139) (L. D. 1559)

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

The SPEAKER: The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker, I understand the gentleman from Portland, Mr. D'Alfonso, is very interested in this, and since he is absent if someone will table this until the next legislative day.

Thereupon, on motion of Mr. Brennan of Portland, tabled pending passage to be engrossed and specially assigned for the next legislative day.

Bill "An Act relating to Arbitration Agreements" (H. P. 1140) (L. D. 1560)

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

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

Mr. BERMAN: Mr. Speaker, Members of the House: This bill 1560 is really quite a sleeper, because it would take away from you your present right to have full justice under the law. So I hope that you may give it the same type of vote that you did on a similar matter that would take away your right in the criminal cases. You see if you look at this bill and study it out, you will note that it is specifically tailored to take your case away from a jury and I for one do not think that many people really want their hands tied this way, because this bill would really tie your hands behind your back. Whenever any superior organization in reality subtly forces you to accept written arbitration of an already existing controversy or sells you a policy of uninsured motorist

damage written in fine print, which clause forces you to submit to initial arbitration, I really think that it is probably time to look out for the interests of the public, because the powerful always seem to look out for their own.

Now this cute little bill, if you will forgive the expression, if you allow it to pass, it would make arbitration irrevocable. In Maine we are fortunate at the present time, that our law is extremely sound and extremely fair. It protects the weak who submit to arbitration, because our sound law says that all right, you can have arbitration, but if you get a raw deal in arbitration, but not quite raw enough for law or equity to revoke the arbitration agreement, you can still appeal and you will be heard on the merits. In other words, our present law on this subject is very humane because it protects the average man against any powerful adversary. It protects the little man against the potential bully.

Now when this original bill came in, we went over it and over it and over it, and a lot of us didn't like the implications one bit. We thought the bill was really too radical. So you can imagine the surprise of some of us county attorneys when our friend, the energetic gentleman from Cumberland, somewhat got out a report on a different version of the same thing.

Now I say very frankly that his bill would destroy forever your right to go before a jury and tell them your story on the merits and get justice according to law if the arbitrator should give you a raw deal. Now perhaps you want this basic and fundamental right taken away from you. If you do, you will vote with the gentleman from Cumberland, Mr. Richardson, and his bill. I don't know how this bill got as far as it did because I've been at practically every session, but the Committee has really been plugged up with some very grinding work these last few weeks and many nights we've left the committee room very late, bone weary and very

tired. Now thank goodness our Supreme Judicial Court, speaking through Chief Justice Wiswell, in the case of Fisher against the insurance company said in plain language, while the parties may impose as a condition precedent that they shall first have the amount settled by arbitration, they cannot entirely close access to the courts.

Now this bill would, in effect, entirely close access to the courts and that's why I don't care for it. The Chief Justice went on to say that this doctrine is so universally recognized that it was unnecessary for him to refer it to other than the basic main case of Stevenson versus the insurance company as authority for his support.

Now I'm in favor of all good laws, but I am strenuously opposed to restrictive laws such as this. Members of the House, this bill would allow you to appeal to the judge only on the type and formidable grounds as exist at law and equity for the revocation of contract. Now I say that that's what's wrong with this bill. It's wrong because it deprives the weak of recourse to the law when he has been hurt and hurt badly by arbitration. I therefore ask indefinite postponement of this travesty and when the vote is taken I request a division.

The SPEAKER: The question before the House now is on the motion of the gentleman from Houlton, Mr. Berman, that this bill and its accompanying papers be indefinitely postponed and he has requested a division. The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: A number of the comments made by my friend from Houlton, Mr. Berman, I will not dignify with any response. However, I would like to comment on some of the statements that were made that I think are clearly in error. This is not a cute little bill. It does not make arbitration irrevocable. You know that in this House we have had several bills with

respect to arbitration and there hasn't been any great quarrel about them.

What this bill does is to permit parties to, for example, a complicated construction contract, to agree that in the case of a disagreement they may submit their controversy to arbitration. The standard A.I.A. construction contract has such agreements in it and the vast majority of our construction contracts all over the state provide for arbitration. This business about depriving somebody of their rights is a bugaboo. If a person wants to submit a dispute to a long expensive and time consuming court proceeding involving the payment of attorneys fees he may do so by not signing the contract. If you will talk with your friends in the construction business or in any other area where complicated contracts provisions are involved, you will find that very, very frequently they have arbitration agreements.

The reason why this bill was introduced by me is because we have an archaic case in the decisions of this state, the date of which my friend from Houlton, Mr. Berman, neglected to give you, which says that these agreements with respect to liability are contrary to public policy.

Virtually every other state in the union has abandoned that archaic rule of law and I might remind the gentleman from Houlton, Mr. Berman, that in the course of our discussions concerning this bill, at which he was present, it was indicated that there really wasn't any question and this is the general agreement among the members of Judiciary as to what the Law Court would do if it were asked to pass on this question again.

Arbitration agreements are sought by labor; this bill doesn't attempt to make any inroads in the field of labor. It leaves the present law with respect to labor, the arbitration award statute on the books the way it is.

If we're going to move forward I think we should validate these agreements which are made by intelligent, responsible people.

When an agreement is secured by fraud, duress, mutual mistake, it can be set aside just like any other contract. I would urge you to defeat the motion to indefinitely postpone this bill. As I say, I am not going to bother to answer all of the comments, but I think that the bill has been much maligned and unfairly so.

The SPEAKER: Is the House ready for the question? The question before the House on the motion of the gentleman from Houlton, Mr. Berman, is that this Bill "An Act relating to Arbitration Agreements," H. P. 1140, L. D. 1560 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-nine having voted in the affirmative and fifty-three having voted in the negative, the motion did not prevail.

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

Third Reader Tabled and Assigned

Bill "An Act Establishing the Maine Insurance Advisory Board and Reserve Fund for Uninsured Losses" (H. P. 1142) (L. D. 1562)

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

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

Bill "An Act relating to Trespass on Public Beaches and Shores" (H. P. 1143) (L. D. 1563)

Resolve Authorizing Change of Shoreline of Certain Lots at Long Lake in Sinclair (H. P. 1138) (L. D. 1558)

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

**Amended Bills
Amended Third Reader
Amended**

Bill "An Act relating to Certain Expenses of Supreme Judicial Court Paid by State to Cumberland County" (H. P. 584) (L. D. 776)

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

Mr. Bishop of Presque Isle offered House Amendment "A" and moved its adoption.

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

HOUSE 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 3 by adding at the end thereof the following: "The breakdown shall be as follows:

Department	1965-66	1966-67
SUPREME JUDICIAL AND SUPERIOR COURTS		
Personal Services	\$1,125	\$1,500
All Other	1,800	2,400
	\$2,925	\$3,900'

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

**Passed to Be Enacted
Emergency Measure**

An Act Amending the Pittsfield School District and Incorporating the Town of Athens School District (S. P. 506) (L. D. 1474)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 108 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Increasing Compensation of Members of Employment

Security Commission (S. P. 166) (L. D. 496)

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

An Act Amending the Banking Laws (S. P. 379) (L. D. 1216)

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

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

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

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all its papers be indefinitely postponed and I would like to state my reasons for the motion.

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

Mr. LITTLEFIELD: Mr. Speaker, on our table unassigned is a Joint Order relative to Legislative Research Committee directed to review the Ernst and Ernst report on D E D. They are to report their evaluation to the 103rd Legislature. I have no objection to that order. We appropriated \$20,000 for a survey for a state department to be done in one month and it surely needs to be studied.

Now before us we have this bill L. D. 1541 for the advisory council to develop a master plan and they are to report to the 103rd Legislature. That is according to section 7 they are to report to the 103rd Legislature. Section 7 is on the back of the bill. Also on the back of the bill is section 8 which reads, there is appropriated from the unappropriated surplus of the general fund to the Department of Economic Development Advisory Council the sum of \$30,000

for the year ending June 30, 1966 and the sum of \$30,000 for the year ending June 1967. This appropriation shall not lapse but shall remain a continuing time account until June 30, 1967. It seems to me that we are getting the cart before the horse and it is costing us an unreasonable sum of money for studies, surveys and evaluation. \$20,000 for the study by Ernst and Ernst, \$30,000 for this bill for 1966 and \$30,000 for 1967. These appropriations amount to \$80,000 and we don't know how much the Legislative Research Committee is going to need to evaluate the Ernst and Ernst report. If the public fully realized the amount of money appropriated at these legislative sessions for surveys, studies, restudies and evaluations, we would have a tax rebellion in this state.

This L. D. 1541 is the worst one in this category of money spending and I hope you will think of the fellow back home whose money we are handling and support my motion to indefinitely postpone this bill.

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

Mr. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: I think that one of the provisions in the Ernst and Ernst report was that there should be a master plan for the state.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: I think we're talking about two different phases of this problem. In the first place the economic development of the state is certainly one of the most important things that we have considered here in Augusta, and the report by Ernst and Ernst strongly urged the development of the master plan which by the way has been recommended by every agency that has considered this matter for the past several years. The master plan that is proposed to be made here is the same one that has been under consideration for some time.

Now the proposal to be studied by the Legislative Research Committee would the implementation of the other recommendations in the Ernst and Ernst report which are I believe very necessary and will be very beneficial but are rather radical changes from the operation of the department in the past, the thought being to bring it closer to the people, to have it more regional in its operation, so there will be offices and representatives in the various regions of the state which will be closer to their individual needs and problems.

As far as the money is concerned, the Ernst and Ernst report recommends expenditure of \$150,000 over the biennium for the preparation of the report, \$75,000 a year. On further study it appeared that with the expenditure of \$30,000 each year there would be federal funds in the amount of two to one making an additional \$90,000 in the biennium for the completion of the report, which would appear to be sound economics.

We've had the report; we know that there's always going to be some controversy as to its necessity, as to its findings and so on, but I urge you to go along with both of these recommendations, both the preparation of the master plan and the study, and let's try to get it off the ground and take every advantage of the report that we can. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: I voted against this bill in committee and I believe that any necessary study could be made by the Research Committee and I support the motion of the gentleman to indefinitely postpone.

Mr. Bishop of Presque Isle requested a division.

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

Mr. LITTLEFIELD: Mr. Speaker, I am not going to further discuss the problem. The order on the table unassigned is for us to re-

value the Ernst and Ernst report and I would prefer to wait until this report is made until I do anything about this bill and I request a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Hampden, Mr. Littlefield, that this Bill "An Act Authorizing Department of Economic Development Advisory Council to Develop a Master Economic Plan for the State," S. P. 543, L. D. 1541, and its accompanying papers be indefinitely postponed. The gentleman from Presque Isle, Mr. Bishop, 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.

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

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

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

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

An Act Determining Weight Limits of Trucks (H. P. 128) (L. D. 152)

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

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

Mr. PIKE: Mr. Speaker, Ladies and Gentlemen of the House: This has been a long campaign and I've lost every battle. But here is another one of those cuties. Legislative Document 152. It's short so we won't have to dispense with further reading, I'll read it to

you: "In determining excess of limits, limits shall include maximum weights allowed under section 1652, plus the allowance of fifteen percent for the months of December, January or February, if properly licensed, plus the ten percent tolerance provided for in 1655." That's the end of the bill, there's quite a lot in it. I suppose these tolerances were allowed in the first place for honest mistakes and I remember the great stories about snow storms and sleet storms and ice loading and moisture and you couldn't tell how much a load of wood weighed until you got to some scales. Then some of the scales were inaccurate maybe as much as one percent, but when you get to add all these things up, it seems to me that you get almost to the ridiculous point. Now I'll read you again the part of the declaration of policy of the State of Maine which has neither been amended nor repealed since it was passed. "That the use of the highways for the transportation of property for hire may be restricted to the extent required by the necessity of the general public and that the various transportation agencies of the state may be adjusted and correlated so that public highways may serve the best interest of the general public." I've worn myself hoarse and most of you haven't listened to me very hard, but I just think we're getting an accumulation of these so-called tolerances to the point where we're going to wear our roads out a great deal faster than we can build them. I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The question before the House now is on the motion of the gentleman from Lubec Mr. Pike, that this bill and all its accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoïn.

Mr. BOURGOIN: Mr. Speaker, Members of the House: This is not increasing any weight limits whatever. It is just correcting some ambiguous interpretations of the present law which are on the

books. Some of the District Judges have allowed the tolerance before figuring the fine and some others have not. Two of those cases went to Superior Court and the Court decided that the tolerance and the booster when paid for during the months of December, January and February would be allowed before figuring the fine. It is just explaining the law as it is supposed to be written and interpreted. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Lubec, Mr. Pike that this Bill "An Act Determining Weight Limits of Trucks," H. P. 128, L. D. 152, and all its accompanying papers be indefinitely postponed. Mr. Bourgoin from Fort Kent has requested a division.

All those in favor of this bill and all its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

An Act Providing for Questionnaires to be Propounded to Prospective Jurors (H. P. 142) (L. D. 165)

An Act relating to Retirement Benefits for Fish and Game Wardens and Coastal Wardens under State Retirement System (H. P. 369) (L. D. 471)

An Act Authorizing Conversion of Augusta Mutual Insurance Company to a Stock Company (H. P. 394) (L. D. 506)

An Act Providing for an Addition al Trial Term for York County (H. P. 560) (L. D. 730)

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

An Act Increasing State Tax in Unorganized Territory (H. P. 605) (L. D. 797)

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

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

Mr. ERWIN: Mr. Speaker and Members of the House: As long as it seemed that it was necessary to find revenue, I remained reluctantly quiet with respect to this increasing the state tax in the unorganized territory. Now it seems that we have instead of a shortage of money, an embarrassment of riches, so much money that we don't quite know how to spend it. It suddenly appears that perhaps this is an unnecessary tax and no perhaps about it, it is an unfair and a discriminatory tax which doesn't reflect very well upon the motives of us here in the House at this present juncture.

I have seen, provided by a thoughtful lobby I might say, many editorials against the state wildlands tax, but the one which impresses me the most is one from my own county, the Biddeford-Saco Journal, which has surprised me with an editorial coming out flatly opposing this wildlands tax. Now it isn't important that the editorial writers of the newspapers throughout the State of Maine are opposed to the tax, it isn't as important as it is significant that there are some well written and well spoken people beginning to explain what we are doing.

Let me quote two brief paragraphs from the editorial in the evening edition of Wednesday, May 19, two days ago, in the Biddeford-Saco Journal. "Looking at the situation from a purely pragmatic point of view, it seems unwise to burden the woodlands owners with further roadblocks to progress. While we ask them to expand the facilities in this state with one breath, we threaten them in the next with a not inconsiderable tax increase that provides management with food for thought of escalating Maine business." And again: "The legislature should take a long

hard look at taxation of wildlands because among other reasons, the power to tax is the power to destroy. An undercurrent of thinking currently prevalent is that to soak the paper companies is an easy and simple method of raising money. This approach is untenable. There is a tax limit above which any industry hurts sorely."

Let me point out to you, Mr. Speaker and Members of the House, there are no wildlands in the County of York, and the Biddeford-Saco newspaper is an intelligent and thoughtful newspaper which is mainly concerned with the problems of the city and the problems of industrial York County. It is significant to me that they can also see the ingratitude and the un wisdom of this particular tax.

Now I am not going to make a long speech, but I want to point out to you that I think that this does not do us or put us in a proper light, when one of the great paper companies in the State of Maine is spending over \$100,000,000 in the Town of Jay, showing its faith in the future of the industry and its own future in the State of Maine, while currently we sit in here and slap them with another tax. If the tax were vitally necessary to everyone's political prestige, and everyone's political image, that might be something else to think about. I don't think it is. I move the indefinite postponement of this bill and all its accompanying papers.

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

The Chair recognizes the gentleman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Members of the House: I too oppose this increase, and I would like to read you a part of an editorial from yesterday's Daily Kennebec Journal. "An industry that is spending nearly \$300,000,000 in a five year period on expansion in Maine has a right to feel dismayed over this extra burden placed on its source of raw material. The supplemental budget money has to be found, but it

would seem that the approximate \$350,000 that the wildlands tax will produce, could be better found elsewhere by a legislature dedicated otherwise to encouraging industrial expansion."

And I would also like to read part, and this was quite a long editorial in the Rumford Falls Times as of May 20th, which would have been yesterday. "This would, if enacted, bring about a 100% increase in the tax on the wildlands of the state, most of which are owned by large landowners and corporations, timber companies and pulp and paper companies, and this increase would have taken place in just five years." I won't bore you with a lot of this, but I do want to bring out another part that says: "The industry is not so lightly taxed as might be believed at first glance. Actually, there are three taxes to which all timberlands in unorganized townships are subject, the state wildlands tax, which goes into the general fund, the forestry district taxes for fire protection, camp sites, insect and disease control, and the county tax for operating county government and for certain services provided by the county. In addition, there are in some unorganized townships as many as four additional taxes on wildland; a school tax for education of children within the township, a school capital tax for construction, buses and similar expenses, a road tax for support of the county highway program and additional fire protection tax to offer protection against structural fires in certain townships. Total taxes on certain Maine wildlands amount to as much as \$89.78 per one thousand of valuation."

The territory that I represent, quite a bit of it is unorganized, and even before I came down here, when people heard that we were to have this tax, my phone rang with the little landowner, which a lot of us forget about, there are a lot of people who own camps and hunting lodges and whatnot in some of this unorganized territory, and they are the ones too that this tax is going to hurt and hurt badly. Thank you.

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

Mr. SAHAGIAN: Mr. Speaker and Members of the House: I too rise in opposition to L. D. 797 because since the Maine wood using industries now employ twenty-five to thirty percent of the state's workers, and these workers take home approximately thirty-five to forty percent of their Maine payrolls, the proposed increase in the tax of wildlands isn't one that will hit but a relatively few people. It is an unjust increase, it is one that will hit directly the industry providing the biggest share of the current industrial development and indirectly the largest single segment of Maine workers.

As was stated by my able colleague, if we pass this increase in tax now from eleven to fifteen it will mean a raise of from four to five—it would be a 100% increase from four to five years, and this should not be considered a politically safe tax that will hit only a relatively few timber owners. While it is quite true that it would be paid by a relatively few, it could affect a multitude. The matter of the fact is that industrially, it is the wood users, pulp and paper and others who have made the only segment of progress in Maine in recent years. All of our industrial development efforts have accomplished relatively small results in comparison to the expansion accomplished by the paper companies in the past decade.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I am in complete sympathy with the views just expressed. Now this measure is a measure that extracts from a great industry, which is already burdened with county levies and the assessments from the forestry districts in the unorganized territory and in the other political subdivisions by school and road and fire taxes, was well spelled out for us by the fine gentlewoman from Bethel, Mrs. Lincoln. I think that this proposed tax may be an unhappy commentary this year, and could be viewed as unfair treat-

ment of a major industry here in Maine, for as I understand it, the past five years have been of moment to that industry, and I would hope that this legislature might encourage and not discourage our great companies, the International, Great Northern, Oxford, St. Croix, St. Regis and the others through a live and let live policy in this basic tax.

I can think of no better occasion to remind this House that a tax which takes something away and affords nothing in return, is neither fair nor simple justice.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: At the risk of being repetitious, for which I apologize, I call your attention to an editorial in the Bangor Daily News of May 20 from which I shall read an excerpt: "Timber owners are already paying heavy levies, the wildland tax being only one of several. In unorganized townships there are forestry districts and county taxes. In some there are also school, road and fire protection taxes. The association for multiple use of Maine timberlands says from 1960 to 1965, the Maine pulp and paper industry has recorded the greatest period of industrial expansion in the history of our state. During the same period there is an attempt to increase the state tax on timber resources from \$7.25 to \$15.00 per thousand of valuation. This is an increase of over 100%. Such action is extremely untimely and unfair. Isn't that warning enough? Hiking timberland taxes could cost the state dearly in the future."

It appears from the many articles we have seen in the press, during the last week particularly, that there is considerable feeling against this bill. I shall vote against it.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say a word for the Taxation Committee. I wouldn't say that the Taxation

Committee felt that this tax was unfair necessarily. I would say this though, that the Taxation Committee felt that it was dealing with a very delicate situation, that the impact of the tax would fall on relatively a few paper companies and as we understood, 36% of it would fall on one company. As I say, we were not in a position to really study it thoroughly, but we felt that it was so delicate that we passed it out eight to two ought not to pass, and it is my understanding now that the general consensus has been reached by the leadership of both parties, and I certainly will go along with a consensus.

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

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: Being a representative from Franklin County, representing the Town of Jay, I feel that I should remind you ladies and gentlemen just what is going on up there.

The International Paper Company is just completing a new multi-million dollar plant in this town. The decision to build this new plant was not made without careful consideration of the attitude of the leaders in this state on such matters as labor and taxation. The expansion of the pulp and paper industry in the last few years has been the life blood of our economy. The proposal before us to increase the state wildland tax to fifteen dollars per thousand of evaluation is very unfair. It does not solve the state's money problems by raising money. In fact it may have the reverse effect by discouraging further expansion of this vital industry.

This tax was increased only four years ago and the proposed hike will mean a hundred percent increase within the next five years. In closing, I would like to remind you ladies and gentlemen of the House, that this could well be the shot that kills the goose that lays the golden eggs.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: Some two weeks ago, I sat down in the group discussing financial matters that were before this Legislature and at that time I agreed that this tax measure might be necessary to round out a good program. Since that time, however, you are all completely familiar with what has transpired. At that time we had no indication of the three million plus that is now before us or that it would sound reasonable to up the estimates for the coming biennium. Due to these facts, I have persistently in the last three or four days spoken in many quarters and tried to convince various people that this tax would not be necessary to formulate a good program. There is in my opinion sufficient money now available to set up this program in a good, safe and sound manner and I concur completely with all that has been said in opposition to the tax.

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

Mr. BINNETTE: Mr. Speaker, wasn't there a request made by the Governor for a tax on wildland in his budget?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, has posed a question to any member of the House and any member of the House may answer if he so desires.

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

Mr. HANSON: Mr. Speaker, Members of the House: In answer to the gentleman from Old Town, Mr. Binnette, I would say that this was requested by the Governor and it was in his budget. As I was the sponsor of this bill from the office of the Governor, it had a very active hearing and I believe there were only two proponents at the hearing, one other beside myself. I concur with many of the remarks that have been made here this morning. Also on the figures. I think there could be a difference

of opinion among some of the reporters because I have clippings here from editorials from the Portland papers which claim that this is a fair tax. Actually it increases the tax four mills which means approximately one and a half percent, or a figure of approximately three hundred and twelve thousand per year or six hundred and twenty-four thousand dollars for the biennium. It has been pointed out to me that there is a great deal of value to the lands and they have emphasized especially the shore frontages and so forth.

We definitely need these industries in the state. We do not want anything to transpire especially through our legislative bodies which will hinder them in any way, but I would like to point out one thing. I am in sympathy with the owners of the wildlands and I am also in sympathy with all of us that have to pay taxes. And over the two years period it means approximately one and one half percent raise in the funds. I wish my taxes had not increased more than that during the last four years. But regardless of that, as the gentleman from Portland, the Chairman of the Taxation Committee, stated this was a divided report, because we felt that it should be discussed on the Floor of the House.

I am perfectly willing to concede to the wishes of this House. I do concur with many of the remarks, but I also feel that this is not an excessive tax in any way.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I hope this isn't another one of the losing battles that I have been fighting against the excessive property taxes in the State of Maine during this session. The principal employer in my town is Standard Packaging Corporation. They too have been spending millions of dollars in the last two or three years expanding their plant. I think there are two essential points that we should remember when we are making up our minds how to vote on this tax. The first one, and I think it has been made

partially at least, is that these companies are looking towards us for our attitudes for the future. They are going to spend a lot of money in the future. They want to know how the Maine legislatures feel towards them. This tax isn't going to cost them a great deal of money and I have heard this said many times, but it is the attitude that disturbs them. Is this something that is going to recur every four years? Are we going to double the tax every five years on their wildlands? And if they could predict that that is what is going to happen, they obviously are going to be very unhappy with the situation and their plans for future expansion are going to be curtailed tremendously.

The other point that seems to me to be a very essential one is this. Our timber in the State of Maine is normally slow growing timber. We are developing processes where we can use hardwoods as well as softwoods. Now hardwood growth is very slow. Our softwood growth is much slower than the southern companies. You can have a piece of land down in Virginia or West Virginia, where one of our companies seems to be intending to build another plant, and not here. Their trees grow faster so they could bear, even though their taxes aren't as high as ours, they could bear a higher tax economically than our timberlands can. Because of this slow growth rate the incidence of this type of tax is higher than it is in competing states. Now, those two points it seems to me are very essential and we should consider them very closely and I hope that this tax measure will not be passed.

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

Mr. BERRY: Mr. Speaker, Members of the House: The reduction of this tax to figures reveals some rather interesting facts. The tax ends up at 2.8 cents per acre per year for the eleven million acres in the Maine forest district. This is the acreage affected. The 2.8 cents per acre, if you were to own a square mile of six hundred and forty acres, your total tax would

be increased by seventeen dollars and ninety-two cents a year. If you deduct from this approximately fifty percent federal income tax, the increase on your annual tax bill if you owned a square mile of forest land would be \$8.96.

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

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the indefinite postponement motion. I would like to point out to this House that the reason that we do not have to levy a major tax at this session is mostly due to the fact that the sales tax of four percent has far surpassed the estimates made in '63 and '64. I submit that the paper companies' multi-million dollar expansion programs have produced a good portion of this added revenue which has come from the use tax on equipment purchased for these expansion programs.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I read the various editorials that have been quoted here today. I certainly shall not quote from them, but I am a member of the Taxation Committee and I signed the "ought not to pass" report, even though I knew that it was in the Governor's program. I disagreed with it. I personally felt that he was ill-advised. However, like the gentleman from York, Mr. Erwin, I at one time had told a caucus that reluctantly I would go along when it was evident that we needed the revenue. However, we have only one truly stable industry left in our state, pulp and paper and associated businesses. I don't see why we must whittle away at their few economic advantages and since we are now able to increase our revenue estimates I feel that I certainly am justified to vote against the bill and that is exactly what I propose to do today and I request a division.

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

Mr. BIRT: Mr. Speaker, Members of the House: Personally opposing this measure, I feel that it is a very discriminatory tax measure, and looking over a few items, the League of Women Voters has continually said that tax measures should be broad based. Many people even oppose property taxes not being fully broad based in that all people do not participate or contribute to the payment of the tax. This is one of the reasons why they have approached a discussion of either an income tax or a sales tax. This tax measure will be mainly paid by a very small group of taxpayers and among them, as has been continually pointed out, are the only successful major industry in this state.

I would like to point out a few other particular statistics regarding this particular industry. In 1964, seven hundred fifty million dollars worth of paper and wood products plants were put under construction in the south. Since World War II, the south gained twenty-five new paper and pulp mills and Georgia has now replaced Wisconsin as the nation's leading producer of paper and paper board. Wood costs in the south are less than seventy-five percent of the costs in Maine and in addition the mills can purchase for manufacturing purposes electricity and natural gas at costs lower than Maine mills can produce power after investing millions of dollars in hydro and high pressure steam plants.

Also, on the west coast wood costs are thirty percent of the costs of wood in Maine. And the west coast mills several weeks ago announced a reduction of ten dollars per ton in the sale price of its newsprint. Thus far, mills selling newsprint east of the Rockies have not been obliged to meet this price. Also, Canadian mills enjoy an eight percent cost advantage because of the exchange differential in money. Therefore, it would seem that the addition of this tax would impose another additional burden on the paper mills in this state and I would support the motion to indefinitely postpone.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: We offer all kind of inducements for new industries to come into the state, but we are all too eager to place restrictions on our well established industries in the form of taxes. I concur in indefinite postponement of this bill.

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

Mr. KITTREDGE: Mr. Speaker, I would like to pose a question through the Chair to Mr. Ross of Bath. Which would he prefer to see, an elimination of this bill or a one percent reduction in the sales tax?

The SPEAKER: The gentleman from South Thomaston, Mr. Kittredge, poses a question to the gentleman from Bath, Mr. Ross, who may answer if he so desires.

Mr. ROSS: Mr. Speaker, I don't believe that this is relevant to the question before us at this time.

The SPEAKER: The gentleman doesn't care to answer the question.

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

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

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

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen, the previous question is in order. The question before the House now is shall the main question be put now, which is a debatable matter but not on the merits of the bill, for no more than five minutes. The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, and Ladies and Gentlemen of the House: I think this is a very unfair motion to put at this time. This is a major issue before this body. Many of the proponents of the program have not had an opportunity

to express themselves properly; therefore, I feel and I strongly urge you to vote against the previous question being put now.

The SPEAKER: All those in favor of the main question being put now will say yea; all those opposed will say nay.

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

The SPEAKER: The question before the House is on the motion of the gentleman from York, Mr. Erwin, that this bill and its accompanying papers be indefinitely postponed and a division has been requested.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I would be the first one in this legislative body to say that such a measure, perhaps, was ill-advised and I can well sympathize with any segment of our society having to pay a tax of any kind. However, we are faced with the problems of financing our package. The four mills increase to me, and in my thinking at this session, is not a tax that is going to endanger our industry. In fact at this time I am willing to say that I feel that this is an insurance to this segment of our society, because if we impose a four mills tax at this time the wildland owners are, I feel, insured that they will not be faced with the imposition of a tax in the coming biennium.

I think this is the time to warn this Legislature that the incoming biennium will be faced with raising anywhere from thirty to thirty-five million dollars of new money. Where is this money coming from? I would suggest to you ladies and gentlemen, that should this fail, the next biennium will be seeking to impose at least seven or eight mills on the wildland owners and probably a personal income tax or an increase of our four percent to five percent general sales tax. Because we must raise this money. These are recurring services for the 1967 and 1968 biennium.

I would also advise the Republicans in this House that we have worked out a compromise on our package with the Majority Party. We in good faith have approached

them and suggested that we will do thus and so. Are we going to honor this compromise? I was amazed, and I mean amazed, that one gentleman in that caucus said that he did not like the wildland tax, that he voted against it in committee; however, if the need arose and he saw the need he would be forced to vote for it. I appreciate the fact that there are many Republicans on the floor of this House because of personal interests cannot vote for a wildlands tax. I am in that position too, but I will vote for this tax because it is in the program.

If we should not enact this measure, we will be here a long, long time and it will cost the taxpayers in the State of Maine that much more money. This is not a great sum of money, only six hundred thousand dollars in the biennium, and as the gentleman from Cape Elizabeth, Mr. Berry, has pointed out that when this is reduced in the income tax features of a program it will not be the sum of three hundred thousand dollars per year. In our compromise with the Democrats, I would be the first one to admit that we had a handful of defectors in our caucus that felt that they could not go along with this measure. I can honor those defectors, but I cannot honor a great number of defectors to this program, because when you agree to do a thing and you agree and compromise with two parties you should honor that agreement. I do hope that the motion for indefinite postponement will not prevail.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I have been a little in the dark on this subject. Many in the House have mentioned the fact of the mills and the evaluation, in regard to the evaluation I pose a question through the Chair to anyone who might answer, Mr. Berry of Cape Elizabeth answered it to some degree, but how much is the valuation now per acre?

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

Mr. BERRY: Mr. Speaker, I am not familiar with the exact official state valuation per acre and the more I listen to this debate, the more I think it might be just as well to keep in the dark as to how much is paid now by the paper companies for this eleven million acres in annual taxes. I have a suspicion it is pretty low, because if we are fighting over what amounts to nine dollars a square mile for six hundred and forty acres we are really not talking a lot of money, so the increase must be big. And if the increase is big the present tax must be pretty small.

To answer the gentleman from China, Mr. Farrington, the actual cash value per acre of timberland in the State of Maine today may vary anywhere, of course, but a figure of anywhere from ten to seventy-five dollars would be a range within which this could be placed. Timberland actually, of course, is based on the merchantable value of the timber on the land. My experience has seen timberland sell for one hundred and ten dollars an acre. I have seen it as low as ten dollars an acre, even with timber on it. If it is as low as ten dollars an acre and the tax increase per year is 1.4 cents it certainly would not appear to be an onerous tax.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: The Taxation Bureau has recently published its appraised values of wildlands. There are about twenty-three thousand acres in a township and a township according to the state evaluation, which is fifty percent of the real value, varies. That is, of course, the township appraisals vary. Now I notice in the book that some of

the state evaluations for a township were twenty-five thousand dollars. Some were even less than that. Some were as high as two hundred thousand dollars, so it is pretty difficult to figure out actually the price per acre as you think without a computer.

I think, from what I understand, they take photo surveys of the wildlands every fifteen years. They then keep a record of the cuttings and they estimate the annual growth and finally through their formulas they come up with an evaluation figure.

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

Mr. SULLIVAN: Mr. Speaker, Members of the House: I go along with that very able and fair-minded gentleman, Mr. Kennedy.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: For the benefit of those of you, for the gentleman from South China, Mr. Farrington, who asks the question, I would state that I have inquired from the State Tax Assessor the tax paid per acre and the information that I received from him was that twenty-five cents per acre was being paid for all types of taxes in the unorganized townships of the State of Maine.

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

Mr. ROY: Mr. Speaker, as a sponsor of a wildland tax increase we could have brought the increase up to twenty mills. I sponsored the bill, I withdrew it before the committee because I felt that this was unjust, because I knew that another member of the House had a same measure in which, in turn increased it by four mills. I want to just leave one thought in mind. You must realize that all this wild land is surrounding all the lakes in the State of Maine. You compare this with the property that you have in your own community in regards to tax rate. I think this is very low.

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

Mr. KENNEDY: Mr. Speaker, I would like to say just a word to allay the thoughts in the minds of some legislators relative to the editorials in our Maine papers. I would suggest that it is in the best interest of our Maine papers to print such editorials. They have a direct interest in this bill.

The SPEAKER: Is the House ready for the question? The question before the House is on the York, Mr. Erwin, that this bill and its accompanying papers be indefinitely postponed. All those in favor of this Bill "An Act Increasing State Tax in Unorganized Territory, House Paper 605, L. D. 797, 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.

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

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

Orders of the Day

An Act relating to Sale or Compounding of Drugs by Apothecary Only (H. P. 772) (L. D. 1015)

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

An Act to Create a Department of Rehabilitation (H. P. 1075) (L. D. 1455)

An Act Amending Certain Provisions of the Charter of the Town of Old Orchard Beach (H. P. 1109) (L. D. 1515)

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

An Act relating to Discrimination in Rental Housing (H. P. 1112) (L. D. 1518)

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

An Act to Create the Community Life Insurance Company (H. P. 1129) (L. D. 1544)

An Act relating to Positions of Deputy Secretary of the Senate and Deputy Clerk of the House (H. P. 1131) (L. D. 1546)

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.

Orders of the Day

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

HOUSE REPORT — "Ought not to pass" — Committee on Health and Institutional Services on Bill, "An Act relating to Transfer of Incurables from Training Centers to Reformatories." (H. P. 475) (L. D. 628)

Tabled—May 13, by Mr. Haugen of South Portland.

Pending—Acceptance. (Specially assigned for Thursday, May 20th)

On motion of Mr. Haugen of South Portland, retabled pending acceptance of Committee Report and specially assigned for Tuesday, May 25.

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

HOUSE REPORT — "Ought to pass" — Committee on Health and Institutional Services on Bill, "An Act Defining Nursing Home Under Health and Welfare Laws." (H. P. 688) (L. D. 925)

Tabled—May 13, by Mrs. White of Guilford.

Pending—Acceptance.

Thereupon, the Committee "Ought to pass" Report was accepted and the Bill read once.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I have been asked to transmit a message from our Representative Carswell who is still confined to her home due to illness.

"Ladies and Gentlemen, there are nursing homes that are operating under a misnomer. They call themselves nursing homes and they are anything but. Some are nothing but dirty, unsanitary,

fire traps offering little patient care and unskilled at that. Yet they get the taxpayers money for state aid patients. I cannot help but wonder if there hasn't been sadistic, negligent, careless activities surrounding the care of elderly mentally and physically ill persons as a result.

Reports gathered from various agencies during my investigation of this problem make my blood chill. The licensing procedures of the Health and Welfare Department have been grossly inadequate and lax in my opinion. Legislation is needed to place persons charged with licensing of these homes on their toes for the protection of the helpless and to bring the standards of such care up to where they should be. The nursing home problem has been labeled a nation-wide disgrace by national publication. One was entitled "Doesn't Anyone Care?" At least two of these placed Maine in an adverse light in nursing home care.

Some homes operate without licenses and others continue to be licensed after social workers, investigators and inspectors advise the department not to renew the licenses. These poor licensing procedures of the Health and Welfare Department involve other departments. As late as March 1965 another state department had to move all its patients from a certain home that held a license and closed it to all future consideration for any patients under the care of this department, the reason being many patients after being taken from the home appear to be in an extremely run down condition. One had a black eye and numerous questionable discolorations of the extremities. The person charged with placement of these patients wrote in a letter to the Health and Welfare Department that he hoped that this mess would be cleared up soon.

There are many good nursing homes but there are also many very poor ones. They run a gamut from excellent to very bad. The number of deaths and the lack of treatment for conditions causing deaths shows gross carelessness.

I am going to proceed to name some of the administrative problems and abuses and practices which I recognize.

Lack of replacement of the Director of the Division of Health within the Health and Welfare Department.

Only 2 inspectors for 109 nursing homes.

Conflict with insurance department and fire safety laws.

Conflict with Department of Mental Health and Corrections concerning patient placement program.

Conflict between nursing and boarding licenses.

Conflict between boarding and eating and lodging licenses.

Supervisors turn down inspections. Licenses still issued.

Standards are not followed but made to fit the home.

And many other numerous problems.

Mrs. Carswell lists the following 24 from factual proof.

Abuses and practices:

1. Disregard of doctor's prescriptions.
2. Drugs and narcotics without prescriptions — Charts O. K.
3. No Registered Nurse or licensed practicals on duty or call.
4. Lack of sterilization of needles, catheters, and so forth.
5. Hypos given by any of the personnel.
6. Hypos given through clothing.
7. Washing sick room utensils in kitchen sink.
8. Filling narcotics prescriptions after patients death.
9. Nursing home patients are in boarding homes.
10. Patients not allowed to talk to relatives in privacy.
11. Dish towels washed up with soiled bed linen.
12. Pot chairs not emptied and patients eat in same room.
13. Incontinent denied of sheets and pads.
14. Patients not allowed water to prevent wetting beds.
15. Incoming-outgoing mail censored or thrown away.

16. Tying patients in chairs and beds.

17. Patients locked in rooms.

18. Patients left alone both days and nights.

19. Menus made out but not followed. This is bad where diabetics are concerned.

20. Lack of blankets.

21. Christmas gifts not delivered to patients.

22. Lack of proper food and no stockpile.

23. Punishing patients by physical abuse.

24. Punishing patients by depriving them of meals."

Members of this House, I thank you for your kindness in listening.

The Bill was then given its second reading and assigned for third reading the next legislative day.

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

DIVIDED REPORT — Majority (6) — "Ought not to pass" — Minority (4) — "Ought to pass" — Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Funds for Municipal Building at Old Orchard Beach." (H. P. 31) (L. D. 43)

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

Pending—Acceptance of Either Report. (Specially assigned for Thursday, May 20th)

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

Mr. **DANTON**: Mr. Speaker, I move that we accept the "Ought to pass" report and I would like to speak briefly.

The question before the House now is the motion of the gentleman from Old Orchard Beach, Mr. Danton, that we accept the Minority "Ought to pass" Report, and the gentleman may proceed.

Mr. **DANTON**: Mr. Speaker and Ladies and Gentlemen of the House: I have contacted the members of the Appropriations Committee and we have agreed on an amendment which will be offered at the third reading. At that time I will make a full presentation of this measure.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read twice and assigned the next legislative day.

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

Bill, "An Act Revising the Rural Electrification Cooperative Law." (S. P. 538) (L. D. 1528)

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

Pending — Passage to be Engrossed. (Specially assigned for Thursday, May 20th)

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

Mr. LEVESQUE: Mr. Speaker, I now move that this be passed to be engrossed.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that this bill be passed to be engrossed.

Mr. Sawyer of Brunswick offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 538, L. D. 1528, Bill, "An Act Revising the Rural Electrification Cooperative Law."

Amend said Bill in the 7th line of section 2 by striking out the underlined words "**their rates and**"; and by striking out in the 8th, 9th and 10th lines the underlined words and punctuation "**In keeping and rendering accounts to the commission, they may use the system of accounting required of them by federal law and regulation.**"; and by striking out all of the 14th and 15th underlined lines and inserting in place thereof the following "**finding that adequate service may reasonably be rendered, make such order respecting service as shall be just and reasonable.**"

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

"and regulations applicable to electric companies;.

In case of crossing of any public utility, unless consent is given by

the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by the cooperative, the Public Utilities Commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the cooperative. Nothing herein contained shall be construed as authorizing said cooperative to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof, in the performance of a public duty unless expressly authorized by subsequent Act of the Legislature;'"

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

Mr. ERWIN: Mr. Speaker, I note the absence of the House Chairman of the Public Utilities Committee and I would move that this lie upon the table until the next legislative day.

The SPEAKER: The question now before the House is on the motion of the gentleman from York, Mr. Erwin, that this matter lie upon the table assigned for the next legislative day pending the adoption of House Amendment "A".

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

Mr. PIKE: Mr. Speaker and Members of the House: There are people here from Washington County. I ask for a division on the tabling motion. They will have to come back again on Monday if we do it.

The SPEAKER: The question before the House now is that this matter lie upon the table assigned for the next legislative day pending the adoption of House Amendment "A", and a division has been requested. All those in favor of this lying upon the table will kindly rise and remain standing until

the monitors have made and returned the count.

A division of the House was had.

Twenty-two having voted in the affirmative and ninety-four having voted in the negative, the motion to table did not prevail.

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

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: I was the only signer of the ought not to pass report on L. D. 1528, the rural electrification cooperative law, and I would like to explain my reasons for so doing. The Eastern Maine Power Cooperative wishes to build a dam to generate their own power at Mattawamkeag. Now I am in wholehearted agreement with this project. My objection to this bill, as amended, is that the cooperative does not want to come under the Public Utilities Commission as to rates to the consumer. Now in this case the consumer is also a member, that is he's a member owner of the cooperative. A member consumer can complain to the Public Utilities under the committee amendment in the case of poor service, and let us assume that the Public Utilities Commission orders a new \$200 transformer to be installed to correct this complaint. Under this bill the cooperative assessed the member consumer the entire cost of the transformer and the Public Utilities Commission would have no jurisdiction over the overcharging of rates to the consumer. Therefore the consumer has no protection in this instance. And for this reason I support the amendment number H-349 as presented by the gentleman from Brunswick, Mr. Sawyer.

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

Mr. STARBIRD: Mr. Speaker, Members of the House: I am a member of the Eastern Maine Co-op and I think that argument is ridiculous. Surely if we were giving more power to a party we'd feel obliged if the Public Utilities so ordered to correct that regard-

less of the cost, and I don't see where the argument has any validity whatsoever.

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

Mr. PIKE: Mr. Speaker and Ladies and Gentlemen of the House: The cooperatives are a different breed of cats from the ones that we're familiar with in the state. The money all comes from the federal money except the little five dollar subscriptions that the members put up to start. The accounts are regulated by the government as the one who puts up the money. But this came up this year through part of a campaign which has been going on for many many years, partly emotional, whereby at least two of the utilities in the state I think have conducted a finagling, embarrassing, harassing campaign against almost everything that this particular cooperative wanted to do. This spring one of the companies went over and snatched some customers of one of the cooperatives. It turned out, according to the view of the Public Utilities Commission that this was all right, that they weren't getting very good service and they were paying pretty high rates, but the troublesome thing was that the commission said that they had no franchise protection in that territory. That case has gone to our Supreme Judicial Court and is now, as the Chief Justice said, in the works.

We all agreed, I think, on the committee that they should be protected in their franchised territory. We also agreed that, unless I'm mistaken, that they should be subjected to complaints because service is an essential item in giving electricity or selling electricity to the customer. This bill as put in left out—controlled the utilities but left out control of financing and the rates. Now I don't believe we can get very much excited about the financing because they get two percent money and anybody that can get two percent money from a responsible person, I take it the United States Government is reasonably responsible, ought to be cheered on.

The other one on the rates is more difficult. Four years ago, I guess it was six years ago, we put in a recommendation to the legislative research committee to look this whole thing over and see how they could best be brought under the present utility laws in the state. The results were somewhat inconclusive. Now I've been looking at the thing since and I find these as facts. That when it comes to rates our commission usually allows one or two or three tenths either way from six percent. The earnings on the property of Eastern Maine are less than three percent, so there is no great trouble about high earnings.

Now there is some trouble about high rates. The reason is this, let's say. They have no generating facilities of their own. The electricity they buy comes from somebody else and they pay a pretty sizable rate. The real trouble is that they only have about a quarter as many people per mile of line as most of the utilities; therefore their costs of getting the electricity from where they buy it to where they sell it is very much higher, than for the companies that work in more thickly populated areas. Frankly as I see this amendment, it amounts to very little more than another little item in the campaign of niggling and I do move the indefinite postponement of the amendment and then I would like to see the bill passed.

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

The Chair recognizes the gentleman from Brunswick, Mr. Sawyer.

Mr. SAWYER: Mr. Speaker, Ladies and Gentlemen of the House: I feel that the REA's should come under the same type of regulation as all of the electric utilities are and have been for many years. While I feel that this legislature should scrutinize most carefully the giving of the right of eminent domain to anyone, I go along with the fact that it is desirable for any corporation engaged in the work of supplying electric service to have such a right. However, it is

equally, if not more important, that the customers of such a corporation be fully protected in the matter of rates. A more careful study of the new draft convinces me that this protection is not given in this bill and I therefore offered this amendment. I have checked this with the Public Utilities Commission and find that they are in complete accord with all provisions of the amendment. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I firmly agree with the gentleman from Brunswick, Mr. Sawyer, although I feel that in the field of equal protection the real co-ops that are now producing approximately one percent of the electricity serving the rural areas that might not be served at all by the other companies that are under the Public Utilities Commission. It is my feeling and very sincerely that these small co-ops are and have been and are planning to do a good job and this legislation is only to help them do a better job in the future. If the gentleman from Brunswick, Mr. Sawyer, is correct that the Public Utilities now have the rights and the power to go and raid some other areas of the small co-operatives, then by the same token the small co-ops should be given the rights and the prerogatives to go into the other areas which is not the case. So I feel that this is definitely good legislation for the small co-ops who have been doing an outstanding job serving the rural areas of our state and I hope that we will indefinitely postpone the amendment.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen: I oppose the amendment and I support the motion for indefinite postponement because I feel that the amendment is unnecessary. The only purpose in giving the Public Utilities Commission the power to regulate rates would be one, to protect the public from the imposition of unreason-

ably high rates and the other would be to guarantee the investors in a utility a fair return on their investment, neither of which applies in this case. In the case of a co-op the subscribers, the customers, are the owners. If they were to charge excessive rates it would come back to them in the form of patronage refunds. And they need no fair return on their investment other than to pay the interest on the money they borrowed. For that reason, I support the motion to indefinitely postpone this amendment.

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

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

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

A sufficient number arose.

The SPEAKER: Obviously, more than one-third having arisen, the question before the House now is shall the main question be put now. The Chair recognizes the gentleman from Brewer, Mr. Libhart.

Mr. LIBHART: Mr. Speaker, we are again limiting debate on a very important issue. It seems to me that the opponents of the bill have all had a chance to speak, but several of the proponents of the bill have not had a chance to speak, and I for one, regardless of when we would like to get out of here, I would like to get out of here today, finally, just as well as the rest of you would, but we are not going to have a record in this legislature that is worthy of our talking about when we go back home if we rush everything through and not debate the merits completely. I'll go along with limiting debate when they have been completely talked about, but this is the first time this bill has been talked about, and it hasn't been

completely debated, and I hope you will defeat this motion.

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

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

Eighty-three having voted in the affirmative and forty-one having voted in the negative, the main question was ordered.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Libhart. For what purpose does the gentleman arise?

Mr. LIBHART: Mr. Speaker, I move we adjourn until Monday at 9:30.

The SPEAKER: The gentleman from Brewer, Mr. Libhart, now moves we adjourn until Monday at 9:30.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: All those in favor of adjourning until Monday at 9:30 will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eleven having voted in the affirmative and ninety-nine having voted in the negative, the motion did not prevail.

The SPEAKER: The question before the House now is the motion of the gentleman from Lubec, Mr. Pike, that House Amendment "A" be indefinitely postponed and a division has been requested.

All those in favor of the indefinite postponement of House Amendment "A" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

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

Mr. LEVESQUE: Mr. Speaker, I now move for reconsideration whereby we passed this bill to be

engrossed and I hope that everyone will vote against me.

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

Mr. LIBHART: Mr. Speaker, I now assume that I can debate the merits of reconsideration.

The SPEAKER: The gentleman may.

Mr. LIBHART: Mr. Speaker, Members of the House: It seems to me that we should reconsider this bill. I am very surprised at the vote. My friend from Lubec, Mr. Pike, suggested that the power lobby has been a powerful lobby. I suggest that the power lobby has been very unpowerful as far as this particular thing is concerned.

I would like to ask you to think about this a little bit. Why is it, the REA people are so concerned that their rates might be looked over by the PUC? Now, these REA's as you know, are one owner, one vote type of people and they say, their big argument is we own ourselves. If we are charging ourselves too much, we can do something about it. So, I submit to you ladies and gentlemen of the House, this is not the facts of the case. Look at the records of any of them and you will see the very same people that have been running them over the years continue to run them year after year and I am talking about their officers. Why is it if their rates should not be scrutinized that they are so afraid of having them looked at? Is it possibly because that they don't want their records looked at by anybody. Public Utilities particularly, to see what they are doing in their organizations. These are self-perpetuating little groups primarily and it seems to me that it would create a great deal of confidence in the owners of the REAs who are the individual holders, if they knew that their rates, their books and what have you could be looked at by the PUC.

Whenever I see the lobby that they had here working so hard, trying to avoid this amendment, then somebody is scared of something. And I say that this has become a non-deliberative process if we are not going to think in these terms and we are going to limit

the debates so that they cannot be intelligently discussed. I hope that you will vote to reconsider.

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

Mr. PIKE: Mr. Speaker, Members of the House: One short answer is that they are earning less than three percent on their valuation and they have not had a rate increase since 1948, which I think very few other utilities in the state can show.

Mr. Farrington of China requested a division.

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

A division of the House was had.

Twenty-one having voted in the affirmative and eighty-six having voted in the negative, the motion did not prevail.

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

HOUSE REPORT—"Ought not to pass"—Committee on State Government on Bill, "An Act Establishing the Maine Insurance Advisory Board and Reserve Fund for Uninsured Losses." (H. P. 851) (L. D. 1176)

Tabled—May 17, by Mr. Berry of Cape Elizabeth.

Pending — Acceptance. (Assigned for Thursday, May 20th)

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

Mr. BERRY: Mr. Speaker and Members of the House, in connection with the fifth and sixth items of unfinished business, we have a third state insurance bill which is in the legislative process, and I move acceptance of the ought not to pass report.

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

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

HOUSE REPORT — "Ought to pass" — Committee on Business Legislation on Bill, "An Act relating to Insurance on Public Buildings." (H. P. 852) (L. D. 1150)

Tabled—May 17, by Mr. Berry of Cape Elizabeth.

Pending—Acceptance. (Assigned for Thursday, May 20th)

On motion of Mr. Berry of Cape Elizabeth, the Report and Bill were indefinitely postponed and sent up for concurrence.

On motion of Mr. Levesque of Madawaska,

Adjourned until Monday, May 24, at ten o'clock in the morning.