

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Tuesday, May 25, 1965

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

Prayer by the Rev. Mr. William Dunstan of Gardiner.

The journal of yesterday was read and approved.

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

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

The SPEAKER: Is there objection to this being the procedure of the House? The Chair hears none, it shall be.

Papers from the Senate Tabled

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee is directed to employ professional consultants to obtain the information necessary to determine whether changes are needed to improve the State Personnel Laws, special emphasis in the study to be given to the areas of classification and salary, present rules and regulations governing the hiring and discharging of state employees, and all phases of Personnel Department policies, functions and administration;

AND BE IT FURTHER ORDERED, that a report of such study together with any recommendations deemed necessary be made to the 103rd Legislature (S. P. 569)

Came from the Senate read and passed.

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

Tabled

From the Senate: The following Order:

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

WHEREAS, the Public Utilities Commission is of the opinion that the basic concept of irregular route common carriage in form is needed in this State provided that the public, the common carriers and contract carriers have opportunity to participate in the drafting of any legislative proposals; now, therefore, be it

ORDERED, the House concurring, that a committee be created consisting of a Senator to be appointed by the President of the Senate, 2 Representatives to be appointed by the Speaker of the House, the Director of the Transportation Division of the Public Utilities Commission, 3 members to be appointed by the Governor, one of whom shall be designated a public member, one a common carrier member, and one a contract carrier member, to report, if possible, to the 102nd Legislature in special session, or otherwise to the 103rd Legislature, any recommendations for legislation relating to the creation of a new class of motor vehicle carrier non-scheduled transportation service; 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 \$1,000 to carry out the purposes of this Order (S. P. 570)

Came from the Senate read and passed.

In the House, the Order was read and, on motion of Mr. Levesque of Madawaska, tabled pending passage in concurrence and assigned for tomorrow.

Tabled Later in the Day

From the Senate: The following Order:

ORDERED, the House concurring, that the Attorney General is directed to give to the Senate his opinion of the constitutionality of the Bill entitled "An Act relating to Qualifications for Practice of Hairdressing and Beauty Culture" (S. P. 491) (L. D. 1456), now pending before the Senate (S. P. 571)

Came from the Senate read and passed.

In the House, the Order was read, and, on motion of Mr. Dudley of Enfield, tabled pending passage in concurrence and assigned for later in today's session.

From the Senate: The following Joint Resolution:

Joint Resolution Petitioning Congress to Propose an Amendment to the Federal Constitution to Preserve the Bicameral Aspect of State Legislature (S. P. 486)

Came from the Senate indefinitely postponed.

In the House, the Joint Resolution was read.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to say just a word over this matter before it is buried. Many states have passed such a resolution and I am sure that many of us do feel that our state Senates should be apportioned under some other consideration than one vote per person and I do wish that this Joint Resolution might live to testify the feelings of the House of the State of Maine.

On motion of Mr. Graham of Freeport, the Joint Resolution was indefinitely postponed in concurrence.

From the Senate:

Bill "An Act relating to Taking of Alewives in Little River and Boyden Stream" (H. P. 1105) (L. D. 1510)

Came from the Senate given its several readings under suspension of the rules and passed to be engrossed as amended by Senate Amendment "A" without reference to any Committee.

In the House, under suspension of the rules the Bill was read twice without reference to a Committee. Senate Amendment "A" was read by the Clerk as follows:

SENATE AMENDMENT "A" to H. P. 1105, L. D. 1510, Bill, "An Act Relating to Taking of Alewives in Little River and Boyden Stream."

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

"P. & S. L., 1959, c. 155, § 103-A, additional. Chapter 155 of the private and special laws of 1959 is amended by adding a new section 103-A, to read as as follows:

'Sec. 103-A. Taking of alewives in Little River and Boyden Stream. Exclusive rights to the taking of alewives from Little River and Boyden Stream, the outlet stream from Boyden's Lake running into Passamaquoddy Bay in the Town of Perry, Washington County, shall be optional with the Town of Perry.

The town, at its annual meeting, may determine by vote whether the alewife fishing in these waters shall be operated by the town, through its selectmen or a committee appointed for that purpose or the privilege offered for sale by the said selectmen or committee; and likewise may provide for regulations, compatible with good conservation practices, to govern the times when and the manner in which alewives shall be taken therein. There shall be a 24-hour weekly closed season on alewives in all such waters from sunrise on each Sunday morning until sunrise on the following Monday morning.

Whenever such regulations are thus provided for, they shall be promulgated by the selectmen of

the Town of Perry and a copy of the same filed immediately with the clerk of said town and the Commissioner of Sea and Shore Fisheries.

If in any year said town shall fail to act as provided for, the taking of alewives in said waters shall be in accordance with the provisions of the general laws of the State and any regulations adopted under authority of this section shall be enforced by the municipal officers of the Town of Perry.

If, after thorough investigation, it is the opinion of the Commissioner of Sea and Shore Fisheries that the town is not following sound conservation principles in its management of the fishery, said commissioner shall notify the town officials of his findings and they shall take immediate corrective measures to prevent destruction of the fishery."

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

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Sale of Unneeded Property of Department of Inland Fisheries and Game" (S. P. 429) (L. D. 1363) reporting Leave to Withdraw

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in Amount of Eight Million One Hundred Sixty-Eight Thousand Dollars for Capital Improvements, Construction and Repairs at University of Maine" (S. P. 176) (L. D. 542) reporting same in a new draft (S. P. 568) (L. D. 1581) under the same title and that it "Ought to pass"

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

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

Report of the Committee on Judiciary on Bill "An Act relating to Liability for Damages for Tortious Conduct of Charitable Corporations" (S. P. 206) (L. D. 587) reporting same in a new draft (S. P. 567) (L. D. 1580) under same title and that it "Ought to pass"

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

In the House, Report was read and on motion of Mr. Danton of Old Orchard Beach, was accepted in concurrence, the New Draft read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Fees for Fishing and Hunting Licenses" (S. P. 427) (L. D. 1362) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT
"A" to S. P. 427, L. D. 1362, Bill, "An Act Relating to Fees for Fishing and Hunting Licenses."

Amend said Bill by striking out in the 8th line of section 2 the underlined figure "\$4.75" and inserting in place thereof the underlined figure "\$3.50"; and by striking out in the 14th line the underlined figure "\$8.25" and inserting in place thereof the underlined figure "\$6.25"

Further amend said Bill by striking out in the next to the last line of section 3 the underlined figure "\$27.25" and inserting in place thereof the underlined figure "\$30.25"

Further amend said Bill by striking out in the 5th line of section 6 the underlined figure "\$6.25" and inserting in place thereof the underlined figure "\$5."

Further amend said Bill by striking out in the 4th line of section 7 the underlined figure "\$4.75" and inserting in place thereof the underlined figure "\$3.50."

Further amend said Bill by striking out all of the 7th sentence of section 9 and inserting in place thereof the following:

'Any resident or nonresident of the State may procure a license good for 3 consecutive days as designated on the license upon the payment of \$3.75 \$4.50, 25 cents to be retained by the agent.'

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

Divided Report

Majority Report of the Committee on Industrial and Recreational Development on Bill "An Act to Create a State Commission of Culture and Recreation" (S. P. 418) (L. D. 1328) reporting same in a new draft (S. P. 558) (L. D. 1579) under title of "An Act to Create the Maine Commission on the Arts and Culture" and that it "Ought to pass"

Report was signed by the following members:

Messrs. HOFFSES of Knox
JACQUES

of Androscoggin
MOORE of Washington
— of the Senate.

Mrs. KILROY of Portland
Messrs. LITTLEFIELD

of Hampden
NORTON of Caribou
PAYSON of Falmouth
BENSON

of Mechanic Falls
FORTIER of Waterville
— of the House.

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

Report was signed by the following member:

Mr. TRUMAN of Biddeford
— of the House.

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

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Municipal Regulation of Community Antennae Television Systems" (S. P. 310) (L. D. 1023) reporting same in a new draft (S. P. 559) (L. D. 1566) under same title and that it "Ought to pass"

Report was signed by the following members:

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

Messrs. DAVIS of Calais
RICHARDSON of Cumberland

DANTON of Old Orchard Beach
BRENNAN of Portland
GILLAN

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

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

Report was signed by the following members:

Mr. GLASS of Waldo
— of the Senate.

Mr. BERMAN of Houlton
— of the House.

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

In the House, Reports were read.

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

Mr. BERMAN: Mr. Speaker, since Senate Amendment "A" has been adopted which satisfies the objections of the Houlton Community T.V. Incorporated, I am now willing to go along with the majority of the committee.

Thereupon the Majority "Ought to pass" 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 S. P. 559, L. D. 1566, Bill, "An Act Relating to Municipal Regulation of Community Antennae Television Systems."

Amend said Bill in the last line by inserting after the underlined word "void" the underlined punctuation, words and figures "; provided further that cases in litigation on July 1, 1965 shall not be required to be in operation prior to July 1, 1967"

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

On motion of the gentlewoman from Orrington, Mrs. Baker, 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 State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate (S. P. 43) (L. D. 214)

Report was signed by the following members:

Messrs. MAXWELL of Franklin
WILLEY of Hancock
— of the Senate.

Messrs. LIBHART of Brewer
BERRY of Cape Elizabeth
KATZ of Augusta
DOSTIE of Lewiston
— of the House.

Minority Report of same Committee on same Resolve reporting same in a new draft (S. P. 539) (L. D. 1529) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. STERN of Penobscot
— of the Senate.

Messrs. STARBIRD
of Kingman Township
EDWARDS of Portland
PITTS of Harrison
— of the House.

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

In the House, the Reports were read.

On motion of Mr. Berry of Cape Elizabeth the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair at this time would like to recognize in the rear of the House our new Miss Maine, Ellen Fowler. Ellen is nineteen, a Gorham State Teachers College Freshman from Old Orchard Beach, and she was crowned last Friday night in the Portland Playhouse. She is the daughter of Mr. and Mrs. Lewis Fowler. Ellen's talent and beauty won over fourteen other contestants for the title. Her talent presentation was a song, "Let Me Entertain You." The applause and Judges' decision indicated she did just that.

Ellen plans to continue her education at Gorham and wants to be a high school English teacher. Her rewards include a \$500 scholarship from Pepsi-Cola, use of a new convertible for a year and, of course, an all expense paid trip to Atlantic City in September to compete in the Miss America Pageant.

The Chair at this time would request the Sergeant-at-Arms to escort our new Miss Maine to the rostrum for the purpose of being recognized. (Prolonged Applause, the Members rising.)

The SPEAKER: Is there objection at this time if Ellen Fowler has a few words to say to the House? The Chair hears none and you may proceed.

Miss FOWLER: Good morning to all of you and I would just like to say that I am so privileged and feel so honored to represent the State of Maine for the year 1965. I feel very, very thrilled and excited about this entire episode and I hope I will make you proud in Atlantic City and for the entire year. Thank you.

Thereupon, Miss Fowler was escorted to the rear of the House by the Sergeant-at-Arms amid the applause of the House.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Comparative Negligence in Civil Actions" (S. P. 201) (L. D. 582) reporting same in new draft "A" (S. P. 565) (L. D. 1577) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. STERN of Penobscot
— of the Senate.

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

Minority Report "A" of same Committee on same Bill reporting same in new draft "B" (S. P. 566) (L. D. 1578) under same title and that it "Ought to pass"

Report was signed by the following members:

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

Mr. BISHOP of Presque Isle
— of the House.

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

Report was signed by the following member:

Mr. RICHARDSON
of Cumberland
— of the House.

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

In the House, Reports were read.

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

Mr. DANTON: Mr. Speaker, I move that the Majority Report "Ought to pass" be accepted.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, moves that we accept the Majority "Ought to pass" Report in New Draft "A". Is this the pleasure of the House?

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

Mr. RICHARDSON: Mr. Speaker, I move that both reports be indefinitely postponed and I would speak to the motion.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now moves that the Reports and Bill be indefinitely postponed in non-concurrence. The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Members of the House: Before this bill gets very far along I thought that the members of the House should be made aware of what this bill will do. In the May 24th issue of the Portland Press Herald, there appeared a letter, the name of the author of the letter is not important, but it made the following statement: "Contributory negligence which is a rule of law derived from ancient English descent in 1809 operates in the following manner: Assume that an automobile comes careening down the street at sixty miles per hour in a busy city area and runs into a pedestrian crossing the street, one foot outside of a marked crosswalk. Assume further that the pedestrian is incapacitated for life. Under the 'Contributory Negligence Law' of this state," the article claims, "both the negligent driver and his insurance company may avoid paying one cent compensation to the injured pedestrian."

"The contributory negligence law declares: Although the careless driver is 99% to blame for the injury, the injured person can recover nothing if he is 1% at fault."

This article in the paper I think is most typical of the concerted effort being made by the so-called Maine Trial Lawyers Association to broaden the law of negligence to the point where every case will be worth something. This bill relating to comparative negligence looks like a dispute between lawyers, but I suggest to you that you talk with some lawyer who is not a member of the Legislature and ask him. He will tell you that this bill would make every case worth something.

The bill is sponsored by as I say the so-called Maine Trial Lawyers Association. With every case being worth something, guess who is going to pay? This law was adopted in one of our sister states in the mid-west, as a result of which, insurance rates doubled. Now the law does not say any such ridiculous thing as that "if you get your foot outside the crosswalk and the man is coming along sixty miles an hour dead drunk and hits you, that you cannot recover." The law says that if you as an injured party are guilty of negligence which is the approximate cause, that is a cause, an efficient, producing cause of injury to yourself, then you cannot recover.

Juries in the jury room just as you do here, use their good common sense. And in the case here where the man has one foot outside the crosswalk there isn't a question in my mind and I don't think there should be any in yours but that they would not find such a person guilty of negligence to cause his own injury. We have a hundred and fifty volumes of case law in this state, practically every one of which has a decision construing the law of torts, this law today. We are going to throw that all away if we adopt this bill and we are going to place ourselves in the position of increasing the insurance rates on automobiles to the point where it will no longer be feasible for many people to buy insurance.

Let me indicate one further thing if I may. There was a bill in here to take the limit off death cases of thirty thousand dollars, and you will recall that at that time I told you that I was going along with that and I urged you in fact to pass that law, because I thought it was an archaic, ridiculous rule of law. This bill proposed by a group of lawyers whose interest is in personal injury matters is not such an archaic law. The suggestion is that our courts and juries are unfair. I don't believe it and I see them every day. I am an insurance lawyer. If this bill were to pass, it would certainly be in my self-interest just as it would be in the self-interest

of the members of the so-called Maine Trial Lawyers Association. Every case would be worth something. The case where a man who is drunk walking along the wrong side of a road in the dead of night and falls in front of your automobile and you're going five miles over the speed limit will then be worth something. And if you don't think that will send your insurance rates right up through the ceiling, then I submit to you that you haven't considered the facts. I am aware of the fact, very much aware of the fact, that I am the lone signer of a report which would say that neither of these bills should be passed.

I take this position although my self-interest would be served if this were passed because I say to you that this is the worst piece of legislation, the most reckless and irresponsible kind of legislation that could possibly come before this Legislature. It has been fashionable in this House to talk about the poor man. If you really believe that, then you will leave the law of torts of this state as it has been interpreted by our Supreme Court and not adopt this foreign expensive compensation type of law.

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

Mr. BRENNAN: Mr. Speaker, I rise in opposition to the motion of the gentleman from Cumberland, Mr. Richardson. First in regard to insurance rates, we had a very lengthy hearing and there were no figures given where this would increase the insurance rates. The fact is as I understand it, the states where this law has been adopted, that has not been the experience. Secondly, I would like to say this is not pioneering legislation. The doctrine of contributory negligence comes from England. They abolished the doctrine some twenty years ago as did the rest of the empire countries as well as many states in this country. The question here is what is fair, what is more just or more equitable, to apportion damages or to follow this present doctrine that everything is either all black or all white? We all know that

everything isn't all black or all white.

Under this doctrine if someone is slightly negligent he is not precluded from recovery. However, his recovery would be reduced by the amount which his negligence contributed to the entire accident.

Not only has England abolished this doctrine, but it has been adopted by the Federal Employee's Liability Act, by the Jones Act and it has been the law as far as maritime accidents have been concerned for a number of years. So, I submit, if we can apportion damages on the high seas, on the railroads, on the wharfs, why can't we apportion damages on the highways? The insurance industry has been very militant in fighting this bill. Apparently they have some interest to protect. They failed to articulately tell me what it is.

A somewhat recent United States Supreme Court decision discredited this doctrine of contributory negligence as harsh and for these reasons I rise in opposition to the motion of the gentleman from Cumberland. I would also like to remind this House that this is a Majority Report that it "ought to pass" and this is a single person that signed the Minority Report "Ought not to pass" to both bills.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I rise in support of my colleague, the gentleman from Portland, Mr. Brennan, and in support of the Majority "ought to pass" report. I am really sorry that some reasonable people actually claim that this particular bill is reckless and I'll tell you why.

This bill is modeled directly on a statute passed June 15, 1945 by the government of Winston Churchill. And I don't believe that anything passed by that government could really in fairness be considered reckless. This bill is simple, it's straightforward and it's very similar to President Theodore Roosevelt's special Employer's Liability Act which was

passed way back in 1908 which covers railroad employees. Now, in 1957, I went overseas with a contingent of American lawyers and we heard this very matter discussed by the knowledgeable barristers, the knowledgeable solicitors and other learned men. We learned from these people that as far back as 1937, the law revision committee, I think it was under Stanley Baldwin's government and that was a conservative government, was asked to consider whether the doctrine of contributory negligence as espoused by our opposition and my esteemed colleague from Cumberland, Mr. Richardson, whether this harsh and crude doctrine required some modification. The Law Revision Committee recommended "that in cases where damages have been caused by the fault of two or more persons, the tribunal trying the case, whether the tribunal be judge or jury shall apportion the liability in the proportion to which each party is found to be at fault."

This report formed a basis of a short bill which passed into law without opposition under the title "Law Reform Act, 1945." So today we naturally have a body of law which has interpreted this statute of Winston Churchill's government. This is the very bill we advocate today. And I suggest that the gentleman from Cumberland has only to read the cases to know that that statute is not only workable, it is livable, it is humane, it is decent and it is truthful. Now, there may be some talk about judges and juries and as I understand it from what I learned overseas, the reason why British law often has these matters heard before a judge and not a jury is that in the years 1939 to 1945 their men were soldiers and sailors and flyers and Marines scattered in fighting units over the world. And others were in the factory providing tools and sinews for survival. And English justice, which is looked up to everywhere as the finest in the world, because of its manpower shortage functioned largely with judges rather than the juries. Today a party to an

action is entitled as of right to a jury trial in cases of fraud, defamation, malicious persecution, false imprisonment, seduction and breach of promise of marriage. In other cases, in the Queen's Bench Division, the granting of a jury is discretionary.

Now, this 1945 Act which we are trying to have for Maine today is working out so well that the use of a jury where the issue is comparative negligence, so we were told in London in 1957, that the use of the jury is not common. Therefore, this business of insurance rates being sky-rocketed and juries being unable to determine the proportion of fault is really a bugaboo. I'm not going to bother at present to answer all the comments, but I think that this is a very sound piece of legislation. It is not reckless. I don't think that a piece of legislation that was passed by the Churchill government and that has existed for almost a quarter of a century is reckless and so I urge you to defeat the motion for indefinite postponement and to accept the Majority "Ought to pass" Report.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a question through the Chair to the gentleman from Cumberland, Mr. Richardson, of how old this present law is that we now have on our books and was there any other barrister on the committee that heard this document and made the report?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, has posed a question to the gentleman from Cumberland, Mr. Richardson, who may answer if he so desires.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I shall attempt to answer the question. As I understand it there are two parts to it. First of all the question is, how long have we had this law? Before I answer it I would like to have you know who is talk-

ing to you. This happens to be my specialty. This happens to be the only kind of lawyer I am, is a trial lawyer. The law of torts, the law governing relationships between individuals and what duties are owed is not statutory. It is not in the books so to speak. It has been created by courts over the years and it's subject to change. It has changed so that I would say now we have a law for example of children. If a child darts out in front of you, under the law of this state you are practically an insurer of the child's safety. If you run into a child, I can assure you that our Supreme Judicial Court takes an extremely dim view of it and the chances of your escaping responsibility are virtually non-existent. This rule with respect to children has been adopted by our courts in passing on and deciding cases.

Now, as to who here heard the bill, the bill was heard by the Judiciary Committee. There were many representatives here from the Maine Trial Lawyers Association who you will recall were here at a Maine Bar Association meeting last December and by making sure that all of their members showed up at a meeting which is very generally very sparsely populated, they succeeded in getting the endorsement of the Bar Association. I say to you that the vast majority of lawyers in this state want no part of a class attempt to blow jury verdicts out of proportion. I say to you again, you talk with a lawyer who doesn't have any particular axe to grind and he'll tell you this law will make every case worth something. That's exactly what it will do. The case where, as I said before, a drunk in the dead of night falls in front of you and you are going five miles over the speed limit, you couldn't possibly in God's world have stopped. Under this law you are going to pay.

And I submit to you that the most important thing is that if we make every case worth something, if we allow people to recover who themselves have been directly and primarily at fault, if we permit that our insurance rates are going to go up. I am not

going to bore you with statistics. I'll bring them in if someone is really that interested. This is a bad bill. It has been said many times in this House with respect to very much legislation. If you pass this law I think I will probably be able to spend one month a year in Florida, fine, but I want to tell you that you're going to price insurance rates in this state right out of sight. I hope that I have answered this gentleman's question.

The SPEAKER: The Chair would like to recognize at this time in the balcony of the House one hundred pupils of Grades 5 through 8 of the Belgrade Elementary School. They are accompanied by their teachers, Mrs. Jean Dowling and Mr. Barry Wheaton and Chaperones, Mrs. Gloria Isbister, Mrs. Verna Hammond and Mrs. Joyce Lanquet. They are the guests of the gentleman from Belgrade, Mr. Sahagian. On behalf of the House, the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

The SPEAKER: Is the House ready for the question?

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think the barrister from Cumberland, Mr. Richardson, has done a beautiful job of going around the question that I had asked. But, be that as it may, my feeling is this, is the jury system of our state now going to be so bad that they cannot apportion whatever insurance if any is allocated? I feel that if it can be done by a jury, by all means give the choice of the people to go to a jury and let them decide what is right or what is a fair amount to receive from insurance. And I think the argument used on the cost of insurance was brought up before when we eliminated the death limit and I understand that also these insurances are based on a national scale and not necessarily all on a local scale. So the increase

would be relatively little. So, I thank you.

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

Mr. LUND: Mr. Speaker and Members of the House: Some assumptions in the questions of the gentleman from Madawaska, Mr. Levesque, some of the assumptions in his question I think betray a lack of understanding of the way our jury system works and I feel I would be remiss in my duties if I did not try to clarify what may be a widespread misunderstanding. I would like to preface my remarks by saying that my position is with a firm of three men here in Augusta. The firm does insurance work and it also does other types of work. I don't feel that this bill would affect me in my private practice in an adverse fashion. As a matter of fact, I would be inclined to say that it would increase business and increase the gross that most lawyers would handle in their firm.

But, to return to the question of the gentleman from Madawaska, Mr. Levesque, I would like to point out to you what perhaps many of you are not aware, that in the trial of a case in court with a jury in an automobile negligence case or other types of cases, the jury doesn't know whether there is insurance or not. The jury doesn't know whether it's five and ten insurance coverage, ten and twenty or one hundred-two hundred. As a matter of fact, if through any inadvertence in the course of the trial the word insurance is injected into the case, the chances are excellent that the judge will declare a mistrial. So it isn't a case of the jury apportioning X amount of dollars that are available in insurance benefits. It is a question of the jury deciding how much John Doe or you or you is going to have to pay. Whether you have insurance or you don't have insurance is completely immaterial to the court action. The only time the insurance comes in is once the verdict is decided and then you face up to the question of whether you have insurance coverage enough or whether you have insurance coverage at all.

That brings up one aspect of this bill which I think we should not overlook. We're not just talking about insurance or insurance rates. I would suggest to you that every one of us is exposed to legal liability every minute of our lives. True, many of us in our homes have home owners policies that cover us against liability in a case of a suit brought by a guest. But, I would suggest to you that there are many areas in which we don't have this insurance, at your summer camp or your hunting camp, out in the boat. In your every day activities, every one of us does things from time to time in which we may incur personal liability which is not covered by insurance. This to me is the greatest evil of this bill. Because in many of the situations in everyday life, particularly because of some of the action this House has taken this year, the potential limits of liability are great.

Let's assume for the moment that you undertake to assist somebody who is in the highway, who is injured, and you do the best you can. They have a bleeding leg and you apply a tourniquet, but you don't remember the rules that you learned as a Boy Scout and you don't loosen the tourniquet now and then and the blood circulation is completely cut off. And let's assume that from the facts a jury could find that you were ten percent negligent and that your ten percent negligence was an active cause in causing the loss of that leg. I suggest to you ladies and gentlemen that you would be liable for ten percent of whatever the damage the jury found was the result of the loss of that leg to the person you were trying to help. And you probably would not be covered by insurance unless you have some very unusual insurance policies.

So the situation is not simply one of how high the rates are going to be. The situation is going to be one of many of us finding ourselves in cases of liability where we have no insurance coverage. The examples of the special tort liability in the case of railroads and maritime liability have been cited and I wish that some of you

could read some of the decisions in those cases in which the employer has been found guilty of negligence. For instance, in a railway case, the employers have been found guilty of negligence because there was rock upon the right-of-way and the employee stumbled on the rock and fell and he was injured. And as a result the employer was found liable for a percentage of the injuries that resulted.

Under our present law, if there is a rock in the road a man is held to see that rock in the path and if he fell as a result of stumbling on that rock, it is his hard luck and I suggest to you that this is the way it ought to be. Because many times after the accident is all over with, it is pretty difficult to prove whether there was a rock there or not. I think one of the arguments which has not fared very well in this House in support of legislation is "me too" arguments and I think the fact that England has adopted this rule under quite a different procedure is a "me too" argument and it is only necessary to point out that England has adopted many legal measures which would not find favor in this country. For instance, the complete socialized medicine program which they have there.

In closing, I would say this isn't just a question of every case being worth something. There are going to be cases where there are no cases today. It isn't a question that the gentleman from Portland, Mr. Brennan, suggests of all cases being black and white. If this law passes, all the cases are going to be green. Your green and mine.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I have listened to these lawyers. I have had a little of experiences with the insurance companies and the way that learned lawyer, the gentleman from Cumberland, Mr. Richardson, talks you would think that these insurance companies and these insurance lawyers, that they were highly ethical. My experience

has been and in my family and my friends, you let the average lay person get hit or injured and you'll soon find out how ethical they are. You'll soon find out how unethical they are. You'll soon find out the influence they have. You'll soon find out the influence that they have on your own doctor. You'll soon find out how they use every trick in the book to cut down what the injured person is entitled to. I could go on here for another fifteen minutes and cite a number of other cases and I suggest that you go along and vote for this bill unanimously. It should be passed.

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

Mr. BRENNAN: Mr. Speaker, the gentleman from Cumberland, Mr. Richardson and the gentleman from Augusta, Mr. Lund, have state that every case would be worth something. Now right in the bill itself, the very last line it says: "If such claimant is found by the jury to be equally at fault, the claimant shall not recover." Clearly every case is not worth something. Secondly, any recovery has got to be predicated on negligence. There must be some wrong doing or failure to do something which someone should do on one's part before you are going to get into the area of recovery. They have also spoken about higher insurance rates. Again we have heard no articulate testimony as to what these rates would be. They were before the committee for several hours. We got no figures. Where are the figures?

Also they talked about higher verdicts. I don't see the logic of that. I think this may be a more even distribution of a verdict where the jury and justice could say that this plaintiff is truly slightly negligent and therefore reduce the recovery by that amount. I think frankly you would probably get smaller verdicts. Thank you.

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

Mr. GILLAN: Mr. Speaker and Ladies and Gentlemen of the House: The opponents of this bill

so far have stressed what would happen to you if you injured somebody. Consider the converse of that. What if you were severely injured in your person and property today? You bring suit. You must plead and prove absolute freedom from contributory negligence. A smart defense attorney, generally an experienced insurance counsel, knows many aspects of the law. Generally their adjusters are on the scene before the attorney for the plaintiff hears the case. They sign statements such as "I didn't see the car coming." The Maine Court case, Law Court case holds that that is conclusive evidence of contributory negligence. I have seen at least two cases. This woman was severely injured. She entered a highway from a supermarket, turned left to go on the north bound lane and had proceeded about seventy-eight yards according to the police technician's measurements. Subsequently, she came to this attorney. I acted as associate counsel in the case. She told us the story. We thought she had a pretty good case. The insurance company wasn't ready to settle it. That caused a little query in our minds, but anyway we went to trial with it. The day of trial the insurance counsel showed us this statement this woman had signed for being an instrument of an insurance company adjuster. She said she had looked left, didn't see any traffic. Looked right saw no traffic coming and then entered. Well, of course, obviously what she meant to say was she looked right and didn't see a car coming within the range which she considered the range of reasonable apprehension of danger. However, this signed statement and the admission by her that she had looked and had seen no car coming killed the case dead immediately.

I consider that this proposed legislation will be fair to everybody. The burden of proof is still on the plaintiff. However, under present day traffic conditions, I think most reasonable people would agree that in any moving accident there is some degree of negligence on both parts. However, as I say, if it can be shown that you are

in the slightest degree of contributory negligence you're out of court. You have no recourse for the damage to your person and property. Thank you.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: Some few weeks ago, members of this House were warned about these horrible lawyers' bills that are about to come out of Judiciary and this is one of them. And what does this bill intend to do? Presently, we are under the harsh doctrine of contributory negligence which means that if anyone who is in the slightest degree negligent and contributed to an accident is barred from recovery. This bill does away with that harshness and says if you are negligent to a degree, that degree of negligence will be taken into consideration by the jury and a just and equitable amount of damages will be awarded. It is as simple as all that. Now, they talk about insurance rates going up, during the hearing we had proponents before us. We had opponents before us. Many times the committee members asked about facts regarding insurance rates. No one of the opponents could tell us what the insurance rates would be, how much they would increase to and I think that the motion to indefinitely postpone should be defeated.

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

Mr. BINNETTE: Mr. Speaker, I would like to ask a question of the distinguished lawyer from Cumberland. In his remarks, he stated there was a western state which had adopted that law and the insurance rates had doubled. Could he tell me the name of the state and how much the rates came up to?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, has posed a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he so desires after he has been given permission by the House to address the House a

third time. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, in answer to the question of the gentleman from Old Town, Mr. Binnette, I would first of all remind him of the fact that I have not had the advantages of having gone to England and studying their tort court law. Therefore, it will just have to come to you as from a Maine lawyer. The state is Wisconsin. The rate of each individual depends on how many accidents he has had, to some extent how old he is, how much coverage he wants. Therefore, it would be meaningless, for instance I can't recall right off hand what my insurance premiums are, but I think that the evidence is rather clear that if you pass this bill your rates will be doubled. Now, they won't be doubled the day after you pass the bill. They will rise because as the years go on, the loss experience becomes known, the rates will increase.

I want to make absolutely sure that you understand my position in this. I supported the abolition of the thirty thousand dollar limit on a man's life because I thought that that limit was, among other things, just plain barnyard variety wrong. I am opposed to these bills because I believe that they are directly contrary to the interest of the overwhelming majority of the people of this state and I believe that the sponsors of this legislation, the principal advocates of it, the Maine Trial Lawyers Association who represent plaintiffs, primarily are interested in seeing, as I have said before, that every case will be worth something. Nothing that has been said in here leads me to believe that that is not true. As a matter of fact, the proponents of the bill will admit that to you very cheerfully if you get them in a little less controversial atmosphere. This does make every case worth something.

Our law is based on the proposition that a man should not benefit from his own wrong doing. The case where the man has his foot one inch over the cross walk gets hit by somebody going sixty miles

per hour is not, I submit to you, going to be found guilty of contributory negligence and I certainly know of no case in which such a finding has been made.

Mr. Pendergast of Kennebunkport requested a division.

The SPEAKER: The gentleman from Kennebunkport, Mr. Pendergast, requests a division.

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

Mr. DANTON: Mr. Speaker and Members of the House: Just one final word. Of course, the Lawyers Association presented this bill. Who else could present this bill and advocate this bill? It is the lawyers who come across these predicaments day in and day out. The injured can't come here and testify and present the bill and speak for it and that's the reason why it is a lawyer's bill and the lawyers are in a position to know the inequities of the doctrine of contributory negligence. Thank you.

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House: I find myself somewhat in a dilemma each time one of these bills from the Judiciary Committee comes before us. First of all we hear lawyers serving on the Judiciary Committee and other lawyers representing or doing most of their business representing insurance companies and they lay these statistics or facts before us that are somewhat misleading. I am sure that there isn't anyone in the House here this morning that doesn't drive a car, doesn't know that if he has an accident that sooner or later or the next time he renews his policy that his rates are going to go up.

This bill before us this morning it seems to me that it's a good bill for the people of the state. I am positive that the insurance companies are not going to lose by it. In fact, I was somewhat amazed the last weekend riding down to Boston and coming over the pike down there and looking at the Ivory Tower down there,

I think they have done pretty well for themselves.

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

Mr. PALMER: Mr. Speaker and Ladies and Gentlemen: I would pose a question through the Chair to any lawyer who might care to answer it. If I should run over a child two and a half years old with the laws on the books as they now are, would I be held responsible and would I have to pay for this death?

The SPEAKER: The gentleman from Phillips, Mr. Palmer, poses a question to any member of the House who may answer if he so desires. The Chair recognizes the gentleman from Portland, Mr. Brennan, who requests permission to answer the question. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. BRENNAN: Mr. Speaker, in answer to the question of the gentleman from Phillips, Mr. Palmer, it conditions upon whether or not you were negligent in your driving and upon the situation of the child in whether or not the child's parents were involved and so forth. But, the principal thing is whether or not you were negligent in your driving and whether or not you were doing something you should have been doing.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Richardson, that the Reports and Bill be indefinitely postponed in non-concurrence. The gentleman from Kennebunkport, Mr. Pendergast, has requested that when the vote be taken, it be taken by a division. All those in favor of these reports and Bill "An Act relating to Comparative Negligence in Civil Actions," S. P. 201, L. D. 582, 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 seventy-one having voted in the negative, the motion did not prevail.

Thereupon the Majority "Ought to pass" Report in new draft "A" was accepted in concurrence, the New Draft read twice and assigned for third reading tomorrow.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act relating to Sweep-stake Races and Allocating Proceeds for Educational Purposes" (H. P. 102) (L. D. 110) on which the House accepted the "Ought not to pass" Report of the Committee on Taxation on April 22.

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

In the House:

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

Mr. LEVESQUE: Mr. Speaker, I now move that this matter lie upon the table until the next legislative day.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that the matter lie on the table pending further consideration and be assigned for tomorrow.

Mr. Richardson of Stonington requested a division.

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

All those in favor of the motion of the gentleman from Madawaska, Mr. Levesque that the matter lie on the table pending further consideration and tomorrow assigned will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-eight having voted in the affirmative and twenty-three having voted in the negative, the motion prevailed.

Non-Concurrent Matter

Bill "An Act relating to Permits by Highway Commission for Trucks in Construction Areas" (H. P. 211) (L. D. 279) 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 in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: On April the 14th this body accepted the "Ought not to pass" Report of the Committee on Highways and now we have got the matter before us again. In the meantime, the Highway Commission has been criticized all over the State of Maine for not opposing these so-called truck weight bills. However, today they must have had a change of heart. I have a statement here which I am only too pleased to read.

"An opinion under date of May 6, 1965 from the General Counsel of the Federal Bureau of Public Roads, indicates that the passage of L. D. 279 would place all federal highway funds in jeopardy."

Now, surely we don't want to take a chance on our Federal Funds and I move that we adhere.

The SPEAKER: The question before the House now is on the motion of the gentleman from Brownville, Mr. Ross, that we adhere. The Chair recognizes the gentleman from Orono, Mr. Anderson.

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

The SPEAKER: The question before the House now is on the motion of the gentleman from Orono, Mr. Anderson, that we recede from our former action and now concur with the Senate. Is the House ready for the question? The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker and Members of the House: This bill or a bill faintly resembling it came in to Public Utilities early. It turned out it was the wrong place, but we heard something about it and I must say it was a peculiar sort of hearing. These weights and so forth, you know my stand on weights, didn't get

much talked about, but the matter of putting in the latter part of that bill, putting sort of a minimum wage thing on dump trucks to make it short, got quite a play and the principal argument seems to be that there was an awful lot of federal money floating around here in the state and why shouldn't the dump truck boys get some of it or more than they are getting.

Well, that was an item that was tried in Portland last month on a faintly resembling case. Now, I don't know what this bill means at the moment. I have got three amendments in my file. I don't know which is which but I have a strong feeling that this is a highly special interest bill, that it should be defeated. I hope the motion to recede and concur does not prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It seems strange for me to get up this morning and oppose my own party Assistant Floor Leader in support of the friendly opposition, Assistant Floor Leader. I would not do so, because I knew nothing about the measure until such time when I took it upon myself to corroborate the statement that the gentleman from Brownville, Mr. Ross, made. And I understand that very definitely the passage of this bill would definitely put the federal funds in jeopardy. And I don't think we can certainly afford to do that.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I wish that the motion to recede and concur will pass and I have an amendment which will take off the danger of losing the federal fund to our state highway which I will present after the second reading.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Stoutamyer.

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

House: I would just like to read to the House a portion of this bill. "The 'construction area' shall consist of the road under construction plus all roads over which the material used in the road project has to be transported from pits, plants and terminals where the material originates." That could mean trucking granite curbing for example the whole length of the State of Maine.

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

Mr. DUNN: Mr. Speaker, I would like to read another line in this bill: "Bridges in the construction area which are not constructed to carry the additional weight granted in the permit shall be reinforced**". If you have to haul any distance, I can see where that would run into quite a lot of trouble and a lot of expense. I hope we do not recede and concur.

The SPEAKER: The question before the House is on the motion of the gentleman from Orono, Mr. Anderson, that we recede from our former action and now concur with the Senate on Bill "An Act relating to Permits by Highway Commission for Trucks in Construction Areas," H. P. 211, L. D. 279.

Mr. Anderson of Ellsworth requested a division.

The SPEAKER: A division has been requested. All those in favor of receding and concurring with the Senate will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Thirty having voted in the affirmative and eighty-two having voted in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Brownville, Mr. Ross, that we adhere. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

An Act relating to Retirement Benefits for Fish and Game Wardens and Coastal Wardens under State Retirement System (H. P. 369) (L. D. 471) which was passed to be enacted in the House

on May 21 and passed to be engrossed as amended by Committee Amendment "A" on March 12.

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

In the House:

On motion of Mr. Kennedy of Milbridge, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act relating to Trial Terms of Superior Court in Washington County (H. P. 416) (L. D. 528) which failed passage to be enacted in the House on May 24.

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

In the House:

On motion of Mr. Kennedy of Milbridge, the House voted to recede and concur with the Senate.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Protecting the Right of Public Employees to Join Labor Organizations" (H. P. 741) (L. D. 978) on which the House accepted the Majority "Ought not to pass" Report of the Committee on Labor on May 17.

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

In the House:

On motion of Mr. Levesque of Madawaska, tabled pending further consideration and specially assigned for Wednesday, May 26.

Non-Concurrent Matter

Majority Report of the Committee on Retirements and Pensions reporting "Ought to pass" on Bill "An Act relating to Rules Regarding Retirement of Teachers" (H. P. 758) (L. D. 995) and Minority Report reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in the House on May 19.

Came from the Senate with the Majority Report accepted and the

Bill passed to be engrossed as amended by Senate Amendment "B" in non-concurrence.

In the House:

On motion of Mr. Cottrell of Portland, the House voted to recede and concur with the Senate. in the acceptance of the Majority Report.

Thereupon, the Bill was read twice, Senate Amendment "B" read and adopted in concurrence and tomorrow assigned for third reading of the Bill.

Non-Concurrent Matter

An Act Revising Certain Laws Relating to Prevention of Forest Fires (H. P. 778) (L. D. 1174) which was passed to be enacted in the House on April 21 and passed to be engrossed as amended by Committee Amendment "A" on April 14.

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

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

Non-Concurrent Matter

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Appropriating Funds to the Division of Vocational Rehabilitation, Department of Education" (H. P. 786) (L. D. 1039) on which the House substituted the Bill for the Report and passed the Bill to be engrossed on May 21.

Came from the Senate with the Report accepted in non-concurrence.

In the House: On motion of Mr. Brewer of Bath, the House voted to insist and request a Committee of Conference.

Non-Concurrent Matter Tabled and Assigned

An Act relating to Right to Hold Property of Corporations for Facilities for Elderly Persons (H. P. 802) (L. D. 1094) which was passed to be enacted in the House on April 9 and passed to be engrossed on April 2.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

On motion of Mr. Cottrell of Portland, tabled pending further consideration and specially assigned for Wednesday, May 26.

Non-Concurrent Matter

An Act to Clarify Certain Portions of Election Laws Relating to Ballots (H. P. 907) (L. D. 1235) which was passed to be enacted in the House on March 19 and passed to be engrossed on March 10.

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 Arbitration Agreements" (H. P. 1140) (L. D. 1560) which was passed to be engrossed in the House on May 21.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

On motion of Mr. Richardson of Cumberland, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Bill "An Act Defining Public Utility in Relation to Certain Sewer Districts and Systems" (H. P. 930) (L. D. 1268) which was indefinitely postponed in the House on May 20.

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

In the House:

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

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

The SPEAKER: The gentleman from Sanford, Mr. Bernard, moves we recede and concur.

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

Mr. PIKE: Mr. Speaker and Members of the House: This is a very difficult matter. It is a small bill, but as I said the other

day, some of these communities which have sewer districts and are under total or partial jurisdiction of the Public Utilities Commission, didn't know that they were affected and they were not here. They probably saw the ad but there are I don't know how many, probably a dozen or fifteen or maybe twenty private and special laws under which these districts operate in the small towns, and it seems to me to take away what they regard as protection, they regard the Utilities Commission as a friend rather than an enemy, would be not an act of good judgment. I hope the motion to recede and concur does not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Sanford, Mr. Bernard, that we recede from our former action and concur with the Senate. All those in favor of receding from our former action and concurring with the Senate will say aye; those opposed, no.

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

Thereupon, the House voted to insist.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cottrell and inquires for what purpose does he arise.

Mr. COTTRELL: I would like to refer to item 21 on page 6. I wish to withdraw my tabling motion.

The SPEAKER: L. D. 1094. The gentleman may not withdraw his tabling motion. His motion is not in order.

The Clerk will proceed.

Non-Concurrent Matter

Bill "An Act to Incorporate the Kittery Sewer District" (H. P. 1121) (L. D. 1531) which was passed to be engrossed in the House on May 13.

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

In the House:

On motion of Mr. Avery of Kittery, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Bill "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies" (H. P. 1130) (L. D. 1545) which was passed to be engrossed as amended by House Amendments "A" and "B" in the House on May 19.

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

In the House:

On motion of Mr. Conley of Portland, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Resolve Authorizing Change of Shoreline of Certain Lots at Long Lake in Sinclair (H. P. 1138) (L. D. 1558) which was passed to be engrossed in the House on May 21.

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

In the House:

On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur with the Senate.

**Non-Concurrent Matter
Tabled Until Later in
Today's Session**

Bill "An Act relating to Definition of Club under Liquor Laws" (S. P. 434) (L. D. 1368) on which the House accepted Report "B" reporting "Ought not to pass" of the Committee on Liquor Control on May 21.

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

In the House:

On motion of Mr. Cote of Lewiston, tabled until later in today's session pending further consideration.

Messages and Documents

From the Senate:

The following Communication:

**INTERGOVERNMENTAL
RELATIONS COMMISSION
AUGUSTA, MAINE**

May 24, 1965

To the Honorable Senate and
House of Representatives
102nd Legislature

At the direction of the Maine Intergovernmental Relations Commission, I am pleased to transmit herewith the Commission's report on its activities and projects during its first year of operation.

A copy of this report has been submitted to Governor John H. Reed.

Respectfully,

(Signed)

FREDERICK W. KNEELAND

Frederick W. Kneeland

Executive Secretary

(S. P. 573)

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, was read and with accompanying reports ordered placed on file in concurrence.

**Orders
Tabled**

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

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the policy, functions and activities of the Maine Port Authority for the purpose 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.

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

Mrs. RUBY: Mr. Speaker, I would inquire if the House is in possession of House Paper 1093, L. D. 1489, Bill "An Act to Clarify the Motor Vehicle Laws."

The SPEAKER: The gentlewoman from Bangor, Mrs. Ruby, now

inquires whether the House has in its possession L. D. 1489 and the Chair would answer in the affirmative.

Mrs. RUBY: Mr. Speaker, I now move we reconsider our action of yesterday whereby House Amendment "A" was indefinitely postponed and I would like to speak to the amendment.

The SPEAKER: The gentlewoman from Bangor, Mrs. Ruby, now moves we reconsider our action whereby we indefinitely postponed House Amendment "A". Is this the pleasure of the House? All those in favor of reconsidering our action whereby we indefinitely postponed House Amendment "A" will say aye; those opposed, no.

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

On the part of the House, the Speaker appointed the following Conferees to the Joint Conference Committee on the disagreeing action of the two branches on "An Act Requiring Permits to Dam Waters for Recreational Purposes," (S. P. 342) (L. D. 1087):

Messrs. COOKSON of Glenburn
ANDERSON of Orono
PALMER of Phillips

Passed to Be Engrossed

Bill "An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Years Ending June 30, 1966 and June 30, 1967" (S. P. 563) (L. D. 1575)

Bill "An Act Providing Funds for Accelerated Program for the University of Maine" (S. P. 564) (L. D. 1576)

Bill "An Act to Liberalize Credit for Out-of-State Services for Teachers under State Retirement Law" (H. P. 1047) (L. D. 1418)

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of twenty-one pupils of the 6th grade of the Union Central School of Union, accompanied by their teacher, Mrs.

Maxine Heath and their chaperones. These young people are the guests of the gentleman from Union, Mr. Hawes.

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

Bill "An Act Authorizing Use of Prisoner Assistance by Charitable Organizations" (H. P. 1115) (L. D. 1522)

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

The SPEAKER: Item 4. The Chair recognizes the gentleman from Lewiston, Mr. Bussiere.

Mr. BUSSIERE: Mr. Speaker and Members of the House: L. D. 1522, I don't believe in this bill. I can't see any use of it, I am going to tell you my own experience two years ago while I was driving in the outskirts of the city and a deputy sheriff was standing in the middle of the road smoking a big cigar, so I stopped, I knew the gentleman pretty well, I said: what are you doing here? Well, he said: I'm the boss, I am the supervisor, I have got fifteen men working for me. I said: where are they? Well, he says, it is a pretty hot day today. See that big tree down there? They are over there taking it easy. So you have to pay a special deputy to supervise somebody that isn't doing anything and I can't see what you can accomplish with this bill, and I would move indefinite postponement of this bill.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Bussiere, that this bill be indefinitely postponed.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't agree with this gentleman's remarks. I think they are not conducive to good legislation, and I certainly hope that you will vote against indefinite postponement of this matter.

Mr. Haugen of South Portland requested a division.

The SPEAKER: A division has been requested. The Chair rec-

ognizes the gentleman from Lewiston, Mr. Bussiere.

Mr. BUSSIÈRE: Mr. Speaker, Mr. Binnette doesn't agree with me, and I don't agree with him. But I think really what this bill will accomplish is nothing, only take them out for a walk and back and you have to pay for transportation back and forth and pay for a supervisor which is a waste of the taxpayers' money. If they are in jail, let them stay in jail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Lewiston, Mr. Bussiere, that Bill "An Act Authorizing Use of Prisoner Assistance by Charitable Organizations," H. P. 1115, L. D. 1522 be indefinitely postponed. A division has been requested. All those in favor of the indefinite postponement of this bill and its accompanying papers will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

Bill "An Act relating to Shooting Human Being While Hunting" (H. P. 1133) (L. D. 1552)

Bill "An Act relating to Retail Liquor Store Premises with Entrances to Other Premises" (H. P. 1141) (L. D. 1561)

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

Bill "An Act to Extend the Sales Tax to Telephone and Telegraph Service" (H. P. 1152) (L. D. 1584)

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

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

Mr. BERRY: Mr. Speaker, Members of the House: I had intended to postpone my part in the discussion on the extension of the

sales tax to telephone service until enactment at which time it would need a hundred and one votes for passage, but I have been increasingly disturbed by reports in the papers that this proposed telephone tax is part of an overall package deal with which the 102nd Legislature is working. This is incorrect, of course. There is a tacit understanding that the telephone tax is tied with the uniform effort and that alone. The telephone tax has nothing to do with the other portions of the program which we have been discussing.

I feel that it is important that this erroneous impression be corrected early, lest it gain too much momentum in the wrong direction. Accordingly, I would move at this stage, Mr. Speaker, that L. D. 1584 be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this bill and accompanying papers be indefinitely postponed.

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

Mr. ROSS: Mr. Speaker, Members of the House: I was very surprised to see an editorial in this morning's Portland Press Herald entitled "Governor Claims Credit for Plan that will Impose a New State Tax." At a recent caucus Republicans did agree to do certain things. They agreed to support the employees' pay raise, a crash program for the University of Maine, bond retirement provisions and in the capital expenditure field they agreed to support certain additional things for the University of Maine, a gym at Pineland, a gym at the Stevens Training Center and so forth. As far as equal effort goes, there was a great deal of interest shown by the Republicans and support for this, but the caucus determined that we would let it rise and fall on the ability to pass some tax. The telephone tax was just one of those mentioned.

Certainly, Republicans per se are not committed to the support of the telephone tax. This sug-

gested tax had no public hearing and as far as I know it was the idea of certain persons in the majority party. If you would note the committee report, you would note that not only did I sign against this tax, but four others did, three in the Minority Party and one in the Majority Party. Certainly, no tax would prove popular, but I bet that this would be one of the most unpopular taxes that we have considered this term because it hits every person who owns a phone, the workman and the professional alike. Now, although I signed against the sweepstakes bill, if we are to adopt equal effort I would much rather support that than the telephone tax and I certainly support the motion to indefinitely postpone this tax.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: One of the things that we as legislatures and previous legislatures have been able to do over the many preceding years, it seems to me is to pass the wrong tax at the wrong time. It seems to me that this is another one of those occasions where we are about to pass a wrong tax at the wrong time.

Now, I say "wrong tax" because this tax, of course, is an extremely regressive tax. All sales taxes are regressive in their incidence. Now that is high-flown language I suppose for talking about taxes that raise a lot of money by hitting the little guy. And that is exactly what this tax will do. This is what our sales tax would do. And this is the type of taxation we have had in this state for many, many years. We've long ago exhausted the possibilities of getting more taxes out of the property owners. This tax, the property tax of course, is a basically legitimate tax. It taxes the owners of property for services produced for them. But when you extend it to the point that you are taxing way beyond the services

rendered then you have got a tax that is improper.

Now, the gentleman from Freeport, Mr. Graham, put a tax bill in this session which some day is going to be passed in the State of Maine. I notice that very few of you joined with us in voting for that tax. That tax is not a regressive tax. That tax was a fair tax. That tax would have raised the money that we may need in the future and certainly would raise more than enough for the uniform effort which I am in favor of. Now, I say the wrong tax at the wrong time, because the trend in the federal area is to eliminate this type of tax. The May 18th issue of the Lewiston Sun has an article in it concerning Congressman Tupper attempting to eliminate the ten percent excise tax on the federal level. Now, we are going at cross purposes here. This will be done. It may not be done this session of Congress, but it will be done because slowly but surely we on the national level at least are recognizing that regressive taxes are wrong in principle. They hurt the little guy and they also hurt industry and they are not conceived to do anything but raise a lot of money even though they tax the wrong person. Now, if Congress is going back and taking these taxes off it seems incongruous to me that we, as supposedly intelligent legislators, would pass an increase of this type of tax.

Don't forget that this source of tax revenue was hit just recently by the State of Maine in the previous Legislature. Now, we are going the wrong way, if we pass this bill. I strongly support the motion for indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First I would like to comment on the remarks made by the gentleman from Bath, Mr. Ross, wherein he said that three members of the Minority and one member of the Majority voted with him "Ought not to pass". One member of the

Minority has told me that he has since then changed his mind and will vote for the tax. One member of the Majority has told me that he has changed his mind and he will vote for the tax, so that leaves you with the sum total of two. Now, in so far as the comment made that this bill had not had a hearing, I can tell you at least ten taxes that have been imposed that had no hearing. I can further tell you that a two cent cigarette tax was imposed by order at about three o'clock one morning when we were having a marathon and in two hours it became a law. So, let's forget that chestnut also.

Now, it's just as simple as this. The uniform tax effort law and this tax or no uniform tax effort law. There is no use in arguing about it. There is no reason for staying here until Labor Day. I would just like to remind you that I have yet to get over the effect of being called sales tax Jalbert all through the last campaign. Nineteen of us join you, how about a little reciprocity?

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: This tax on telephones and those who use telephones is absolutely all wrong. And I agree one hundred percent with that future governor of the state, Rodney Ross. I agree with him one hundred percent. I am against this tax and I am strongly in favor of a sweeps tax so that we will have money for educational purposes. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In view of the indecisiveness of some members of the House I will now ask that the members be recorded on a roll call on this vote.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this Bill "An Act to Extend the Sales Tax to Telephone and Tele-

graph Service" (H. P. 1152) (L. D. 1584) be indefinitely postponed.

The gentleman from Madawaska, Mr. Levesque, has requested that when the vote is taken that it be taken by the yeas and nays. In order for the vote to be taken by the yeas and nays, it requires the consent of one-fifth of the members present.

As many as are in favor of having the vote taken by the yeas and nays will kindly rise.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth of the members having arisen, the yeas and nays are ordered.

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

Mr. BERRY: Mr. Speaker and Members of the House: I am sorry indeed to hear my good friend, the gentleman from Lewiston, Mr. Jalbert, say this is it, take it or leave it. I have not in the past realized that he is the sort of man to deliver ultimatums. It seems to me that we are debating the increase of the sales tax on the telephones. We are not debating the uniform effort. If a suitable tax can be found for the uniform effort I certainly would support it. This is not the tax. I urge you to vote only on the merits of the extension of the telephone tax.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not in the habit of delivering ultimatums. I am not in the habit of delivering threats, I am just delivering a promise.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to inform you that I pay a sales tax on water and who put the sales tax on water? I just want you to know that all of a sudden we awake and see around us people who have so much compassion for the little man and they forgot the little man when it came to his drinking water. I tell you right

now, this telephone tax is a fair tax and this is help for the small town and I hope those of the minority party will not forget that you do come from small towns and we need this uniform effort bill and I intend to go into the next campaign if you do oppose this and send telegrams and spend money and bring it right out in the open that you come down here representing small towns and you forget the towns you represent.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I am sorry that apparently this has taken such drastic issues with some people. I just want to state my reasons why I am going to vote against this which would be a new tax setting up a new section of broadening our sales tax. Number one, such a tax would place an additional burden on a service which is a necessity and which already carries a heavy tax burden. While total tax collections in Maine from all sources rose twenty-four percent between 1958 and 1963, tax collections from the telephone industry rose well over forty percent in the same period.

Number two, there is need for further expansion of telephone service in the rural areas of Maine and an additional discriminatory tax aimed at users of this service will not help. I want to point out that this is thinking of the little man.

Number three, telephone service is essential to low income, elderly and handicapped people as well as to others. Service to such people would be made more costly.

Number four, such a tax would be especially discriminatory against those sections of the state more removed from centers of population. This is true because people in these more remote sections already have a longer distance call to the population centers. This proposed tax calculated as a percentage of the total charge would add to their burden.

Number five, such a tax would add a serious additional burden

of record keeping and revenue separations upon this one branch of the communications industry. This burden is no small problem.

Number six, telephone service essential to prospective new Maine industry would be further handicapped in its ability to provide the needed services at attractive and competitive rates.

Number seven, such a tax would add additional cost every day to your telephone bill and mine. Thank you.

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: First of all, I want to apologize to the gentlewoman from Winthrop, Mrs. Baker, for trying to ride in on her speech there. But this tax is not going to be too painful. Our average telephone bill as I recall mine, I believe it's six to seven dollars and sixty-five cents a month and four percent of seven dollars and sixty-five cents is thirty cents. Now that isn't going to be too tough to take and then too, this federal excise tax that is in the offing to be removed, some ten percent, will give the telephone users considerable relief there. So the net gain will be six percent. I urge you to pass this telephone tax. I am sure that the people are not going to be too worried about it and they probably won't even notice it.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this Bill and its accompanying papers be indefinitely postponed and the yeas and nays have been ordered.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I must surely apologize to you for getting into this debate but I want to make it absolutely clear as a matter of record, what my position is on this because among other things uniform local tax effort is an extremely impor-

tant thing to me and extremely important to the people that I represent. I do not view this as a take it or leave it proposition. I will support any reasonable tax to support uniform local tax effort and I for one was rather disturbed that priorities were arranged the way they were with respect to the agreement which has been talked about so much in our papers.

I do not view the telephone tax as being a good tax and I don't think it is because of the many good sound reasons that have been stated in opposition to it, but I do say to you that I don't take this as a take it or leave it proposition. That I intend to support any reasonable tax which will lead to the possibility of the coming into being of the uniform local effort and I simply want the record to be clear that when I vote for the indefinite postponement of this bill I am not voting against the uniform local tax effort.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I think we should basically consider some of these principles of taxation that are used by all states. New York State, you know, now has a sales tax and an income tax. New York City has an income tax and a five per cent sales tax. Our opportunities to increase our income through taxation are simply to broaden our sales tax, increase it to four and a half percent or five percent or to have an income tax. Now, we can put a tax on coal and oil. We already have a sales tax on electricity and gas. Or we can put a sales tax on the telephones. I think that in doing it we are accepting one of the principles of broadening our sales tax. It's painful, but at least it's not going to increase our property tax if we do get this money on the uniform effort for our schools and a lot of you people who I hope some day have an opportunity to serve on the Taxation Committee which we call really an exemption committee, of all the bills put in, most of them are for exemptions. There are very few wanting to tax.

Now, it seems to me it's just as simple as that. Broaden your sales tax, increase it or have an income tax and this seems at this point the best thing to do, a sales tax on the telephone.

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

Mr. JALBERT: Mr. Speaker, I would pose a question to the good dreaming gentleman from Cumberland, Mr. Richardson, what is his alternative?

The SPEAKER: The gentleman from Lewiston Mr. Jalbert, has posed a question to the gentleman from Cumberland, Mr. Richardson, who may answer if he so desires.

Mr. RICHARDSON: Mr. Speaker, one of the many proposals that I have heard and I am not a member of the leadership of the Majority Party is that we increase the tax on cigarettes. I smoke. I happen to believe it's a filthy habit and I would be very much in favor of increasing the tax on cigarettes.

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

Mr. JALBERT: Mr. Speaker, if the gentleman from Cumberland, Mr. Richardson, had chosen to study this matter as thoroughly as he studies insurance measures, he would have found out that if we hike the cigarettes from two to four cents, which is what he would have to do to get his uniform tax effort law, it would become as regressive a tax as the tobacco tax is concerned. And I might say before I close that I am speaking for myself and I think I have got quite a lot of company. The same thing goes that I told the gentleman from Cape Elizabeth, Mr. Berry, to you. This is not an alternative. This is not a threat, this is a promise.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel kind of pleased to be able to go along

with this tax this morning. I thought maybe it would get us out of here a week sooner. For that reason I was willing to go along. However, I too could think of a lot of alternatives. I personally would like to see us have a four percent tax on newspaper ads, but at this late in the session I think I will go along with the proposed tax and see if we can get home a week earlier. Thank you.

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

Mr. KATZ: Mr. Speaker, I can't resist the temptation to bring up the paraphrased words of Alexander Pope from the 18th Century who might have said: "Whoever seeks a perfect tax seeks what ne'er was, nor is, nor ere shall be." I'll vote for this one.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that this Bill "An Act to Extend the Sales Tax to Telephone and Telegraph Service (H. P. 1152) (L. D. 1584) be indefinitely postponed. The yeas and nays have been ordered.

As many as are in favor of indefinite postponement of this Bill will either answer yea or yes when the Clerk calls the roll; those opposed will say nay or no. The Clerk will call the roll.

Roll Call

YEA — Anderson, Ellsworth; Avery, Baker, Winthrop; Benson, Southwest Harbor; Brennan, Berry, Brewer, Bussiere, Carter, Cressey, Crosby, Davis, Drouin, Dunn, Erwin, Evans, Gauvin, Harriman, Haynes, Huber, Hunter, Clinton; Libhart, Lincoln, Littlefield, Lund, Lycette, Meisner, Mosher, Norton, Payson, Peaslee, Pendergast, Richardson, Cumberland; Roberts, Ross, Bath; Searles, Storm, Sullivan, Wight, Presque Isle.

NAY — Anderson, Orono; Baker, Orrington; Baldie, Beane, Beard, Benson, Mechanic Falls; Bernard, Binnette, Birt, Bishop, Blouin, Boissonneau, Bourgoin, Brennan, Buck, Burwell, Carroll, Champagne, Childs, Conley, Cote, Cottrell, Crommett, Curran, Cushing, D'Alfonso, Danton, Doyle, Dri-

gotas, Dudley, Dumont, Edwards, Eustis, Farrington, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gifford, Gillan, Graham, Hammond, Hanson, Gardiner; Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hawes, Hawkes, Healy, Hunter, Durham; Jalbert, Katz, Kennedy, Keyte, Kilroy, Kittredge, Knight, Laberge, Lang, Lebel, Lent, Levesque, Lewis, Lowery, Martin, McKinnon, Millay, Mills, Mitchell, Nadeau, Palmer, Pike, Pitts, Poulin, Prince, Rackliff, Richardson, Stonington; Ross, Brownville; Ruby, Sahagian, Sawyer, Scott, Stoutamyer, Waltz, Watts, Wheeler, White, Guilford; Whittier, Wood, Wuori, Young.

ABSENT — Bradstreet, Bragdon, Carswell, Cookson, Dickinson, Dostie, Faucher, Gilbert, Glazier, Hanson, Lebanon; Hoy, Jewell, Jordan, Lane, Roy, Starbird, Susi, Truman, Ward.

Yes, 39; No, 93; Absent, 19.

The SPEAKER: The Chair will announce the vote. Thirty-nine having voted in the affirmative and ninety-three in the negative, nineteen being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be engrossed and on motion of Mr. Levesque of Madawaska, was sent forthwith to the Senate.

Amended Bills

Bill "An Act relating to Use of Purse Seines in Taking Herring from Certain Waters" (H. P. 540) (L. D. 714)

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

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

Mr. LENT: Mr. Speaker, I move that L. D. 714 be indefinitely postponed.

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

House at Ease

On motion of Mr. Levesque of Madawaska.

Recessed until one-thirty o'clock in the afternoon.

After Recess

1:30 P.M.

The House was called to order by the Speaker.

The SPEAKER: On page 9, item 8, Bill, "An Act relating to the Use of Purse Seines in Taking Herring from Certain Waters." The question before the House is the motion of the gentleman from Scarborough, Mr. Lent, that this bill and its accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to my colleague from Scarborough, Mr. Lent, in asking for indefinite postponement.

This bill was well debated yesterday and was well supported accepting the majority "ought to pass" report with two readings. I tried to inform you that unless one was familiar with marine affairs and commercial fishermen's problems, that it was hard to understand the intricacies of marine legislation. I reminded this House that I had introduced many pieces of marine legislation and would not put my name to a bill that was not good for the industry and the economy of our state. I introduced and got passage on a restriction bill in Casco Bay four years ago, keeping out the Boston fleet of draggers that were over sixty-five feet. This restriction has resulted in our Maine fleet of smaller draggers making big money in the last three years, but there were two or three of our dragging fleet that did not like me for the thing that I introduced four years ago.

And the same thing held true in legislation pertaining prohibiting skin diving for lobsters, and for the dragging for lobsters and fighting against legislation to allow Canadian short lobster meat to come into the state. I have fought for conservation and propagation of all of our marine affairs and

I have taken for my yardstick the commercial fishermen whose judgment I respect in all affairs pertaining to our fishery.

In this instance of a purse seine bill, restriction in Casco Bay, there were seventy-four stop seiners and a hundred and eighty-four lobster fisherman that opposed this purse seine operation. Canada prohibits purse seining in its inner waters and South America prohibits purse seining period. Why? For the same reasons I have told you about, the breaking up of schools, an inferior grade of fish for canning and putrefying the bottom. Controls, restrictions and standards have to take place with all of our commercial fisheries from alewives to sea salmon, lobsters and so forth. This condition takes place with our inland fisheries and wildlife for conservation and propagation. Measures that return yields of economy and pleasure to the people of the State of Maine.

Stop seiners have their life earnings tied up in this gear that represent hundreds of thousands of dollars and if they were stretched out in one stream there would be over six hundred miles of stop seiners. Yes, stop seiners could become purse seiners, but they had preferred to stay up all night and work twice as hard, which they have to do, yes, to get a better price but to control the future of their industry and their livelihood. Stop seiners from the whole seven counties of Maine fish seriously for sardines in the Casco Bay area. And if these stop seiners catch good fish that are shipped to eastern factories and make the whistles blow for help to pack these fish, what is bad about that?

I have seen twenty-five or thirty sardine carriers at one time near my store when fish were running in this area in Casco Bay and none to the eastward. This in turn represents greater economy to the State of Maine and its people. These fish are caught by the stop seiner for food fish to be packed in key cans. The prices that the stop seiner receives for his fish are a dollar and fourteen cents a bushel, against a forty cent price

per bushel for the same fish that would have to go to the grinders.

I would like to remind Mr. Lent, from Scarborough, that one of the strongest proponents that appeared before the Committee on Sea and Shore Fisheries came from the Town of Scarborough. And I would also like to remind Mr. Lent that in his town, there are restrictions like I read to you yesterday. This one pertains to taking shad in the Nonesuch River and goes on for several lines.

So, again I repeat to you that restrictions are necessary in all of our fisheries for protection to the different categories in which men fish. I would like to remind this House that in 1964 which was a very small catch, and these are only the fish that were reported in Cumberland County, that there were thirteen million pounds reported at a price of two hundred and sixty-six thousand dollars. This price amounts to approximately a dollar and twenty-three cents a bushel.

I urge you to support the majority "ought to pass" report. This is very important. For those of you who are not conversant on marine affairs, you will have to take someone's word for it who lives with the fisherman and deals with the fisherman and lives on the shore, which I do. Thank you.

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

Mr. HEALY: Mr. Speaker, and Ladies and Gentlemen of the House: I am very glad to get the report from the gentleman from Harpswell, Mr. Prince, there on the fishing industry in this country. He referred to the — some of the South American companies that restrict this purse seining. I should like to call his attention to the fact that the greatest fishing country in the world, Iceland, does nothing but purse seining.

There has been an amendment attached to this bill here, we have had so many amendments come through the House here that I am sure that everybody hasn't had a chance to read them. But I should like to call your attention to this amendment and it is to the effect

that these purse seiners won't be allowed to fish between May 1st, I believe, and October 30th.

I would like to call your attention to the fact that these herring never school in this area except between May 1st and October 30th. Therefore it was very generous of this gentleman to attach this amendment to this bill. Now in so far as the economy of Cumberland County or Casco Bay is concerned, the economy is going to be better served if we have purse seining. As I said yesterday, there is no reason in the world why these stop seiners can't get their stock of fish. As a matter of fact, many times they have so many fish trapped that they can't sell them, the sardine factories can't take them. They can't even sell them to the grinders so-called. And these grinders that he is talking about are factories that process the fish for food products, for poultry and then also there is a basis of scale that is used for pearl essence that creates considerable economy. And insofar as the cost or the investment in this property of these fishermen are concerned, I should like to submit to you that the purse seiners have plenty involved in their purchase of equipment too with boats and seines and all of the other gear that is necessary.

The sardine industry in this part of the State of Maine has two surpluses, one is an over supply of finished product and the other is red ink. The five factories that were referred to yesterday, three of which have been closed down entirely, I regret that. I regret that a lot because there are a lot of people in the Portland area, the South Portland area and all through that area that depend a great deal on the earnings that they can get out of the sardine industry through the summer. They are going to lose this, but there are two hundred or more fishermen along the line who are going to be, whose style is going to be very much cramped if they can't do purse seining and I submit again to you that purse seining has no ef-

fect whatever on the stop seining catch in these bays and coves. The purse seiners do their fishing outside of the bays and coves in deep water. And in so far as breaking up the schools is concerned, who knows how many fish are in these schools and where they go to? This is not going to affect the stop seining business and I submit again that these fishermen have as much involved in equipment or even more than the stop seiners do. It is more costly to set up this heavier equipment for the purse seiners. They have to have larger boats. There is a tremendous amount of money involved here.

This is going to affect the economy of Cumberland County to stop these men from fishing and I hope that you go along with the motion of the gentleman from Scarborough. Thank you.

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

Mr. LENT: Mr. Speaker, Ladies and Gentlemen: I too have talked to fishermen in regard to this proposed legislation. It seems to be the consensus that there is one basic human infringement involved here, the right to pursue your livelihood. As we have extolled from time to time this session, I ask you, where could we find a more genuine picture of free enterprise at work than a fisherman pursuing his fish wherever it might be. I would hate to see them placed in jeopardy, to see probably fifty percent of their seasonal potential removed. The expensive investment in time, in money in their boats, their gear, a traditional thing should be allowed to continue and these certain waters referred to, I ask what has motivated this type of exclusion in certain areas of Cumberland County, certain waters probably involve certain people. And I hope there's no selfish motives involved.

I say leave it as it is and let everybody enjoy the fruits of their effort. Thank you.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I am financially interested in a stop seining outfit. I was very much amused and somewhat surprised at the basis of the argument made by my friend, Mr. Prince from Harpswell in attempting to get this bill passed. It seems to me if you will recall the extended speech he made against my two hundred and fifty lobster trap bill that these things just don't go together, what he is saying now about this is the exact opposite of what he was saying when he was against my lobster trap bill.

You folks have realized by now of course that I put that bill in with the thought, I was hoping that we would be able to wake ourselves up that something has to be done for that industry. Now, this industry that we are talking about today is also in trouble. I think that if this bill were passed and two years from now it were extended to go up and down the whole coast of Maine, my own particular pocketbook would be helped, but I don't think that's the question.

It seems to me that this bill is wrong in principle because it is restricting without any logical basis, and that's the key, without any logical basis, a certain type of fishing endeavor. We have not had the extensive, extremely extensive research in this area that we have had done on the lobster industry. We haven't got the slightest idea as Mr. Healy so truthfully says, what these schools of fish do when they are cut into by the purse seiner and if the stop seiner doesn't like to have the purse seiner outside catching fish, then I suggest that what we are going to have to do is to change our method of fishing, not stop the people who are legitimately engaged in this other business.

Now, with all due respect to the sardine industry, the catfood industry, the grinding industry, also it seems to me has a right to exist. They need fish. They must

have them. And if you prevent the purse seiners from catching the fish even if they have red feed in them and selling them at a low price, then these people in our industry who also provide employment in the State of Maine are going to be out of business. It seems to me this argument, the argument that's being made by the proponents of this bill depends very much on whose bull is being gored. I hope again you will reduce this to logic and ask yourself the question, what does this bill intend to do? It intends to provide a little monopoly for a certain small group of fishermen in the Casco Bay area. That's what it intends to do. The next question you must ask yourself, is this something we want to do in the State of Maine? Is this something that is good for our total industry, the implications in the future? After you have answered that question, it seems to me that you can vote intelligently on this.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Probably with the exception of the gentleman from Lubec, Mr. Pike and the gentleman from Harpswell, Mr. Prince, I have been associated with a fishery on the coast of Maine longer than anyone else in the House. Over the past two sessions when I have had a question with regard to farming or legal affairs or what have you, I have gone to the people that I felt would know what the answers were and asked them what their opinion of the legislation was.

Stated in the debate yesterday and again brought out today that the Department of Sea and Shore Fisheries cannot say whether the purse seiner of fish actually bothers the school or not. And I would submit that this is very true. They do not have the information on which to base this. However, the observation of most stop seiners on the coast of Maine, I think, would certainly indicate that there is a very definite connection between purse seining and the scarcity of fish in shore. The expense that a purse seiner is under has also been brought out, but I would

like to point out to you that when the purse seiner gets through fishing that his seines and all of his equipment, is safely aboard his boat. The stop seiner on the other hand has the twine and his boat out in the jaws of the ocean until the fish are actually removed from the pocket and he can take his twine up and go back into port regardless of whether this is twenty-four hours, thirty-six hours or a week.

The last point that I would like to bring out is this. It has been mentioned that you are preventing these people from purse seining during the summer months, and I would submit to you, being closely associated with the sardine factory, that any time that there is a supply of stop seine fish available that a factory wouldn't touch a purse seine fish with a ten foot pole because they are not quality fish.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: As a member of the Sea and Shore Fisheries Committee this has been the most controversial thing we have had before our committee. On the first decision before all the information was complete we had, I signed the Majority "ought to pass" Report. Since then with other information coming along I changed my vote to "ought not to pass". I felt and I feel now that this bill discriminates against one type of industry on our coastline. It has been the policy of the Sea and Shore Fisheries Committee not to pass anything that was discrimination. As my friend, Mr. Libhart, from Brewer, so ably testified to on his two hundred and fifty lobsters pots. That is the reason, and I believe he has cited it accurately why I changed my vote to "ought not to pass". I will have to support the motion of Mr. Lent from Scarborough in its full extent. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen: There are those who think of the fisherman and our fisheries as a downgrade

situation, not only in Maine but all over the United States, but now our Congress is becoming mindful of the importance of this nation's fisheries and the protein diet and methods of preserving and research of our nation's fisheries have become tremendously important. Extending the territorial range from three miles to sixty miles. Making it possible to obtain monies to catch and process fisheries in huge boats, to protect by conserving and propagating all of our fisheries, especially fish that are used for human consumption.

You all have read about the Russian fleet that is operating off the Maine coast, operating anywhere from twenty to sixty miles. It won't be long before they will destroy the bottom. Millions of tons of fish will be caught to be sure before the bottom is destroyed. But fish are funny and no one has the answers because there hasn't been the research work done. But in common language, in Machias Bay, once the big herring area of the State of Maine, was cleaned up by the purse seiners during the last war. Purse seining was very popular in Casco Bay in 1918 and 1920, again a war. And it took twenty-five years for the restoration of this condition because there were so many dead fish left on the bottom. Some ask why won't the herring come into these bays that you say the purse seiners have cleaned up? I don't know the real answers. But why do salmon return to their birthplace every eight years? Why do alewives return to their birthplace every five years? Why do eels travel around the world before they die? The same thing holds true with that giant tuna and our black fish.

Perhaps sixty miles off shore in caches so-called where they are now dragging the large lobsters, fifty, sixty, a hundred and fifty thousand pounds, nothing but large lobsters. On our coast we get the small lobsters. Perhaps their cycle is in reverse. All of these things will be known for a certainty as to why these conditions take place in the not too distant future. But, there is one thing that we do know, we know that herring will not come into

coves and inlets where fish have been smothered or fish have been dumped and we know that in purse seine operation that there are thousands of tons of fish that go to the bottom. Perhaps in the language that we can understand that may be the reason why Machias Bay was cleaned up and why Casco Bay was once cleaned up.

This amendment that was placed on this bill runs from May 1st to October 1st, not October 31st, October 1st. And during that time the fish that are in the Casco Bay area are full of red feed.

They are not suitable for cans, just as you have been told. In October and in November there is a possibility that the waters are cooler and that the fish can be caught. There is only one purse seiner in Casco Bay. He happens to be a constituent of mine and a very fine fellow, but he has dories in six coves right now. He has the advantage. He is a purse seiner and a stop seiner, but as I told you yesterday that a stop seiner is restricted to two points of land. He either has to shut off a cove, shut off an inlet or fish from the shore. In each instance two ends of his twine has to come to the shore. There are a hundred families involved in Casco Bay that depend on sardine fishing as their livelihood and I hope that this House will do as they did yesterday. Thank you very much.

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

Mr. BLOUIN: Mr. Speaker, Ladies and Gentlemen of the House: Seeing we done a lot of fishing this year, I move for the previous question.

The SPEAKER: The gentleman from Sanford, Mr. Bernard, moves the previous question. In order for the Chair to entertain 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 did not arise.

Obviously, less than one-third having arisen, the previous question is not in order.

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

Mr. RICHARDSON: Mr. Speaker, I don't want to prolong this any longer than possible but I don't know whether the members of the House realize that there only two states out of the fifty that pack sardines. One state uses pilchards, the State of Maine uses herring or *Clupea harengus*. The other state which packs sardines is California. During the mid 1940's California packs were depleted to such a point that the California Legislature saw fit to enact legislation which required various things, among these was one provision that not over one percent of the entire catch of pilchards which came into the State of California could be used for anything except human consumption.

I would submit that in the future Maine is probably going to have to do the same thing with reference to our herring if we are going to maintain a sardine cannery other than the State of California. I do feel that this piece of legislation is a step in the right direction since it will give us a study on which to base future legislation, and I certainly hope that we pass this bill and permit it to be tried.

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

Mr. HEALY: Mr. Speaker, I know you have had enough of this fishing. I got my feet wet on this deal yesterday, but I should like to answer the gentleman from Harpswell, Mr. Prince. He has suggested that the Russians are fishing along our shores and doing pretty good. Aren't we going to give the same privilege to our purse seiners? I might also remind him that there are just as many fish smothered or killed by stop seiners, probably more, than there are of purse seiners. Those are my brief remarks.

The SPEAKER: The question before the House is on the motion of the gentleman from Scarborough, Mr. Lent, that this Bill "An

Act relating to Use of Purse Seines in Taking Herring from Certain Waters," H. P. 540, L. D. 714, be indefinitely postponed. All those in favor of this bill and its accompanying papers being indefinitely postponed will say aye; those opposed, no.

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

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

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate. (Later motion to reconsider tabled)

Bill "An Act Permitting Certain Corporations to Hold Stockholder Meetings Outside of State" (H. P. 619) (L. D. 827)

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

Bill "An Act Authorizing County Commissioners for York County to Make a Loan for Construction of a Sewage Treatment and Disposal System for its Courthouse and Jail" (H. P. 571) (L. D. 741)

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

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

COMMITTEE AMENDMENT "A" to H. P. 571, L. D. 741, Bill, "An Act Authorizing County Commissioners for York County to Make a Loan for Construction of a Sewage Treatment and Disposal System for its Courthouse and Jail."

Amend said Bill by adding at the end thereof the following:

'Sec. 3. Application. For the purpose of qualifying for federal and state contribution, the foregoing sewage treatment and disposal system shall be considered a municipal or quasi-municipal pollution abatement construction program as set forth in the Revised Statutes of 1964, Title 38, section 411.'

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

Bill "An Act Permitting Entrances from Class A Restaurants to Owners' Living Quarters" (H. P. 978) (L. D. 1316)

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

Bill "An Act relating to Relatives' Financial Responsibility to Recipients of Aid to the Aged, Blind or Disabled" (H. P. 626) (L. D. 833)

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

Amended Third Reader Tabled and Assigned

Bill "An Act Revising the Motor Vehicle Dealer Registration Law" (S. P. 535) (L. D. 1526)

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

(On motion of Mr. Levesque of Madawaska, tabled pending passage to be engrossed and specially assigned for Wednesday, May 26.)

From the Senate:

The following paper from the Senate was taken up out of order by unanimous consent:

Non-Concurrent Matter

Joint Resolution relative to Extending Congratulations to Senator Smith (H. P. 1154) which was adopted in the House on May 24.

Came from the Senate adopted as amended by Senate Amendment "A" in non-concurrence, as follows:

Amend said Joint Resolution by striking out everything after the word and punctuation "Whereas," in the first line and inserting in place thereof the following:

'Senator Margaret Chase Smith has served the State of Maine in Washington for a quarter of a century; and

Whereas, Senator Margaret Chase Smith was the first woman elected, on her own, to a full term in the United States Senate; and

Whereas, this grand old lady has set an unparalleled record of not having missed roll call votes; and

At this point, the members of the Minority Party withdrew from the Hall of the House.

Whereas, Senator Margaret Chase Smith has become known for her wearing a fresh rosebud every day; now, therefore, be it

RESOLVED: That the 102nd Legislature extend congratulations to the lady Senator on this august occasion; and be it further

RESOLVED: That a copy of this resolution be sent to Senator Smith by the Secretary of the Senate; and be it further

RESOLVED: That the Secretary of the Senate send the Senator a rosebud from the 102nd Maine Legislature on this auspicious occasion.'

Thereupon, the House voted to recede and concur with the Senate in the adoption of Senate Amendment "A."

Emergency Enactor Tabled and Assigned

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)

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

(On motion of Mr. Levesque of Madawaska, tabled pending enactment and specially assigned for Wednesday, May 26.)

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

Mr. LENT: Mr. Speaker, as a freshman legislator, there are 7,000 people in Scarborough that

would like an explanation of just what happened.

The SPEAKER: The Chair is unable to answer the question.

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

Mr. LENT: Mr. Speaker, I wonder if we could return to page 9, and reconsider item 8. This is a most opportune time. (Applause)

The SPEAKER: Will the gentleman defer until we dispose of the enactors. You are now referring to item 8, "An Act relating to Use of Purse Seines in Taking Herring from Certain Waters," the gentleman may return to that as soon as we have finished enactors.

Passed to Be Enacted

An Act Creating a Second Assistant County Attorney for Penobscot County (S. P. 50) (L. D. 221)

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

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

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

An Act relating to Tuition for Students Attending Secondary School Outside of Residence (S. P. 335) (L. D. 1080)

An Act Regulating Fly Fishing in Certain Portion of Kennebec River (S. P. 425) (L. D. 1360)

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

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

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

An Act Creating a Second Assistant County Attorney for Androscoggin County (H. P. 867) (L. D. 1164)

An Act to Create a Maine State Board of Human Research and

Development (H. P. 904) (L. D. 1232)

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

Resolve Repealing Authorization for Disposal of Western Maine Sanatorium (H. P. 1096) (L. D. 1493)

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

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

Mr. LENT: Mr. Speaker, on page 9, item 8, I would kindly ask for reconsideration.

The SPEAKER: The gentleman from Scarborough, Mr. Lent, now moves that we reconsider our action whereby this bill was passed to be engrossed, Bill "An Act relating to Use of Purse Seines in Taking Herring from Certain Waters," H. P. 540, L. D. 714.

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

Mr. JALBERT: Mr. Speaker, I move that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER: We first have to reconsider. The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I am not at all pleased with the turn of events. In all due respect to the gentleman from Scarborough, Mr. Lent, I have great respect for my seatmate Mr. Prince from Harpswell. This is an unfair advantage, even though the members of the Minority Party might not do as we wish, I can't go along with this. I think it is ridiculous.

Mr. JALBERT: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. JALBERT: I thought he was finished.

Mr. CROMMETT: I am not through talking yet. Subject to the pleasure of the Chair, I will

stand here and continue to talk. There is right and wrong. I am a Democrat, and I defy any Democrat here to say that I am not. I am not a fisherman, although I am the friend of the fisherman, as has been brought out on the Floor of this House. I think it would do well for the Democratic Party, if they want to create an image that is well taken by the public, to observe the rules of decency. Please think this over.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I now ask that this lie upon the table.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves this matter lie upon the table pending reconsideration assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed.

Orders of the Day

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: In due respect to the gentleman from Scarborough, Mr. Lent, and also in due respect to the gentleman from Harpswell, Mr. Prince, and also the kind remarks by the gentleman from Millinocket, Mr. Crommett, it is not the part of the leadership to certainly partake in the action taken by the Minority Party here this afternoon. The Minority Party chose to vacate the Halls of the House entirely on their own, and no previous notion or indication has been given to the Majority Party as to what action they take. If they so choose to vacate the House, it is entirely of their own wishes.

My personal thinking is that they might not like certain pieces of legislation before this House, or that they might like some personal legislation before this House. I feel that it is the responsibility of the Majority Party and also the Minority Party, to

be in this House and represent the people as they were elected to do. I think by the action of the Minority Party to try to boycott this House of Representatives this afternoon is childish and totally uncalled for. Thank you.

The SPEAKER: We are proceeding under Orders of the Day.

Mr. Jalbert of Lewiston was granted unanimous consent to briefly address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: Like all of us here, we all have some friends, fairly close, some very close friends in the opposition party. I know I am one of them. But insofar as I am concerned, when this order which brought about their vacating the premises of the House was brought up, I was having a belated lunch, and I mean the order came and went under the hammer before I even had a chance to get to my feet, I was out on the other side.

Now they have chosen to vacate the House. Now with due respect to the gentleman from Millinocket, Mr. Crommett, and certainly the gentleman from Harpswell, Mr. Prince, and anybody else, as far as I am concerned, I move that we proceed, because we are here and we have got a quorum, seventy-six is a quorum, we have got more than seventy-six, we proceed and just do the business of the House, and when they feel like coming back, they come back; if they don't want to come back, that's their headache.

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

Mr. BUSSIÈRE: Mr. Speaker, I really think that they wanted an early start, they want to go to the fight.

The SPEAKER: We will continue with the business of the day. We are proceeding under orders of the day.

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

Mr. MILLS: Mr. Speaker and Members of the House: I never

thought I would sit in the Maine Legislature and see what has happened here this afternoon by the Minority Party.

I have heard of the Russians doing it in the United Nations, but I never thought the Republicans would do it in Maine. (Applause)

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

Bill, "An Act to Authorize the Establishment of an Area State Operated Vocational Technical High School in York County and the Issuance of Not Exceeding One Million One Hundred and Fifteen Thousand Dollar Bonds of the State of Maine for the Financing Thereof." (H. P. 673) (L. D. 900)

Tabled—May 17, by Mr. Bedard of Saco.

Pending—Passage to be Engrossed.

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

Mr. JALBERT: Mr. Speaker, before I make a motion, I would like to know if we have a quorum.

The SPEAKER: The gentleman from Lewiston has questioned whether there is a quorum. The monitors will check the seats.

Seventy-three members were present.

The SPEAKER: Seventy-three being present in the House, there is not at this time a quorum. We will recess for a few moments.

After Recess

Called to order by the Speaker.

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

Mr. JALBERT: Mr. Speaker, I now understand we have a quorum so we can go on with our official business. I now move this item 1 be passed to be engrossed.

The SPEAKER: It will be necessary for the Chair inasmuch as the gentleman has questioned a quorum, a quorum is always present unless it is questioned, it has now been questioned and the Chair will again request the monitors to count the members in their seats.

(At this point, the members of the Minority Party returned to the Hall of the House and resumed their seats on the Floor)

The SPEAKER: A quorum is obviously present to the Presiding Officer, and it is no longer necessary to take a count.

We are proceeding now under item 1.

Thereupon, on motion of Mr. Jalbert of Lewiston, passed to be engrossed and sent to the Senate.

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

An Act relating to Driving a Vehicle to Endanger. (S. P. 381) (L. D. 1197) (C. "A" S-118)

Tabled — May 18, by Mr. Bishop of Presque Isle.

Pending — Passage to be Enacted.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I would move the indefinite postponement of this bill and speak to the motion.

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

Mr. LUND: Mr. Speaker, I haven't the precise papers before me, but this matter has been tabled and retabled on several occasions within the last weeks, pending action which has now been taken by the Secretary of State in revising the point system.

Originally, we had in this state an offense known as reckless driving, and it was found that it was fairly difficult to convict for reckless driving because it was necessary to prove a wanton and willful intent in order to establish the elements of the offense. However, there appeared to the legislature some years ago a need to enact a lesser offense in which it was not necessary to prove an intent to drive recklessly or an intent to endanger someone, and a law was then passed which made it

an offense to drive a motor vehicle so as to endanger an individual. It was intended as a lesser offense than reckless driving. Reckless driving at that time carried a penalty of eight points and a conviction meant immediate suspension upon hearing. After the lesser offense — when the lesser offense of driving to endanger was passed it carried a lesser penalty of three or four points. With characteristic ingenuity, the attorneys in the state, once they discovered this lesser offense with lesser points, succeeded in persuading many police officers to reduce the original charge against their client of reckless driving, reduce that to driving to endanger; so reckless driving fell into disuse, driving to endanger became more common, and almost all of the bad driving cases related to driving to endanger. The then Secretary of State, seeing this, made what many of us regard as a very bad move. He raised the points for the lesser offense of driving to endanger to eight points so that it was exactly the same point penalty as the original reckless driving. I hope I haven't lost you all on this.

In attempting to curb the problem of the officers utilizing the lesser offense, he raised the points to make it the same as the greater offense. Now this bill was aimed at raising the standard of proof in the driving to endanger charge, the lesser offense, so that it was as difficult to prove as reckless driving, and if you look at the bill with its amendments, you will find that it is more difficult to prove driving to endanger if this bill passes than it is to prove reckless driving.

Several members of Judiciary Committee and I discussed with the Secretary of State that we now have this problem and he related that he was about to change the point system, so that all this would probably become moot and it would be unnecessary to pass this bill. I think you all have seen the release in the papers concerning the new point system where the number of points will not be keyed to the type of offense, but will be

keyed to the type of — to the number of times that a person is in court. I hope this bill does not pass, because it makes the lesser offense with a lesser fine, driving to endanger more difficult to prove than reckless driving. With the point system now changed, it seems to me that there is no need for this bill so I hope that you will vote for indefinite postponement.

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.

Mr. Martin of Eagle Lake requested a division.

The SPEAKER: A division has been requested. The Chair recognizes the gentleman from Portland, Mr. Brennan.

Mr. BRENNAN: Mr. Speaker, I rise in support of the gentleman from Augusta, Mr. Lund. I and Mr. Lund spoke to the Secretary of State about this problem and since they changed the point system, there is no need for the bill.

The SPEAKER: All those in favor of the indefinite postponement of this Bill "An Act relating to Driving a Vehicle to Endanger," S. P. 381, L. D. 1197 will kindly definitely 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 and six having voted in the affirmative and none having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

Mr. BERRY: Mr. Speaker, I would inquire if the Clerk has in his possession House Paper 1154.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, inquires whether the House has in its possession House Paper 1154 which was a Joint Resolution which was passed as amended by Senate Amendment "A," and the

Chair will answer in the affirmative.

The SPEAKER: The Chair will request the gentleman from Madawaska, Mr. Levesque, to approach the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Levesque of Madawaska assumed the Chair as Speaker pro tem, and Mr. Childs assumed a seat on the Floor of the House.

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

Mr. BERRY: Mr. Speaker, would you ask the Clerk to read the most recent action on this House Paper?

The SPEAKER pro tem: Does the gentleman from Cape Elizabeth, Mr. Berry, wish to reconsider this action whereby the House receded and concurred with the Senate?

Mr. BERRY: I am making an inquiry through the Chair to the Clerk, Mr. Speaker. What was the last action taken by the House?

The CLERK: The last action taken by the House, the House receded and concurred in the adoption of the joint resolution as amended by Senate Amendment "A" filing S-265.

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

Mr. BERRY: Mr. Speaker, I move that the House reconsider its action whereby it adopted Senate Amendment "A" to House Paper 1154 and I will speak to my motion.

The SPEAKER pro tem: The gentleman from Cape Elizabeth, Mr. Berry, now moves that we reconsider our action whereby we receded and concurred in the adoption of Senate Amendment "A." The gentleman may proceed.

Mr. BERRY: Mr. Speaker and Members of the House: I have always looked upon the House of Representatives as a Parliamentary Body unequaled, I won't say that it is better than any other body but in my experience it is

unequaled in its deliberations, in the conduct of its affairs and the ability of its members to conduct themselves in the discharge of their responsibilities as elected representatives of the citizens with wisdom, and above all, as ladies and gentlemen.

I would urge you to support my motion for reconsideration, and if I am successful, I shall move the indefinite postponement of Senate Amendment "A".

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

Mr. ERWIN: Mr. Speaker, I would remind in speaking to approve and to urge you to approve the motion to reconsider, I would remind the House that first of all, the Senate Amendment did not originate in the House of Representatives. I would remind you too that although there may have been, in the beginning, perhaps a misguided, but understandable puckish sense of humor from which this originated, that twenty-five years of loyal service to the State of Maine by the Senior Senator from Maine in Washington is a major portion of an adult lifetime, and I would remind the Democrats and Republicans alike in the House of Representatives that there is not any other person of either party who has the reputation for courage, for service, for decency, and for a fine reputation, nor is there anyone else in the State of Maine who is such an ornament, regardless of party, to the State of Maine as the Senior Senator in Washington today.

This order was conceived by a cripple who hates dances, by an ox who loves its yoke and thinks the creatures of the forest to be vagrant and wasteful or perhaps by a snake that can no longer shed its skin and thinks all others naked and shameless.

I would remind this House of Representatives, when we talk about public service, that there are some things that are not worthy of the kind of action that was just taken in the House of Representatives. I would remind this House of Representatives

that you can muffle a drum and you can loosen the strings on a guitar, but who can stop the bluebird from singing.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, Members of the House: I urge the members of the Majority Party to vote along with the reconsideration and after that I would again like to speak on the matter.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that the House reconsider its action whereby it receded. The Chair orders a division. All those in favor of reconsidering our action whereby we receded will now rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred twenty-seven having voted in the affirmative and none having voted in the negative, the motion prevailed.

Mr. Berry moved indefinite postponement of Senate Amendment "A" to House Paper 1154.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I request the members of the majority party to go along with the indefinite postponement of Senate Amendment A.

The SPEAKER pro tem: Is the House ready for the question? The Chair will ask for a division. All those in favor of indefinitely postponing Senate Amendment "A" will now rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred twenty-seven having voted in the affirmative and none having voted in the negative the motion prevailed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I now move that this resolution be

indefinitely postponed and I request to speak on the motion.

The SPEAKER pro tem: The motion now before the House is the motion of the gentleman from Portland, Mr. Childs, that this order be indefinitely postponed and the gentleman may proceed.

Mr. CHILDS: Mr. Speaker and Members of the House: I somewhat agree with what the gentleman from York, Mr. Erwin, has said in reference to the gracious Senator, Senator Smith, but I think we should all remember that this is an election year and not more than three or four days ago Senator Smith announced herself that she was once again a candidate for the United States Senate. The gentleman from Brownville, Mr. Ross, saw fit at that time to introduce a resolution, having a Democratic controlled legislature somewhat endorse her record. His intentions were probably the best. We're still politicians here, half of us are Republicans and the other half are Democrats, and I somewhat assume that possibly the resolution itself was in bad taste and that possibly the amendment that went with it was in bad taste. I think we've both had our fun, I don't think we're down here to campaign for Senator Margaret Chase Smith or anybody else. We're down here elected by the citizens of Maine to do a job for the State of Maine and I think we'd better get down to business and forget about this foolishness and I hope that you will go along with my motion to indefinitely postpone this resolution.

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

Mr. BERRY: Mr. Speaker, I have the greatest respect, Mr. Speaker and Members of the House, for our Speaker. He and I have been on opposite sides of the fence politically. I think he has discharged his duties this session with equanimity and under certain trying circumstances with a great deal of fairness. I am sorry indeed to hear him say that the celebration of twenty-five years in the United States Senate is foolish-

ness. If the Junior Senator rounds out twenty-five years of service in the United States Senate, I hope I am here to congratulate him.

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

Mr. ERWIN: Mr. Speaker, I don't want to see the House take an emotional bath. The purpose that I rise is to request a division on the motion, but I would like to say perhaps in a different temper than I just spoke a few moments ago, I don't think that we do ourselves justice, minority or majority, when for something that might have political overtones we shy away from a gracious and decent recognition of an unusual career in politics. The Senior Senator from the State of Maine has been an ornament to the whole State of Maine and she has voted in a way which has frequently crossed party lines, sometimes to the dismay of the Republican Party and sometimes to the delight of the Democratic Party, but the whole point of the order is: the Senior Senator from the State of Maine is a unique person. She's not only just a unique lady in the United States Senate, she is a unique person in the fifty states of the United States of America. I would hope that there would be sufficient of you who could recognize this fact and consider that, although we may any of us as individuals from time to time disagree with what she might do or say, that she is a particular jewel in the crown of the State of Maine. I heartily concur with the gentleman from Cape Elizabeth, Mr. Berry, and I would be among the first, hopefully, to see it occur perhaps and to be here when it occurred to move a similar recognition to the Junior Senator from the State of Maine or to any other citizen in the State of Maine who might even approach this record. I think now we ought to talk to each other as people, as people from the State of Maine who have been admirably served and whose star shines just a little bit brighter because of Margaret Chase Smith. I hope that you will not vote to in-

definitely postpone the order and I ask for a division.

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

Mr. COTTRELL: Mr. Speaker, and Ladies and Gentlemen of the House: There may be political overtones in this order; if there are I think they can be corrected by changing the wording. I don't think we have to have a special order to commemorate the Senator on her great service. I would vote for a special order if that order was a congratulatory order on her recently having been chosen to the Hall of Fame for Women. I think that would be more fitting at this particular time.

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

Mr. KITTREDGE: Mr. Speaker, I wonder if I could ask the leadership in this House if they would entertain a recess at this point so that the leadership could get together and perhaps talk this thing over with a little less heat, at this particular time.

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

Mr. BERRY: Mr. Speaker, I move that this item lie on the table until the next legislative day.

The SPEAKER pro tem: The gentleman from Cape Elizabeth, Mr. Berry, has moved that this matter lie upon the table until the next legislative day.

Mr. Binnette of Old Town requested a division.

The SPEAKER pro tem: The gentleman from Old Town, Mr. Binnette, has requested a division on the tabling motion.

The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Berry, that Joint Resolution, House Paper 1154 lie upon the table assigned for the next legislative day and a division has been requested. All those in favor of this lying upon the table until the next legislative day will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Winslow, Mr. Roy, and inquires for what purpose does the gentleman rise?

Mr. ROY: Mr. Speaker, to make a motion to recess for five minutes.

The SPEAKER pro tem: The gentleman from Winslow, Mr. Roy, now moves that we recess for five minutes. Is this the pleasure of the House?

The motion prevailed.

After Recess

The House was called to order by the Speaker.

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

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

Mr. LIBHART: Mr. Speaker, I rise to request unanimous consent to suspend the rules in order to reconsider action on item 3 of Enactors.

The SPEAKER: The Chair will state that it is not necessary to ask for unanimous consent. The gentleman from Brewer, Mr. Libhart, now moves that we reconsider our action whereby we enacted item 3, An Act Increasing Salaries of Judges of the District Court, Senate Paper 55, L. D. 378, and the gentleman may proceed.

Mr. LIBHART: Mr. Speaker and Ladies and Gentlemen of the House: When this bill was heard before the Judiciary, the Judiciary Committee did not at that time have access to the information that the State Government Committee was considering a pay raise for the Superior Court and Supreme Judicial Court judges. And in my opinion that is why the bill came out with the amendment for the raise that they got. Now, if you will allow us to reconsider

our action, I would then move to indefinitely postpone the committee amendment leaving the original bill in force. Now, the original bill called for a raise from twelve thousand to fifteen thousand for District Court judges and a raise of an additional thousand for the Senior Judge of the Court. Now, this would not require any appropriation money. The District Court system has in its kitty, so to speak, sufficient funds to take care of this increase. Now, when the District Courts were set up the District Court Judges were set up at twelve thousand a year and the Superior Court Judges, if my memory serves me correctly, at that time were thirteen or thirteen five so there was a thousand or fifteen hundred dollar differential between the District Court Judges and the Superior Court Judges.

Now, they the District Court Judges are still receiving twelve thousand a year and the Superior Court Judges under our new bill would be receiving eighteen thousand a year. In my opinion this differential is greater than it should be if we are going to attract men of good quality to the District Court. Now, I hope that you will go along with my motion to reconsider.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would be opposed to reconsideration. I have been working during this winter with the head of these Courts, Mr. Chapman from Portland, and he has told us and the County Commissioners about this so-called kitty and these Courts are costing every county a lot of money at the present time, but we were told, I had a bill in to pay some money back to the counties, Penobscot County especially, and we were told by Judge Chapman of Portland that this kitty would build up eventually and we would be paid back on a per capita basis in Penobscot, Androscoggin and all these counties from what these courts eventually built up when they got them in working order.

Now, if we allow exorbitant salaries to be paid, this kitty will never build up. Now, I say this that there is so far in these judge appointments there have been some very good men come forward and want them and if any of these judges would happen to quit, which I doubt very much if they would, I am sure that some more very, very able men would come forward and want these jobs for the amount of money that we are giving them under this bill that we have passed, item 3. And I'd be opposed to reconsideration and I hope this House will be.

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

Mr. BISHOP: Mr. Speaker and Ladies and Gentlemen of the House: I was one of those on the Judiciary Committee who approved the amendment without the knowledge that the salaries of the Superior Court Judges were to be increased. The thing I was concerned with was the differential between them and now with the Superior Court Judges at eighteen and a half I would favor the establishing of the District Court Judges salaries at fifteen thousand and I would be in favor of reconsideration so that we can remove the amendment.

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

Mr. DANTON: Mr. Speaker and Members of the House: This bill was recommitted to Judiciary after the Superior Court Justices increase in salary bill was before Judiciary and we took all the facts before us into consideration and all those who were present at the time unanimously agreed, we bargained, we haggled, we gave in and we took and we came out with this increase in salary that is now on the bill. We felt that this salary at this time is sufficient. The reasons that we felt this way were because of the fact that many of the District Court Judges have been on the bench for a few months now and there are some yet to be appointed. And since this is a new system, it was felt by some members

of the committee it was a little premature for them to be receiving a great increase in salary and I would be opposed to the reconsideration motion.

The SPEAKER: The question before the House is on the motion of the gentleman from Brewer, Mr. Libhart, that we reconsider our action whereby this bill was passed to be enacted. All those in favor of reconsidering our action whereby this bill was passed to be enacted will say aye; all those opposed will say no.

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

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

HOUSE REPORT—"Ought to pass"—Committee on Taxation on Bill, "An Act Exempting Textbooks Used in Schools of Higher Education from Sales Tax." (H. P. 1028) (L. D. 1398)

Tabled—May 19, by Mr. Cottrell of Portland.

Pending—Motion of Mr. Payson of Falmouth to Indefinitely Postpone.

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

Mr. COTTRELL: Mr. Speaker, I now offer House Amendment "A" to L. D. 1398, Filing No. H-369.

The SPEAKER: The Chair will state that it will be necessary to accept the Committee Report. We have a motion at the present time to indefinitely postpone this Report and its accompanying papers. The gentleman cannot offer his amendment until the Bill has its second reading.

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

Mr. PAYSON: Mr. Speaker, I wish to withdraw my motion.

The SPEAKER: The gentleman from Falmouth, Mr. Payson, now withdraws his motion. Is it the pleasure of the House now to accept the Committee Report?

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

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

Mr. COTTRELL: Mr. Speaker, I will now offer this Amendment Filing H-369 to L. D. 1398.

The SPEAKER: The gentleman from Portland, Mr. Cottrell, now offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 1028, L. D. 1398, Bill, "An Act Exempting Textbooks Used in Schools of Higher Education from Sales Tax."

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

"Sec. 1. R. S., T. 36, §1752, sub-§18-A, additional. Section 1752 of Title 36 of the Revised Statutes is amended by adding a new subsection 18-A, as follows:

'18-A. Textbook. "Textbook" means a book prepared, published, advertised and sold solely as a text for schools as defined in section 1760, subsection 16; and shall not include any book prepared, published, advertised or sold for general circulation, or any other publication, even though used as a text for schools.'"

Further amend said Bill by inserting at the beginning of the first line the underlined abbreviation and figure "Sec. 2."

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

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

Mr. SULLIVAN: Mr. Speaker, just what does that amendment "A" do?

The SPEAKER: The Clerk will read the amendment.

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

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

Mr. SULLIVAN: Mr. Speaker, I am not a lawyer. I would like to ask through the Chair of that unusually well-educated gentleman, Representative Cottrell, I don't know how many degrees he has after his name, if I did I'd name them. But, I want to know exactly what this bill does. Frankly I

believe those students of high schools that are being taxed for textbooks and that applies in the business colleges too. Now, does that bill exempt them? I just want to know in plain simple language. Does this bill and this proposed amendment, does it exempt them from the sales tax? I want to know yes or no.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: So that we can have an intimate dialogue I might explain to the distinguished, illegal gentleman from Portland that my name is properly pronounced Cottrell. As the gentleman knows, all high school textbooks are not taxed. And all school textbooks are not taxed. This bill would simply exempt from publication taxation textbooks which are used in colleges and the amendment defined what a textbook is and also in graduate schools. Now, I am not going to fight hard for this bill. It doesn't amount to too much one way or another. But, it could amount, for instance, to a legal student in Portland University Law School, where he buys perhaps a hundred and fifty dollars worth of textbooks a year, that would be six dollars. Now, six dollars isn't too much, but the student also has to pay on his hundred and fifty dollar suit if he buys one, six dollars. The sales tax is cumulative.

We had a very nice presentation at this hearing. There were no opponents to the bill. It doesn't mean too much to our revenue. To me the greatest benefit of this bill would be to encourage our students in college toward more political action and activity. I think I have the names of the boys and girls who appeared at the hearing. There was Stan Sloan, he is president of the Student Senate at the University of Maine. There was Steve Putnam, who is an executive officer of the Student Body at Bowdoin and

Gerry Eagle from Colby and Jim Fine from Bates. Now, you can do what you want with this bill. Those are some of the simple facts. If some of the other members of the Taxation Committee wish to talk about this I would appreciate it although maybe the time is getting late and you have already made up your minds on what you are going to do.

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

Mr. PAYSON: Mr. Speaker, I move that the bill and its accompanying—

The SPEAKER: The Chair will state that the motion is not in order at this time. The only question before the House is the adoption of House Amendment "A." Is the House ready for the question?

The question before the House is on the motion of the gentleman from Portland, Mr. Cottrell, that House Amendment "A" be adopted. All those in favor of the adoption of House Amendment "A" will say aye; all those opposed will say no.

A viva voce vote being taken the motion prevailed.

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

Mr. PAYSON: Mr. Speaker, I want to move that this bill and all its accompanying papers be indefinitely postponed and I wish to speak briefly.

The SPEAKER: The question before the House is on the motion of the gentleman from Falmouth, Mr. Payson, that this Bill and its accompanying papers be indefinitely postponed. The gentleman may proceed.

Mr. PAYSON: Mr. Speaker and Members of the House: I think this bill has a lot more to do I would think than with just the sales tax which the students pay. Because if you start letting off the sales taxes on books, they can ask for sales taxes to be taken off the automobiles that they have to commute with or gasoline or where would you stop exempting students? Some of these young

men get loans, which, of course, have been made possible by the efforts of others who are concerned with the future of these United States. Today, the ability to earn which used to be commendable and rewarding is being perverted into the ability to pay. The young men and women of today should learn this lesson — it should be stressed in the preparation for their future. I have read that many students are neglecting their obligations.

Three students were brought here awhile back to lobby before the Appropriations Committee, for the so-called crash program. I remember that one of them when asked if he would work for a tax program to pay for it, and bring his parents to testify at hearings, he answered in the affirmative, but doubted if he would have much influence on his parents. When asked if he would pay more sales taxes to earn his objective, he said he expected that question, and proceeded to recommend an income tax on the ability to pay. Of course, he won't have to pay an income tax until he earns some money. When it was suggested he might better direct his energies to preventing so much money going to Washington — he replied that we got back more than we sent down. This is debatable, but when a young man starts looking for handouts from Washington, it's about time we took a sharp look at the whole system. The dollar which comes back from Washington is not the dollar which went there. You have lost a little of your independence, a little of your freedom, and there will be strings attached.

Today, you can deduct one dollar for scholars, or thousands given to a college, but you cannot pay a few dollars toward the advanced education of a son, a grandson, a nephew, or a friend unless he or she is a dependent — in which case, the deduction is 600 dollars. If all education expenses were deductible, you might see a proliferation of schools, colleges, more teachers, more books, and it certainly would reduce the

pressure from rising local taxes. I am well aware that there should be more opportunity, more classrooms, competent teaching staffs. What the students contribute helps a little. Bond issues can furnish more buildings,—buildings last a long time. Obviously, since roughly a third of the State's population lives within commuting distance of Portland, the concentration should be there.

But what I am driving at, is that the students of today will be paying tomorrow the increased taxes which are applied now, will be assuming the debts being incurred now. As of today the total debt is in trillions. Loans on automobiles are 25 billion, on mortgages over 300 billions. Taxes take 40% of total income.

Soon these students will be in the driver's seat and they had better start thinking ahead. Certainly they should learn to help pay their own way now.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: First of all I wish to correct one statement that was made in regard to the money Maine gets from Washington. I have been led to believe that Maine gets a dollar and thirty-five cents for every dollar it pays in Washington regardless of what control comes with it. I would point out to the Members of the House that individuals who go to college often times go with no money whatsoever. They often borrow for the extent of their education and it is my belief that the people of Maine and this Legislature should consider this to a degree and give them at least the right and the privilege not to pay taxes on the books that they buy to educate themselves. Certainly the cost is not great. It is not a huge sum the students will bear during his college years, but at least there will be one example that the Legislature of the State of Maine is interested in these individuals. Certainly if we don't tax high school books I see no reason why we should tax college textbooks.

Therefore I would hope that you would vote against the motion for indefinite postponement and I would request a division.

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

Mr. SULLIVAN: Mr. Speaker, I agree with that smart Representative Martin that just spoke. In other words certainly the big majority of students that go to college are going to a business college where my unusually smart wife is a teacher, the big majority of them have hard work to get through. Their parents sacrifice and they do and if they get education then they will be able to earn a lot more money and therefore, they will be able to take care of any additional taxes. Thank you.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: To soothe the Representative's feelings I might indicate that business colleges which require high school graduation are also in the category of higher education and their textbooks would be exempt too.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Falmouth, Mr. Payson, that Bill "An Act Exempting Textbooks used in Schools of Higher Education from Sales Tax" (H. P. 1028) (L. D. 1398) and its accompanying papers be indefinitely postponed, the gentleman from Eagle Lake, Mr. Martin, 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.

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

Thereupon, the Bill was assigned for third reading tomorrow.

The SPEAKER: The Chair recognizes the gentlewoman from

Portland, Mrs. Kilroy and inquires for what purpose does she rise?

Mrs. KILROY: Mr. Speaker, out of order I would like to request that the gentlemen of the House may be allowed to remove their coats due to the warmth of the day for the rest of the day.

The SPEAKER: The gentlewoman from Portland, Mrs. Kilroy, moves that the men be allowed to remove their coats if they so desire for the remainder of the day. Is this the pleasure of the House?

The motion prevailed.

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

DIVIDED REPORT — Majority (9) — Committee on Labor on Bill, "An Act Revising the Maine Employment Security Law." (H. P. 283) (L. D. 365) reporting same in New Draft (H. P. 1137) (L. D. 1557) under same title, and that it "Ought to pass"—Minority (1) — "Ought not to pass"

Tabled—May 20, by Mr. Gifford of Manchester.

Pending—Acceptance of Either Report.

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

Mr. GIFFORD: Mr. Speaker, I now move that we accept the Majority "Ought to pass" report and would speak to that motion.

The SPEAKER: The gentleman from Manchester, Mr. Gifford, now moves that we accept the Majority "Ought to pass" Report. The gentleman may proceed.

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps it would be of value in initiating the discussion this afternoon on this complex subject of basic revision of the employment security law to review some of the history which has preceded the action which we are here taking today. During the period of World War II and the decade of post war boom following, Maine's Employment Security fund, except for minor declines following the recessions of forty-nine and fifty-three, grew steadily. Simply because there was little unemployment. At the end of 1957

it stood at forty-five million two hundred and thirty thousand dollars. The recession of 1957 proved however, to be more severe and long lasting than its post war predecessors and its effect upon the fund more devastating. In three short years the fund dropped seventeen million dollars to twenty-eight million at a rate which in two years would have forced the fund down to emergency levels with all contributors paying the maximum 2.7 percent contribution rate. It would not be surprising if under these conditions industry in near panic sought a quick remedy for the ills of the fund, a reduction in the volume of benefits being paid from it, by such means as could readily be adopted. At any rate it caused to have introduced in the 100th Legislature what have become known as the Estey amendments. Revised in the legislative process they were enacted. Their effect upon the fund has been to reduce the flow of dollars from it, primarily by imposing rather more severe disqualification provisions upon covered workers than previously was the case. In the course of its deliberations, however, the 100th Legislature must have come to the conclusion that far more problems existed in the employment security program than were being solved by the legislation before it for by joint order it created an interim joint committee to study and to report to the 101st Legislature such changes and amendments as may be necessary or desirable to revise and consolidate such laws, so as to make such law more readily understandable, workable and useful to the persons affected thereby. The study committee had as its members two senators, three members of the House and six members of the advisory council of the Maine Employment Security Commission, two each from management, labor, and the public.

This committee, knowledgeable, talented, and hard working, in the finest spirit of compromise considering the diverse and adverse interests represented by its members ultimately produced and with a single exception unanimously

supported a legislative proposal which became known before the 101st Legislature as the Thaanum Bill.

The Thaanum Bill came out of committee with a majority ought to pass report, was passed in the House and was defeated in the Senate, largely through the efforts of a coalition of legislators sympathetic to industrial opposition to the bill, and legislators representing fish packing communities. In the closing hours of the regular session of the 101st an employment security bill of much reduced impact, a redraft of one of the Brown bills so-called, was enacted by both branches only to be returned to it in special session vetoed by Governor Reed. The Thaanum Bill with minor revision was reintroduced at the special session but its prospects for passage appeared little improved. In an effort to accomplish some part of its objectives the labor committee of that time redrafted it, making concessions to its opponents. The committee redraft, however, also failed to gain enactment and so we started anew before the 102nd Legislature. Both the Democratic Party in the adoption of its current platform and our Republican Governor, John H. Reed, in his message to this Legislature last January, called for the enactment of an Employment Security Bill of the Thaanum type. In joint implementation of these requests the gentleman from Madawaska, Mr. Levesque, and I co-sponsored L. D. 365 which with one exception, is the Thaanum Bill, the proposal of the Interim Joint Committee created by the 100th Legislature. That single exception related to weekly benefit for partial employment, pre-Estey provisions here were substituted for those of the Thaanum Bill.

The purposes of the bill are several. First of all it seeks to improve benefit levels in recognition of the increased cost of living which higher prices have produced. That this improvement is badly needed is evident from the simple fact that the average weekly benefit paid in 1963 for a week of total unemployment was only \$24.08. In a program intended to provide an

emergency substitute for a weekly wage this low benefit level makes a mockery of the term Employment Security. It also seeks to relax the disqualification provisions of the Estey amendments, provisions which have been frequently described as among the most harsh in existence anywhere among our fifty states. Both of these liberalizations of the program would of course increase the flow of dollars from the Employment Security fund and to offset this at least partially it proposes to tighten up on the eligibility requirements for worker participation in the program and to impose higher contribution rates upon those employers whose workers have drawn more in benefits than has been contributed, in further extension of the concept of employer merit rating.

Several changes in the original bill L. D. 365 have been made by the Labor Committee in reporting out its redraft L. D. 1557 which is now before you. The original bill required that a worker to become eligible for benefits should earn at least \$400.00 in his base year and that no more than two-thirds of his base year earnings could be in any one quarter. In redraft the requirement is simply that he must earn at least \$600.00 in his base year. This was a concession on the part of the Committee to seasonal workers whose earnings are concentrated in a single quarter. The original bill also imposed a flat 3.7 percent contribution rate upon those employers with negative balances whose employees have drawn more in benefits over the years than they have contributed into the fund. The redrafted bill imposes a less costly sliding scale of rates ranging from 2.7 to 3.7 percent varying with the level of the fund. This too is a concession, this time to these negative balance employers, some of whom are recognized to be struggling for their very existence in marginal business operations.

The question invariably arises in any employment security proposal, what will it cost the contributing employers in the State of Maine? The cost to the em-

ployers is determined by their own experience as it earns the merit ratings and by the level of the Employment Security fund. Assuming that the level of the economy remains as it averaged for the years 1962, 1963 and 1964, it is estimated that annual benefits will be paid under this proposal of eleven million three hundred and twenty-two thousand dollars. It is further estimated that if taxable wages remain at the level of that period, annual employer contributions plus annual interest earned by the fund will be realized of eleven million three hundred and forty-seven thousand dollars, based upon column D of the contribution table. Recognizing that column D is the column now in use, we conclude that the proposal now before us will cost contributing employers no more than they are now paying, except of course for those negative balance employers whose rate will increase from 2.7 to 3.1 percent.

Ladies and gentlemen of the House, there will never be a perfect bill written in this area of Employment Security in the minds of all persons, for there are adverse interests here which can never be reconciled. This bill before you is a compromise, it came out of the Interim Study Committee as a compromise and it has been further compromised in the legislative process leading up to this point. It takes a number of steps which are in desirable directions, updating of benefit levels, relaxation of disqualification provisions, extension of merit rating principle to negative balance employers and stiffening of eligibility requirements. I personally consider it an acceptable and desirable bill in its present form and I urge you to support its enactment.

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

Mr. BENSON: Mr. Speaker and Members of the House: In interest of time, I shall not go into all of the reasons why I signed an ought not to pass report. However, I will say this much, the

original bill L. D. 365 is very much the same as the bill that we came to know as the Thaanum Bill in the 101st Legislature. That bill would have cost the fund a minus amount of nine hundred forty-three thousand dollars. I didn't pick these figures out of the air, they came from the division of economic analysis and research and from the gentleman who computes these figures, Mr. Trott.

The redrafted bill that we are considering here today will cost a minus figure of one million eight hundred nineteen thousand dollars, or nearly twice the amount the original bill would have cost. This figure also from the same source. This is just food for thought, I realize that we are merely considering the acceptance of the report. We will be into the meat of the bill a little bit later.

The SPEAKER: The question before the House is on the motion of the gentleman from Manchester, Mr. Gifford that we accept the Majority "Ought to pass" Report. Is it the pleasure of the House that we accept the Majority "Ought to pass" Report.

The motion prevailed, the New Draft read twice and tomorrow assigned.

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

Resolve, Authorizing Disposal of Northern Maine Sanatorium. (H. P. 676) (L. D. 903)

Tabled — May 20, by Mr. Bishop of Presque Isle.

Pending — Motion of Mr. Bragdon of Perham that the House adhere.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: I've had this tabled attempting to work out an amendment if I could keep it alive but I haven't been able to come up with a satisfactory one, so I ask that you support the motion of the gentleman from Perham that the House adhere to its former

action which I believe was the indefinite postponement of this bill.

The SPEAKER: The question before the House now is that we adhere to our former action. Is this the pleasure of the House?

The motion prevailed.

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

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

Tabled—May 20, by Mr. Binnette of Old Town.

Pending — Passage to be Engrossed.

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

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

DIVIDED REPORT — Majority (7)—"Ought not to pass"—Minority (3)—"Ought to pass"—Committee on Taxation on Bill, "An Act to Establish a Voluntary Contributions Commission." (H. P. 161) (L. D. 183)

Tabled—May 20, by Mr. Blouin of Sanford.

Pending — Motion of Mr. Levesque of Madawaska to Accept Majority "Ought not to pass" Report.

On motion of Mr. Levesque of Madawaska, retabled pending his motion and specially assigned for Wednesday, May 26.

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

Resolve, Proposing an Amendment to the Constitution to Lower the Voting Age to Eighteen Years. (S. P. 153) (L. D. 394) (In Senate, May 20, Finally Passed.)

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

Pending—Further consideration.

On motion of Mr. Levesque of Madawaska, retabled pending further consideration and specially assigned for Wednesday, May 26.

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

Bill, "An Act to Encourage Conservation of Forest Resources

Through Uniformity of Tax Assessment." (H. P. 1134) (L. D. 1553)

Tabled—May 21, by Mr. Buck of Southport.

Pending—Motion of Mr. Lund of Augusta to reconsider Passage to be Engrossed.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that the House would go along with the reconsideration motion since an amendment that I have prepared will be then introduced.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: Last week I asked reconsideration because of a feature in the last paragraph of this bill which would give the person assessed, after he had his hearing, a five year moratorium before the assessors could change the assessment except in certain cases. This was the feature of the bill which I felt should bear scrutiny and on conferring with George West of the Attorney General's office, he said he did want time to study it. He has studied it. He feels that there is a serious problem. As I understand it, the amendment which the gentleman from Eagle Lake, Mr. Martin, has in mind would remove this feature of the bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Lund, that we reconsider our action whereby this was passed to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Mr. Martin of Eagle Lake offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1134, L. D. 1553, Bill, "An Act to Encourage Conservation of Forest Resources Through Uniformity of Tax Assessment."

Amend said Bill by striking out all of the 2nd underlined sentence of the 2nd paragraph which reads

as follows: 'If the land lies in an unorganized township, without local assessors, the county commissioners of the county wherein the land lies shall select the member ordinarily to be selected by the assessors of the municipality.'

Further amend said Bill by striking out all of the 3rd paragraph and inserting in place thereof the following:

'Sec. 2. R. S., T. 36, §§843-A — 843-B, additional. Title 36 of the Revised Statutes is amended by adding 2 new sections to be numbered 843-A and 843-B, to read as follows:'

Further amend said Bill by striking out all of that part designated "§843-C." of section 2.

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

Mr. SULLIVAN: Mr. Speaker, I would like to know what these amendments do. Frankly, I am very much confused. I see some of those amendments come in here and they do just the opposite of what the bill does. I would like to ask through the Chair, Mr. Martin, Representative Martin, just what this amendment does.

The SPEAKER: The gentleman from Portland, Mr. Sullivan, poses a question through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may answer if he so desires.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In regards to the question directed by the gentleman from Portland, Mr. Sullivan, the amendment does two things. First of all, it removes one of the lines in the second paragraph in regards to unorganized townships. In other words, unorganized townships will be removed from the consideration as far as the assessment board is concerned. The second part of the amendment deals with the last part of the bill itself, the last paragraph, in regards to the fact that this bill would have forced the municipalities to keep the same rate for a period of five years after which the decision had

been reached. It was felt that this was somewhat too binding upon any municipality and this is an attempt to correct the situation. These two things are the only things that the amendment does.

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

Mr. SULLIVAN: Mr. Speaker, this does not in effect reduce the taxes that were, as I remember, wasn't that put through on that bill so that we tax, and as I remember it, I recall that Representative Berry gave the facts on how little taxation those wildlands would be taxed, is that right? Does that reduce the taxation in this unorganized territory?

The SPEAKER: Is the gentleman from Portland, Mr. Sullivan, posing a question?

Mr. SULLIVAN: Yes, I'm sorry, through the Chair.

The SPEAKER: The gentleman from Portland, Mr. Sullivan, poses a question through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may answer if he so desires.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First, I request permission to address the House for a third time.

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

Mr. MARTIN: Thank you, Mr. Speaker, Ladies and Gentlemen of the House: This bill is not an attempt to correct any situation whatsoever in unorganized territory. The other day when we were discussing taxes as far as on land and trees, this was in regards to unorganized territory. This board would be set up for organized areas only. This is not an attempt to reduce taxes as far as a certain group of individuals are concerned, but rather to make it a more equitable tax between individuals having the same types of land in regard to the taxation of trees as such, if you wish to call them that. So, this really has nothing to do with the tax situation that we were discussing the other day.

The SPEAKER: The question before the House is on the motion of the gentleman from Eagle Lake, Mr. Martin, that we adopt House Amendment "A." Is this the pleasure of the House?

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

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

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 21, by Mr. Haugen of South Portland.
Pending—Acceptance.

On motion of Mr. Haugen of South Portland, retabled pending acceptance and specially assigned for Wednesday, May 26.

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

Bill, "An Act relating to Definition of Hotel Under Liquor Law." (H. P. 1063) (L. D. 1439)

Tabled—May 24, by Mr. Cote of Lewiston.

Pending—Further consideration. (In Senate, Passed to be Engrossed in Non-concurrence)

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

Mr. GRAHAM: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Freeport, Mr. Graham, moves that we recede from our former action and now concur with the Senate. The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, I would simply like to point out before this bill goes under the hammer that this is a bill which was acted upon unfavorably by the House previously. This is the bill which would permit a hotel to obtain a liquor license whether or not the hotel served meals,

and since motels would come under this definition any motel that you see now along the road would be able to apply for and receive a liquor license because, although they could not now have it, because they don't serve meals. So, if you want to have every motel along the highway have a license to sell hard liquor, I suggest that you vote for the bill. If you don't want to see that, I suggest that you vote against it. I would ask the Clerk to tell us what was the committee report please.

The SPEAKER: The gentleman from Augusta, Mr. Lund, inquires as to what the committee report was on this bill.

The CLERK: It was seven to three "ought to pass".

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

Mr. JALBERT: Mr. Speaker, is it my understanding on this measure that if the motion to reconsider prevails that there will be an amendment presented, that is apparently a compromise amendment which satisfies both sides?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question to any member who may answer if he so desires. The Chair recognizes the gentleman from Freeport, Mr. Graham.

Mr. GRAHAM: Mr. Speaker, yes, I have a House Amendment "A" to present and I believe it's agreeable to both sides. Both the wets and the drys.

The SPEAKER: Is it the pleasure of the House now to recede and now concur with the Senate?

The motion prevailed.

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

Mr. Graham of Freeport offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1063, L. D. 1439, Bill, "An Act Relating to Definition of Hotel Under Liquor Law."

Amend said Bill in section 1 by inserting after the 3rd underlined paragraph, the following para-

graph: **'No minors shall be permitted to remain on the licensed premises of hotels not serving meals.'**

Further amend said Bill, in section 2, by inserting before the word "Hotel" in the 2nd paragraph, the underlined word and letter 'Class A'; and by inserting before the underlined word "Hotel" in the 3rd paragraph the underlined word and letter 'Class B'; and by inserting before the word "Hotel" in the 4th paragraph the underlined word and letter 'Class A'; and by inserting before the underlined word "Hotel" in the 5th paragraph the underlined word and letter 'Class B'

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

Mr. GRAHAM: Mr. Speaker, may I speak briefly on this.

The SPEAKER: The gentleman may proceed.

Mr. GRAHAM: Mr. Speaker, Members of the House: This amendment I understand is agreeable to both the wets and the dries. It makes a clear distinction between the hotels that serve liquor and meals and the hotels that serve merely liquor. And in the latter, minors are to be prohibited. I quote "no minors shall be permitted to remain on the licensed premises of hotels not serving meals."

The SPEAKER: Is it the pleasure of the House we adopt House Amendment "A"?

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

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

Mr. DUMONT: Mr. Speaker, I rise for the purpose of reconsideration of item 13 on page 10. I move that the House reconsider its action whereby it passed to be en-

acted item 13, An Act to Provide for Fair Minimum Wages for Construction of Public Improvements, and I hope that the House votes against me.

The SPEAKER: The gentleman from Augusta, Mr. Dumont, moves that we reconsider our action whereby this bill was enacted. House Paper 1124, L. D. 1534. The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, I move that this item lie upon the table until the next legislative day.

The SPEAKER: The gentleman from Augusta, Mr. Lund, now moves that this be tabled until the next legislative day pending reconsideration.

Mr. Levesque of Madawaska requested a division.

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

A division of the House was had.

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

The SPEAKER: The question before the House now is on the motion of the gentleman from Augusta, Mr. Dumont, that we reconsider our action whereby this was passed to be enacted. All those in favor of reconsidering our action will kindly say aye; all those opposed will say no.

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

(Off Record Remarks)

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I now move that we adjourn until nine-thirty tomorrow morning.

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

quires for what purpose does he rise?

Mr. EDWARDS: Mr. Speaker, to inquire if we are in possession of House Paper 589, L. D. 781.

(Off Record Remarks)

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

Mr. LEVESQUE: Mr. Speaker, I withdraw the motion of adjournment.

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

Mr. EDWARDS: Mr. Speaker, Is that paper in the House's possession?

The SPEAKER: What paper is the gentleman talking about?

Mr. EDWARDS: House Paper 589, L. D. 781.

The SPEAKER: The gentleman from Portland, Mr. Edwards, inquires whether the House has in its possession House Paper 589, L. D. 781, "An Act relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit," and the answer is in the affirmative.

Mr. EDWARDS: Mr. Speaker, I move that we reconsider our action whereby this was passed to be enacted.

The SPEAKER: The question before the House now is the motion of the gentleman from Portland, Mr. Edwards, that we reconsider our action of yesterday whereby this bill was passed to be enacted.

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

Mr. LEVESQUE: Mr. Speaker, I now move that this lie upon the table until the next legislative day.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that this matter lie upon the table until the next legislative day, pending further consideration. Is this the pleasure of the House?

Thereupon, the Bill was tabled pending the motion for reconsideration and specially assigned for Wednesday, May 26.

Mr. Libhart of Brewer was

granted unanimous consent to address the House briefly.

Mr. LIBHART: Mr. Speaker, Members of the House: I assume that the next thing that we are going to do is adjourn and I would like to point out the fact that in the rear of the House again for the second day in a row we have a group of young ladies who are here because they are very much interested in the bill that is the next thing on the calendar. Now, I thought that we were stretching the point of courtesy yesterday when we tabled this for one day with all these people over here. Now, we are going to adjourn again and they are going to have to come back again if they want to. I certainly should hope that we in our rush to get out of here this afternoon would not impose this burden upon them and we could consider this bill.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Recognizing the fact that there are present in the rear of the Hall or in the Balcony from day to day, I think it behooves every member of the Legislature here that we can't possibly try to accommodate every person in the rear of the Hall that are interested or disinterested in a piece of legislation, so therefore, I think that we are asking each and every one of us you can only bring up my bill when it suits me and nobody else. I hope that you Ladies and Gentlemen of the House and those in the rear of the Hall will respect the requests of the House of Representatives in their deliberation of each and every bill before us.

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

Mr. LEVESQUE: Mr. Speaker, I now move that we adjourn until nine-thirty tomorrow morning.

Mr. Dudley of Enfield requested a division.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, requests a division. All those in favor of adjourning until nine-thirty a.m.

tomorrow morning 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-three having voted in the negative, the motion did not prevail.

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

Bill, "An Act relating to Qualifications for Practice of Hairdressing and Beauty Culture." (S. P. 491) (L. D. 1456) (S. "A" S-209) (S. "A" to S. "A" S-251)

Tabled—May 24, by Mrs. Ruby of Bangor.

Pending—Further consideration. (In Senate, Engrossed as Amended by Senate "A" as Amended by Senate "A" thereto)

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

Mrs. RUBY: Mr. Speaker, pending an opinion from the Attorney General's Office, I would ask that someone would retable this until the next legislative day.

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

Mr. SULLIVAN: Mr. Speaker, that motion is very unjust and unfair.

The SPEAKER: There is no motion before the House. Does the gentleman care to make a motion?

Mr. SULLIVAN: Well, then that suggestion is very unfair. Let's take up the bill.

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

Mr. LEVESQUE: Mr. Speaker, I now move that this lie upon the table until the next legislative day.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that this matter lie upon the table until the next legislative day.

Mr. Blouin of Sanford requested a division.

The SPEAKER: The gentleman from Sanford, Mr. Blouin, requests a division on the tabling motion. All those in favor of this matter lying upon the table as-

signed 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.

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

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

Mr. ANDERSON: Mr. Speaker, I move that this lay on the table unassigned.

The SPEAKER: The gentleman from Orono, Mr. Anderson, now moves that this matter lay upon the table unassigned.

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

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

The SPEAKER: The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, who requests that when the vote is taken that it be taken by the yeas and nays.

The question before the House is that this matter lay upon the table unassigned.

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

Mr. JALBERT: Mr. Speaker, I move that we adjourn until nine-thirty tomorrow morning.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that we adjourn until nine-thirty a.m. tomorrow morning. Is this the pleasure of the House?

Mr. Dudley of Enfield requested a division.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, requests a division. All those in favor of adjourning until nine-thirty a.m. tomorrow morning will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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