

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

Wednesday, May 26, 1965

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

Prayer by the Rev. Mr. John W. Meisner of Dover-Foxcroft.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Approving the Course of Study in Private Schools" (S. P. 87) (L. D. 231) reporting that the House accept the new draft of the Committee of Conference submitted herewith under title of "An Act Approving the Course of Study in Private Schools" (H. P. 1155) (L. D. 1586) and pass the new draft to be engrossed; that the Senate recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" and concur with the House in the indefinite postponement of the Bill; accept the new draft of the Committee of Conference and pass the new draft to be engrossed in concurrence.

(Signed)

BERRY of Cape Elizabeth
LENT of Scarborough
GRAHAM of Freeport

—Committee on part of House.

MENDELL of Cumberland
SNOW of Cumberland
FALOOD of Penobscot

—Committee on part of Senate.

Report was read and accepted, the New Draft of the Committee of Conference was read twice, and tomorrow assigned.

Papers from the Senate

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Exempting State Owned Motor Vehicles and Trailers from Registration and to Provide Special Plates for U. S. District Attorney and Assistant U. S. District Attorneys" (S. P. 462) (L. D. 1393) reporting that the Senate should reconsider its action

whereby this Bill was passed to be engrossed; adopt House Amendment "A" (H-106) and pass the Bill to be engrossed, as amended, in concurrence.

(Signed) MAXWELL of Franklin
STERN of Penobscot
WILLEY of Hancock

—Committee on part of Senate

JALBERT of Lewiston
EDWARDS of Portland
KATZ of Augusta

—Committee on part of House

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

The Report was read and accepted in concurrence.

Tabled and Assigned

From the Senate: The following Order:

WHEREAS, the Legislature requires for its use, comprehensive factual information concerning both spirituous and vinous liquor and malt industries as they affect the State of Maine in order to make complete study of the liquor laws and the State Liquor Commission rules and regulations relating to these industries and in addition, to study the licensing of persons operating licensed premises and the penalties for liquor law or commission rule and regulation violations in connection therewith; and

WHEREAS, such study shall embrace the Liquor Commission structure of sales through state stores and taxes imposed on all liquor; and

WHEREAS, such study shall be comprehensive with a view of codifying, clarifying and modernizing such law, commission rules and regulations and the committee shall report back to the 103rd Legislature with recommendations together with proposed drafts of recommended legislation; now, therefore, be it

ORDERED, the House concurring, that there shall be a committee of nine appointed to carry out the purposes of this order, as follows: The President of the Senate and the Speaker of the House shall appoint 2 members each

from their respective branches, 2 members to be appointed by the Governor, 2 members to be appointed by the State Liquor Commission and the Attorney General, who in addition will act as counsel for the committee; and be it further

ORDERED, that there is appropriated from the Legislative Appropriation the sum of \$7,500 to carry out the purposes of this Order (S. P. 574)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Cote of Lewiston, tabled pending passage in concurrence and specially assigned for tomorrow.)

Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Liquor Control on Bill "An Act relating to Definition of Hotel under Liquor Laws" (S. P. 384) (L. D. 1200) reporting same in a new draft (S. P. 560) (L. D. 1567) under title of "An Act relating to Definition of License under Liquor Law" and that it "Ought to pass"

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

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

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

SENATE AMENDMENT "A" to S. P. 560, L. D. 1567, Bill, "An Act Relating to Definition of Licensee Under Liquor Law."

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

'AN ACT Relating to Definition of Hotel Under Liquor Laws.'

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

"R. S., T. 28, §2, sub-§ 9, amended. The first sentence of subsection 9 of section 2 of Title 28 of the Revised Statutes is amended to read as follows:

' "Hotel" shall mean any reputable place operated by responsible

persons of good reputation, where the public, for a consideration, obtains sleeping accommodations and meals under one roof and which has a public dining room or rooms either operated by the same management or by a lessee open and serving food during the morning, afternoon and evening, and a kitchen, apart from the public dining room or rooms, in which food is regularly prepared for the public on the same premises.' "

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Uniform Local Effort for Payment of School Subsidies" (S. P. 307) (L. D. 1041) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Messrs. BISHOP of Presque Isle
JALBERT of Lewiston
ANDERSON of Orono
HEALY of Portland
BRAGDON of Perham
BIRT of East Millinocket
— of the House.

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

Report was signed by the following member:

Mr. DUNN of Denmark
— of the House.

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

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves that we accept the Majority "Ought to pass" Report in concurrence.

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

Mr. DUNN: Mr. Speaker and Members of the House: I would like to make my position clear on this bill. I have no quarrel with the bill itself. I signed it "ought not to pass" because I was unwilling to vote for the tax to pay for it, and that was the only reason.

Thereupon, on a viva voce vote, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 307, L. D. 1041, Bill, "An Act Relating to Uniform Local Effort for Payment of School Subsidies."

Amend said Bill by adding at the end, the following new sections:

'Sec. 6. Appropriation. There is appropriated from the General Fund the sum of \$3,721,555 for the fiscal year ending June 30, 1967 to carry out the purposes of this Act. The breakdown shall be as follows:

Department	1966-67
EDUCATION, DEPARTMENT OF	
General Purpose Subsidies to	
Cities and Towns	
All Other	\$3,721,555

Sec. 7. Effective date. This Act shall become effective July 1, 1966.'

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

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

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House, seven-

teen pupils from the West Bath Elementary School and they are accompanied by their Principal Chester Merrifield and their chaperones, Mrs. Smith and Mrs. Carleton. And they are the guests of the gentleman from Bowdoinham, Mr. Millay. On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

Divided Report

Majority Report of the Committee on Judiciary on Resolve to Reimburse Raymond A. Cote of Augusta for Expenses not Compensated by Department of Economic Development (S. P. 148) (L. D. 389) reporting same in a new draft (S. P. 572) (L. D. 1585) under title of "Resolve to Reimburse Raymond A. Cote of Augusta for Legal Expenses for Securing Right of Appeal to Superior Court" and that it "Ought to pass"

Report was signed by the following members:

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

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

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

Report was signed by the following members:

Mr. GLASS of Waldo
— of the Senate.

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

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

In the House: Reports were read.

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

Mr. RICHARDSON: Mr. Speaker, I move that we accept

the "ought not to pass" report in non-concurrence.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now moves that we accept the Minority "Ought not to pass" Report in non-concurrence. The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Members of the House: You will note that this is a bipartisan opposition, at least here in the House, to creating an undesirable precedent with respect to claim of Raymond A. Cote of Augusta. It is not that I don't have a good deal of sympathy for his situation. I do, generally so; but I do say to you that this establishes an undesirable precedent. What we have done is in effect, the majority report here says, we are terribly sorry, here is some money. Obviously I don't feel very strongly about this. It is up to you to make your own decision. I do say, however, that you are establishing a precedent which I think you will live to regret.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: The members who were present during the hearing of this matter, at the hearing of the presentation, came to the unanimous decision at that time that here was a principle involved, the principle that we all as Americans believe in and abide by, to have our day in court. We did not go into the merits, we have not predetermined in this case, we are not prejudging this case. We did not in any way ask reasons why this man wanted his day in court or anything like that. We just asked him and his counsel what procedure he had used to have his day in court and it seemed to us, apparently, that he had expended an awful lot of money to get into court, to face his accusers, and to make the merits of his case available to the court. Now I don't think that there is any partisanship here at all. As you can see by the signers of these reports it is bipartisan. The

principles involved, is a man allowed his day in court in this country? We who signed the majority report of "ought to pass" think that he is entitled to his day in court. And for that reason I think that the "ought not to pass" motion of my friend from Cumberland, Mr. Richardson, should fail, and that we should accept the "ought to pass" report.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Cumberland, Mr. Richardson, that we accept the Minority "Ought not to pass" Report in non-concurrence, and a division has been requested. All those in favor of accepting the Minority "Ought not to pass" Report will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, on motion of Mr. Levesque of Madawaska, the Majority "Ought to pass" in New Draft Report was accepted in concurrence, the New Draft read once and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act relating to Liability for Damages for Tortious Conduct of State" (S. P. 205) (L. D. 586) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 561) (L. D. 1573) under title of "An Act Directing Review of Governmental Immunity" and that it "Ought to pass"

Report was signed by the following members:

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

Messrs. BISHOP of Presque Isle
RICHARDSON
of Cumberland
—of the House.

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

In the House: Reports were read.

(On motion of Mr. Levesque of Madawaska, tabled pending acceptance of either report and specially assigned for tomorrow.)

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Providing for a New Charter for the City of Lewiston" (S. P. 230) (L. D. 767)

Report was signed by the following members:

Messrs. SHIRO of Kennebec
JACQUES
of Androscoggin
—of the Senate.

Messrs. CONLEY of Portland
LIBHART of Brewer
Mrs. BAKER of Orrington
Mrs. WHEELER of Portland
Messrs. BOISSONNEAU
of Westbrook
HUNTER of Clinton
—of the House.

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

Report was signed by the following members:

Mrs. SPROUL of Lincoln
—of the Senate.
Mr. COTE of Lewiston
—of the House.

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

"A" as amended by Senate Amendment "A" thereto.

In the House: Reports were read.

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

Mr. JALBERT: Mr. Speaker, I would move that both reports and accompanying papers be indefinitely postponed and I would speak on the motion.

The SPEAKER: The question before the House now is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this bill and its accompanying papers be indefinitely postponed in non-concurrence.

The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: Among the happy thoughts concerning this session is the fact that the Lewiston House delegation has agreed on all measures whereas it concerned the Charter of the City of Lewiston. I am now speaking for the gentleman from Lewiston, Mr. Cote, the gentleman from Lewiston, Mr. Dostie, the gentleman from Lewiston, Mr. Gaudreau, the gentleman from Lewiston, Mr. Busiere, and the gentleman from Lewiston, Mr. Hoy in absentia, who agree with me on the motion that I just made. In the twenty years that I have been here I have never presented an amendment to the Charter of the City of Lewiston unless it was agreed upon by a bipartisan committee.

A few weeks ago, the House membership, with a representative from the Senate, organized a Charter study committee, representatives of labor groups, business, Chamber of Commerce, League of Women Voters, all of them representing those groups and all of whom have agreed to serve. We are fully aware of the fact that we need a Charter revision, we need a Charter study committee. I am fully aware of the fact that the Legal Affairs Committee, in its judiciousness, made a study of this bill which is a bill stemming from Waterville that was killed in referendum, with some amendments that would make the bill more palatable should it be brought to the attention of the

people. However, the committee, as one member told me, spent an hour and a half making a study of this thing. We intend to spend months making a study of this matter. It is not my intention to spend a great deal of the House's time wrangling over Lewiston legislation. I am not on a personal vendetta. I am merely asking the same privilege that this House gave unanimously to the City of Sanford when they said themselves that they wanted to have a study committee look over their own charter. So I move and I hope that the House will go along with me in indefinitely postponing this bill, so that we can make a study committee of our own at home and come up—as one member told me, if you come up—he was on the Legal Affairs Committee, he said I am with you if you come up with a sound bill at the next session of the Legislature, which we intend to do.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't want to get involved in Lewiston affairs, but I do think it is worthy of a little comment. I notice that it is a majority report, this committee, and that the Senator from there he signed the majority report. I also want to tell the House that two years ago I served upon Municipal Affairs Committee. We had a similar bill. And that they have been talking about studies for about seven years. They now have a petition with about four thousand names that was brought before the committee. There is some interest there; I just want to speak there is some interest there for a change.

I am not concerned with the things as they do in Lewiston, except to say that this does have a referendum, and if these people have been talking for seven years maybe they should have some consideration. Maybe the committee thought so when they reported a majority "ought to pass" report, and I just wanted to call this to your attention. I know they have been talking about a different

charter for quite some time and certainly there must be some interest there that was brought before this committee to get this type of a report. Thank you—and by the way this city has some new faces there, like the new mayor, and he is in favor of the passage of this along with obviously the signer from the Senate.

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

Mr. BOISSONNEAU: Mr. Speaker, I would like to answer the gentleman from Enfield, Mr. Dudley. As chairman of this committee we have not refused anyone a bill to be sent home for referendum. We received no petitions. We spoke to the gentleman from Lewiston, Mr. Cote, and we felt as a committee that we should not change our minds, but what they wanted on the floor of the House we will let go with them.

Mr. Dudley of Enfield requested a division.

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

Mr. BERNARD: Mr. Speaker, I would just like to inquire how the gentleman from Lewiston, Mr. Cote, feels on this bill. I would like to ask him a question through the Chair that he voted for this bill in committee—he is on Legal Affairs, so he voted against it?

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this bill and its accompanying papers be indefinitely postponed. The gentleman from Enfield, Mr. Dudley, 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.

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

Thereupon, the motion of Mr. Jalbert of Lewiston that the House reconsider its action whereby the bill was indefinitely postponed failed on a viva voce vote.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act Creating the Investment of State Funds Law" (S. P. 502) (L. D. 1468) reporting same in new draft "A" (S. P. 555) (L. D. 1564) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. STERN of Penobscot
MAXWELL of Franklin
WILEY of Hancock
—of the Senate.

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

Minority Report of same Committee on same Bill reporting same in new draft "B" (S. P. 556) (L. D. 1565) under title of "An Act relating to Investment of State Retirement System Funds" and that it "Ought to pass"

Report was signed by the following members:

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

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

In the House: Reports were read.

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of the Majority Report in concurrence.

The SPEAKER: The gentleman from Portland, Mr. Edwards, now moves that we accept the Majority "Ought to pass" Report in concurrence.

The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker, I move this bill be indefinitely postponed. When the vote is taken I want a roll call and I will speak on my motion.

The SPEAKER: Is the gentleman making a motion that both reports be indefinitely postponed?

Mr. TRUMAN: Exactly.

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

Mr. TRUMAN: Mr. Speaker, Members of the House: This bill—Before I begin I would like to say first of all I resent the various agencies for taking for granted, having the audacity to underestimate the intelligence of the people in this House, to see it fit to propose legislation that they think will benefit their cause. This investment fund pertains to ninety-three million dollars of the retirement fund. This is the poor people's money that probably is the only thing they have. They must have this money when they do retire. They have never made enough money to have any more than this.

Now, this money is invested very soundly, very wisely. It is returning four point two, one percent tax free. This is wonderful, this is beautiful, four and a quarter percent return tax free without risk. If you are to believe and to be misled that the road to success is in speculation and gamble, then you are wrong. There is no get rich quick policy. You must not believe stories of this type. To the contrary, the road to success lies in economy. The road to success lies in the elimination of waste, and this waste which is a plague that some day will destroy our system of government in state and on the national level. I don't want to get involved in waste, because you know what it is here and you can imagine what it is in Washington. They are spending money like it's going out of style they claim, but that's waste. Speculating.

I don't like this bill at all. The people's lives are involved here. We don't have the right to deal with the poor people's lives. Only the Supreme Architect of the Universe has that right. And now you want to play with their life and speculate with their money. Was that the intent of the Retirement Act? Are they of the opinion that when they put money into retire-

ment it will be used for speculation? You may have an ambitious investment officer and to earn his very small wage will become speculative, take a chance, and if he shows you a fairly nice return, you will allow him to speculate more. If you continue to speculate and this continues to grow in degree, God forbid anything should happen that happened in '29 and this thing should blow up. Where are these people to go to? This is their money that you're investing. You are going to deprive them of a pension that they need, that they must have just to exist. This is nothing that they are getting fat with. If they don't have this pension at retirement age 65 or over, they are tired, they are old, they are sick. I can gamble and I gamble with my money, and I am thirty-six years old, and if I lose it I can go out and work, but a person at retirement age, this is wrong, you can't do this to him. You don't have that right to do this to him.

This fund is paying four and a quarter percent and it requires three percent. They are returning over more than what they need. They are showing a profit. If anything I deplore speculation, to this degree even, with money that does not belong to anyone but the poor people that put it in there. And if we are to feel that we are superior, that we can take this money and speculate with it today, I wouldn't want it on my conscience that I helped support this type of legislation. I don't buy these stories get rich quick, and if I invested so many dollars I could have made so much money. That makes a nice tall story.

Now you get these sharp brokers in from New York and they will promise you the moon. You're just an investment officer, to make yourself look important you'll take that chance. You don't take chances with people's lives. I could go on for an awful long time on this bill. Just you take a look at it. I don't think you know the importance of it, to invest in subdivisions of the state. If some municipality is not in the position to float bonds, borrow money, they are going to play politics now with the state retire-

ment fund and they are going to come up and say, lend us some money. This is wrong.

Investing money in Canada? Section 3, page 5. All the beautiful investments we have in this country, we have got to go to Canada? The reason that I asked for this roll call, I don't want this thing to haunt me. I want my conscience to be clear that I did my duty here, my duty to try to protect all of the people in Maine and including the working people who have invested their money in this retirement fund. I caution you, if you pass this bill you make it imperative for the Governor to veto this bill. Someone must show responsibility to the people of Maine.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I had intended to make some remarks on this bill, this report. However, I feel now that practically all has been said that I could have said. I am in complete concurrence with the gentleman from Biddeford, Mr. Truman, in the most of what he has just said to you. This is the fund that has developed and belongs to the state employees. I don't think anyone can question but what over the years it has been invested wisely, as he has told you. It now yields 4.22% interest on the average. It seems to me that if you get into a speculative mood with this you are apt to attempt to provide more revenue, you are getting into a danger zone. I am in complete agreement with the gentleman in the indefinite postponement of both bills. Under the present setup, the officers that now handle this fund could appoint an investment officer. It has been in their mind for some time and they have just not to the present time come to the point of finding a man that they thought they wanted. I think that we have to concur that the fund has been handled very wisely and I hope that you go along with the remarks of the gentleman from Biddeford in the indefinite postponement of both these reports at this time.

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: I thought it might be helpful if you heard from one of the reports from the committee, that this motion puts me in a kind of a bind. I would kind of like to see "A" Report referred to the 103rd Legislature. I would like to see "B" Report passed into law. But we are faced with an indefinite postponement of both sections.

Let me tell you my thinking on this. It is true that there are some thirty thousand people involved. They are not state employees. They are state employees, teachers, municipal employees, others who have joined the fund. The fund is ninety-three million dollars, it's growing bigger every day. There has been criticism that the funds are overly conservative. The investment is overly conservative and moreover the mechanics of the investment process itself are unprofessional and ineffective, and in no way do I criticize this bill for its content although there is much to criticize in the bill. And under no circumstances do I criticize the motivation of the proponents which is laudable. But I question the timing.

This bill seeks to correct two situations. In so far as the restrictions on investment are concerned, those of us who signed the "B" Report were convinced that a change in the method of investment and the ground rules was necessary. By permitting the fund's investment in common stocks to increase from ten percent we are sincerely convinced that with safety the fund will earn anywhere from a half a million to a million dollars more a year to accrue to the benefit of those who are members. But when it comes to overturning completely the existing organization and procedures, then we say slow down. We say that a decent respect for the opinion of the thirty thousand people involved requires that we do indeed slow down. These retirees, the state employees, the teachers and others who have built

and are building this fund calls for a voice in self-determination and I agree with that.

Earlier this session I introduced a bill which called for a comprehensive study of the entire retirement picture and the retirement investment program. This study was backed by the Maine State Employees Association in the 101st session and died because of lack of funds. This year this study was listed as major legislation by the Maine State Employees Association, the Maine Teachers Association and the Maine Municipal Association, and I call attention to the leadership in case it has gotten a little bit out of sight. That it is my understanding that when my bill was withdrawn that there would be a study under the Legislative Research Committee, and I hope that this study is forthcoming. It hasn't come yet.

But I think it would be wrong to jam this whole thing through now and I would find myself in the position of looking at this and saying that I am going to vote against indefinite postponement and ask that you also vote against indefinite postponement. I would then ask that you—to complicate thinks a little further, that you vote to refer Report "A" to the 103rd and then pass Report "B". And good luck to all hands.

The SPEAKER: The Chair would like to recognize in the balcony of the House, seventeen pupils of the Youth Typist Class at the Manpower Development Training Center, one of the first centers in Maine connected with the new Federal program, which is located in Lewiston. They are accompanied by their teacher, Mrs. Lula Bryant and Bert Fernald, Assistant Coordinator in Charge of the Program. These people are the guests of the entire Androscoggin delegation. On behalf of the House, the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

At the same time the Chair would like to recognize in the balcony of the House, twenty-nine pupils of the 8th Grade at Ingalls

School, Farmington, accompanied by their teacher, Mrs. W. Merritt Emerson, Jr., and their bus driver, Mr. William Hoyt. They are the guests of the gentleman from Farmington, Mr. Whittier. On behalf of the House, the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

Also at this time the Chair would like to recognize in the balcony of the House fifty eighth grade students from the Hermon Elementary School. They are accompanied by their Principal David V. Deering and their teacher Mrs. Leland. They are the guests of the gentleman from Etna, Mr. Carter. On behalf of the House, the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

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

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the gentleman from Biddeford, Mr. Truman. The economy of this country is at a high level and so are the common stock prices in relation to their earnings and dividends. The popular Dow Jones Average currently over 9.15 level, the prudent and wise investor recognizing the danger signals when the high grade common stocks currently yield 2.57, and the high grade bonds are yielding 4.35. It has been pointed out that this fund has been yielding approximately four and a half percent, which shows good judgment and good management. And this is no time to increase the common stock in the portfolios of these retirement system funds. Thank you.

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

Mr. BERRY: Mr. Speaker, Members of the House: While I signed the minority report which would provide for the increase in investment in common stocks along with the gentleman from Augusta, Mr. Katz, I do not share his enthusiasm for jeopardizing

the defeat of this bill by pushing for that particular thing and I would wholeheartedly support the view of the gentleman from Biddeford, Mr. Truman.

I think this was ill conceived, it was hastily conceived. It was poorly presented to the committees; if I have ever seen a crash program, this was it. I would give credit to our Senate Chairman, who labored long and hard to come up with a redraft which is before us in the form of L. D. 1564, but this too is full of many, many holes, and as the previous speakers have told you, we really are playing with a sacred trust and this should be only done after very, very careful consideration. I do not want to take the time of the House to go through L. D. 1564 step by step and point out to you the many glaring errors that are in it. It is as I said before, hasty, poor legislation.

I think we should pay tribute to those gentlemen who are administering our present pension fund. It was brought out in the hearing that the City of New York had just overhauled their retirement system fund administration and New York is quite proud of the fact that as a result of this and their change in investments, they are now getting 3.81% from their pension fund investment. Our very, very capable people here in the little, old State of Maine are now getting, as the previous speakers have told you, 4.22% and I think they deserve a great deal of credit for this.

Our fund now is invested in 10.5% of common stock. This is not a low figure. It is not a high figure. I suspect in the last few days many people who own common stocks might feel that this may not be the time to get into them. It seems to me that these gentlemen have distributed their investments rather well. They have 68% in bonds, 21% in mortgages and 10% in common stocks. There is a provision in here, for instance, that all the state trust funds will be lumped together into one big pool and administered by this new investment officer. I think this is probably a very good idea, but

the mechanics that are set up here, ladies and gentlemen, are not workable, practical mechanics to safeguard these various investments. There is a provision in here that the state treasurer shall turn over to this investment officer any monies he is holding for more than ninety days for investment and then he will get the interest back on that. Well, our very capable state treasurer is already doing this. He does not need this legislation to do it. He has invested money in 4% certificates of deposit and this is temporary ninety day money and he is doing a very good job on that.

I wholeheartedly support the motion for indefinite postponement of this bill and all its papers.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a great deal of merit to what my friend from Biddeford, Mr. Truman has told you. With these same type of reservations I signed the minority report in another draft. I think we have been misled a little bit in the direction of that particular instrument which would allow the trust fund investment of up to or no more than — if you will read the draft you will see that it says, no more than twenty percent. Now, with all due respect to my friend from Kennebunkport, Mr. Pendergast, simply allowing these funds to increase their common portfolio doesn't mean they're going to do it. And I would think that wise trustees most certainly would not be investing now, but that has nothing to do with the merits of this bill.

It seems to me that what we are talking about is something that is very basic. You have often heard that one of the difficulties with an inflationary economy is that people who are depending on their savings for their retirement after they have reached retirement age go to the bank and find that their original dollar bill that they put in the bank many years ago against the rainy day, now

can only buy a half a pound of butter rather than a full pound which they could have bought with it years ago.

Now it's all well and good to say that we are doing very well with the fund as it is, and we are getting this high rate of interest. But the high rate of interest continues year after year on the basic portfolio. The number of million dollars invested remains static because there is no growth in bond investment; and if you compare this with the possibility of growth in common stock and then apply your percentage, the ratio to your original investment, you may very well come up with something much more astounding than what has been presented here today.

Now maybe this is a little confusing, but I don't think it is, and I think an example of what can be done in this area by people who are applying intelligence to it is something that you may have read in the paper recently upon the retirement of the treasurer of Harvard College, who had been the man in their investment portfolio in the last fifteen years. When he took the job there was about four hundred million dollars in that trust fund. When he left there was over a billion. Now some of those were additions by gifts, but a lot of it, the large percentage of the growth, was growth from shrewd investment in common stocks. Now I feel that there is a great deal of merit in some of this bill. It seems to me, though, that we can't do it in a rush, that the gentleman from Augusta's original thinking that this situation should be very closely studied had a great deal of merit, and I certainly hope that before this session is over we will refer the study to the Legislative Research group, and I certainly will go along with my friend from Biddeford, Mr. Truman's suggestion of indefinite postponement of the new draft, but I do feel that the other draft by the minority does have a great deal of merit.

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

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

House: This must be somewhat confusing where there are so many alternatives offered. I would like to clear the air a little, if I can, in layman's terms since I am a layman.

The difference between the minority report and the majority report, the basic area of disagreement is, who shall administer these funds? Both the majority and minority agree that ten percent is not enough to be invested in common stocks. We would like to increase this to twenty percent or at least allow the investors to increase it to twenty percent. What does this mean in terms of dollars and cents? Last year if twenty percent of the fund had been in common stocks, the same common stocks that they held last year, only more of them, if twenty percent had been invested there would have been a net gain of three million dollars over what they actually made, thus allowing growth of the fund. Now if we allow the present board, which you have heard is ultra-conservative and unprofessional, to invest up to twenty percent, what will their action be?

Well, I think we can answer that by looking at their action for the month of May. In the month of May, they invested nine hundred and thirteen thousand dollars in bonds. They invested fifty-one thousand dollars in mortgages. They invested two hundred and fifty-three thousand dollars in stocks. But they sold three hundred and twelve thousand dollars worth of stocks, thus for a net loss on the stock side of fifty-nine thousand dollars. These people are regressing even more. They are going the wrong way.

Now how do the teachers themselves feel about this? This is their money that we're talking about and at a representative assembly of the MTA the record shows that the vote was fifty to three in favor of this legislation. These are the people directly concerned. Ladies and gentlemen, I don't believe it's unrealistic to invest twenty percent of your total capital in common stocks thus giving some growth. This is what's planned here by both of these. I do believe

it's unrealistic to expect the present board to continue to function in any other way except as it has functioned up to now, that is unprofessionally and ultra-conservatively. I hope that you will vote against the motion for indefinite postponement and I hope that you will vote for acceptance of the Majority "Ought to pass" Report.

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

Mr. SULLIVAN: Mr. Speaker, Members of the House: That very smart Representative from Portland, the suggestions that he made if they were made in '62 they would express some common sense, but I don't believe that Mr. Edwards with all his ability knows very little about the stock market. And if you compare the suggestions and the ability of Mr. Edwards with the ability of Representative Pendergast —

The SPEAKER: Would the gentleman kindly keep his remarks confined to the bills and not to personalities.

Mr. SULLIVAN: Well, this isn't personalities, this is to show the ability and the experience between the two individuals.

The SPEAKER: The gentleman will kindly confine his remarks to the bill.

Mr. SULLIVAN: All right. The bill at the present time, to talk about investment of twenty percent in common stocks, is absolutely ridiculous. Thank you.

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

Mr. PIKE: Mr. Speaker, Members of the House: I suppose I am really old-fashioned on the subject, perhaps with good reason. About forty years ago I was partly in charge of an investment fund a little bit larger than the one we are talking about and that was in the period they called, some of them called the period of wonderful nonsense. And in the late twenties the fund that I was working with and on was pretty well up to its ears in common stock. Well, I got out of there fortunately before '29 and went over to another one which was more highly speculative, but I always have a certain

amount of mistrust in shares the latter end of the investment totem pole when the shares of a company yield considerably less than the bonds of the same company. As Mr. Pendergast has just stated, that's the situation today. The Dow Jones averages have gone up a good sixty percent in the last two years. There is, of course, no guarantee that they will go up another sixty percent in the next two years or the next four years or in the next twenty years.

Another thing that I would like to call to your attention is that the theory is that common stocks are speculative and bonds are safe. Well in degree they are, but you should have seen some of the bonds we had in 1929 to 1932 where they went from one hundred and five to five in several quick jumps and some of the bonds turned out to be about as bad as stocks. Now I don't have any strong feelings about this bill. I am told that it is badly drawn. I think the purpose of it is good and I have a feeling, although I won't try to convince anybody else, that a further study of this situation might lead to something that would be perhaps somewhat similar to this, but be better drawn and more fitting to the needs of the state.

Now one more thing I would like to say is that by and large the greater portion of this fund is devoted to people who will try to cash in at sixty-five or older. By and large this is something like a life insurance thing where you ought to be pretty sure you have the dollars whether they are of more or less value — that's also speculative, at the time they are entitled to it. I just have a feeling that we ought to clear the decks of this business and with perhaps a study or with the hope that the next Legislature will have a better drawn bill, one that's more adapted to the circumstances as they exist then. Thank you.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I want to go on record as

concurring with the gentleman from Biddeford, Mr. Truman, in indefinite postponement of the bill and both reports.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I have been a little confused. It seems to me we have been working at cross purposes. We pass a bill to permit the state employees to have a professional report made on all aspects of retirement, including the investment of the retirement funds, and I know authoritatively that they would prefer that we postpone any action in this field until their report is in.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Biddeford, Mr. Truman, that this bill and its accompanying papers be indefinitely postponed. The gentleman from Biddeford, Mr. Truman, has requested that when the vote be taken it be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth having arisen the yeas and nays are in order.

The question before the House is on the motion of the gentleman from Biddeford, Mr. Truman, that this Bill "An Act Creating the Investment of State Funds Law," Senate Paper 555, L. D. 1564 and all its accompanying papers be indefinitely postponed. If you are in favor of this Bill and all its accompanying papers being indefinitely postponed, when your name is called you will either answer yea or yes; if you are opposed to this bill and its accompanying papers being indefinitely postponed, when your name is called you will either

answer nay or no. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berman, Berry, Birt, Bragdon, Brewer, Buck, Burwell, Carter, Champagne, Cottrell, Cressey, Crosby, Cushing, Danton, Dickinson, Doyle, Dunn, Edwards, Erwin, Fraser, Mexico; Fraser, Rumford; Gifford, Gilbert, Hammond, Hanson, Gardiner; Harriman, Hawes, Hawkes, Haynes, Healy, Huber, Hunter, Clinton; Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Libhart, Lincoln, Littlefield, Lund, Meisner, Millay, Mosher, Nadeau, Norton, Palmer, Payson, Peaslee, Pendergast, Pike, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sahagian, Scott, Storm, Sullivan, Truman, Waltz, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

NAY — Anderson, Orono; Baldie, Beane, Bedard, Benson, Mechanic Falls; Bernard, Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Carroll, Cote, Crommett, Curran, D'Alfonso, Dostie, Drigotas, Drouin, Dudley, Dumont, Eustis, Faucher, Fecteau, Fortier, Gaudreau, Gauvin, Gillan, Glazier, Graham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hunter, Durham; Jalbert, Jordan, Keyte, Kilroy, Knight, Laberge, Lebel, Lent, Levesque, Lowery, Martin, McKinnon, Mills, Mitchell, Pitts, Poulin, Prince, Roy, Sawyer, Searles, Starbird, Wheeler, Whittier, Wuori.

ABSENT — Bussiere, Carswell, Conley, Cookson, Davis, Evans, Farrington, Hanson, Lebanon; Hoy, Lane, Lycette, Ruby, Stoutamyer, Susi, Ward.

Yes, 74; No 61; Absent 15.

The SPEAKER: The Chair will announce the vote. Seventy-four having voted in the affirmative and sixty-one having voted in the negative and fifteen being absent, the motion to indefinitely postpone prevails.

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

Mr. BERRY: Mr. Speaker, I move for reconsideration and I hope that my motion does not prevail.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, now moves that we reconsider our action whereby this bill was indefinitely postponed.

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

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

The SPEAKER: The gentleman from Portland, Mr. Edwards, now moves that this matter lie upon the table pending reconsideration.

Mr. Berry of Cape Elizabeth requested a division.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, requests a division on the tabling motion.

All those in favor of this matter lying upon the table assigned for the next legislative day will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-seven having voted in the affirmative and seventy-three 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 Cape Elizabeth, Mr. Berry, that we reconsider our action whereby this bill was indefinitely postponed. All those in favor of reconsidering our action whereby this bill was indefinitely postponed will say aye; all those opposed will say no.

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

Non-Concurrent Matter

An Act to Provide for Establishment of a Veterans Memorial Cemetery (S. P. 157) (L. D. 397) which was passed to be enacted in the House on March 26 and passed to be engrossed as amended by Committee Amendment "A" on March 19.

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

Mr. BLOUIN: Mr. Speaker, Ladies and Gentlemen of the House: I move to recede and concur with the Senate.

The SPEAKER: The gentleman from Sanford, Mr. Blouin, now moves that we recede from our former action and concur with the Senate in the adoption of Senate Amendment "A".

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

Mr. SULLIVAN: Mr. Speaker, Members of the House: All this amendment does is to cut down what they formerly asked for, fifty thousand dollars, and all it does is to get the foot in the door. That would cost the taxpayers of this state, over a period, millions of dollars. If those individuals who want this memorial cemetery, I wonder don't they lack any initiative? If it's necessary for them, as I said before, and they want this cemetery let the hundred and ten thousand veterans of this state including two of my sons, and they don't want it, they can go out if they feel this memorial cemetery is necessary and that seven thousand five hundred dollars is a big joke. That's just to get their foot in the door. What it really means is that over a period it would cost the taxpayers of this state millions of dollars.

Now they can go out if they want this cemetery and raise the money themselves and I'll be glad to contribute to it if they do it that way. In fact I'll be glad to contribute one hundred dollars. But when they want to pass on to the taxpayers of this state millions of dollars — and that bill again, who would pay for that? You know who would pay for it? The people with the smaller incomes in this state. And further, these veterans of the Second World War, they have been amply taken care of. A big portion of them were enabled to get college educations. They were able to get money enough while they got the college

education to support themselves. Sometimes I wonder whether some of them can add and subtract. A portion of them get so selfish and greedy they apparently think that this money grows on trees. This bill should be killed, and if they want to go out and collect the money which they should if they think it's necessary, they can fix it up so that the money contributed will be deducted from their income taxes. Thank you.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I am a veteran of two World Wars, but I don't go along with the passage of this bill. As the gentleman from Portland, Mr. Sullivan has said, that seven thousand five hundred is just to get the foot in the door. That amount wouldn't grade the State House lawn. Mr. Speaker, I now move indefinite postponement of this bill and all accompanying papers.

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

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

Mr. KENNEDY: Mr. Speaker, I rise in opposition to the motion to indefinitely postpone. I can't help but agree with the gentleman from Portland, Mr. Sullivan, that this may be a foot in the door. However, it is an indication by these two bodies that we are supporting the veterans of Maine and perhaps buying the land for some future date when more monies are available that we can institute a real veterans' cemetery for the veterans of Maine. I hope that when the vote is taken that this bill will not die. I hope that we can keep it alive.

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

Mr. BLOUIN: Mr. Speaker, Members of the House: Of course being the House Chairman of this Committee I cannot let this go without a small fight. Of course,

when this bill started it seems the bill called for a hundred thousand dollars, and I appreciate very much for all the veterans here of all wars who let me win the first round. Of course, a few of my friends have mentioned to me that if I kept fighting for such a bill I might land across the bridge somewhere on the hill. I can assure you I am not ready to go there. Then an amendment was put in to cut this amount from a hundred thousand to fifty thousand dollars. Then after hearing several discussions I saw that the Senate had put in another amendment to cut this down to seven thousand five hundred dollars. And I believe now it's seven thousand four hundred dollars because Mr. Sullivan already volunteered a hundred dollars.

So, ladies and gentlemen of the House, I as being under the Korean War a veteran which I have served thirty-nine months when I signed thirty-six months in the United States Army, I served thirty-nine months in a foreign country and I didn't always serve, ladies and gentlemen, for the protection of the whole United States. I am sure the State of Maine was included in this deal. So now, what I want to add is this is the only thing that actually we would be getting for our veterans in the State of Maine in this Legislature. Of course I agree with certain people when it first started, that it was probably a little bit too much money for this term, a hundred thousand, fifty thousand, but now the bill is down to seventy-five hundred dollars and I believe that someone has told me that the Governor would probably—pretty sure that he would go along to get this started to give a chance to our veterans in the state.

Now this seventy-five hundred dollars of course Mr. Sullivan claims it's only—I disagree with him when he says it's only a foot to get in the door. Because one time or other a cemetery will eventually be needed and there has got to be a start somewhere, and this is such a small amount that I feel to the World War I, to the World War II, the Korean

War and these boys are dying today for nothing in North Viet Nam and other parts of the world, if this Legislature is too cheap to vote for such a bill for a small fee of seventy-five hundred dollars, I am almost sorry that I did serve in the Army. I hope that the motion for indefinite postponement of this bill today is lost. And I ask the support of all my good colleagues who have served in the United States Army today and in the past to support this bill. Thank you.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I am somewhat ashamed as a veteran to stand here and hear this type of talk today. This isn't whether we served or we died or we went anywhere, we answered a moral obligation to our country. Those who did not have the financial means upon return home were put in a veterans hospital, where in my opinion they are receiving very good care. What we are asked to decide here today is the moral obligation we owe to our country and to our veterans who have had service. This is something that is traditional with our country. It comes from our colonial days and I see no reason why the Legislative Session in the State of Maine should try to abolish it.

I feel very strongly that this is a tradition that we as a state should carry on for the benefit of the children that are coming along behind us that will someday sit in these halls. I think this thing should receive favorable support from every member of this House.

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

Mr. CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: In all fairness I believe this bill has been debated quite long enough, and I now move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Conley, now moves the previous question. For the Chair to entertain the motion for the previous question it must have the expressed consent of one-

third of the members present. All those in favor of entertaining the motion for the previous question will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen, the previous question is in order.

The question before the House is, shall the main question be put, which is debatable for no more than five minutes and the merits of the bill are not debatable. The question before the House now is, shall the main question be put now? All those in favor of having the main question put now will say aye; all those opposed will say no.

A viva voce vote being taken, the motion prevailed.

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

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen:

The SPEAKER: For what purpose does the gentleman arise?

Mr. LITTLEFIELD: To debate the bill.

The SPEAKER: The matter is no longer debatable.

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

Mr. BLOUIN: Mr. Speaker, I move that a roll call be taken.

The SPEAKER: The gentleman from Sanford, Mr. Blouin, now requests the vote be taken by the yeas and nays on the motion of the gentleman from Ellsworth, Mr. Anderson, that this bill and its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Sullivan, and inquires for what purpose does he arise?

Mr. SULLIVAN: I would like to make one short remark —

The SPEAKER: The gentleman may not make his one short remark.

For the Chair to order a roll call it must have the expressed desire of one-fifth of the members pres-

ent. All those in favor of the vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number did not arise.

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

The question before the House is on the motion of the gentleman from Ellsworth, Mr. Anderson, that this Bill "An Act to Provide for Establishment of a Veterans Memorial Cemetery," Senate Paper 157, L. D. 397, and its accompanying papers be indefinitely postponed. 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-seven having voted in the affirmative and one hundred two having voted in the affirmative, the motion did not prevail.

The SPEAKER: The question before the House now is on the motion of the gentleman from Sanford, Mr. Blouin, that we recede from our former action and concur with the Senate in the adoption of Senate Amendment "A". Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Bill "An Act Clarifying the Inland Fisheries and Game Laws" (S. P. 428) (L. D. 1375) on which the House voted to insist on May 20 on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto, and House Amendments "A," "B" and "C."

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto, and House Amendments "A," "B" and "C," and Senate Amendment "A" in non-concurrence and asking for a Committee of Conference, with the

following Conferees appointed on its part:

Messrs. MANUEL of Aroostook
MacDONALD
of Piscataquis
CARTER of Kennebec

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

Non-Concurrent Matter

Report of the Committee on Health and Institutional Services on Bill "An Act relating to Application to Municipalities for Support of Indigent Dischargees from the Pineland Hospital and Training Center" (H. P. 476) (L. D. 629) reporting same in a new draft (H. P. 1126) (L. D. 1536) under same title and that it "Ought to pass" which Report and Bill were indefinitely postponed in the House on May 24.

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

In the House:

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

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

The SPEAKER: The gentleman from Old Town, Mr. Binnette now moves that we recede from our former action and concur with the Senate.

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I spent a great deal of time yesterday checking back into this bill and the redraft and I found that most of my objections to the bill are covered quite satisfactorily. So I would go along with receding and concurring with the Senate.

Thereupon, the House receded and concurred with the Senate.

The New Draft was read twice and assigned for third reading tomorrow.

Non-Concurrent Matter

An Act relating to Minimum Wages for Firemen (H. P. 503) (L.

D. 656) which was passed to be enacted in the House on May 11 and passed to be engrossed as amended by House Amendment "A" on April 15.

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

In the House:

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: This is another one of the firemen lobby bills. Now I see no merit in the bill itself. We have been discussing this morning the right for example of the City of Lewiston to determine its own destiny by writing its own Charter after it's deliberated in its own area and come up here and asked for the permission. We also had in this term presented to us by the gentleman from Lewiston, Mr. Bussiere, a model bill for home rule which was extremely well drawn and I was very happy with the gentleman from Lewiston, Mr. Bussiere, until I learned that he thought it was a Communist type document and withdrew it. I am sorry that he didn't leave it in, because it was a good bill and we had no chance to discuss it and I hope some year someone will have the determination to put that bill in again so that we can allow our local communities to determine this type of thing.

Now this particular bill and the other arbitration bill annoyed me greatly for one large reason other than I am a firm believer in home rule for municipalities. I am a firm believer in their determining

their own employment situation so that they can determine what taxes they will impose. Let them determine their own destiny.

But the big thing that I am against this bill and the other one is that they are discriminatory. Why the firemen? Please tell me someone. Agreeing that when they are working they are in a very dangerous occupation and they should be paid properly by the towns in which they work. I agree with that one hundred percent, but why not policemen? Aren't they in just as dangerous an occupation? Why not the public works department? On a stormy night in the middle of February when the temperature is thirty degrees below zero and they are out salting the streets and plowing so that we can get to and from work the next morning, aren't they just as important? The question is why? And I think that if we are going to do something like this, we should do it for all municipal employees. I am against doing it for any of them because I think we should determine this on a local level, but if we are going to do it let's do it for all of them.

Now, I hope that you will join me in indefinite postponement of this bill.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As the gentleman from Brewer, Mr. Libhart, has just stated, it is absolutely unnecessary to have legislation to take care of all the municipal employees. Some of them are already being paid the minimum wage and most of the others are getting more than the minimum wage now under the law. The firemen are in a special category of employees in the municipalities and in some areas, not all areas, they are not being paid a minimum wage. The bill that comes before you this morning with the Senate Amendment attached to it is to assure that there will be no time and a half provision in the law covering the firemen. This is to assure them the basic minimum

wage as a fireman, and when the vote is taken I request a division.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: Again I rise to support the motion of the gentleman from Brewer, for indefinite postponement of this bill. I have been on many losing causes this session. Most of them I have tried to accept with good grace. This one still bothers me. It bothers me more than any other that I have been associated with. I think the reasons have all been discussed. I think that at the worst this is an unwarranted intrusion of the internal affairs of the municipalities. At best I think it is class legislation. And I hope that you will support the motion for indefinite postponement.

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

Mr. GAUDREAU: Mr. Speaker, this bill was fully debated in this House and was enacted. The only reason that this bill is back is to satisfy some of the opponents who feel that they don't want to pay the firemen time and a half. Well, of course this wasn't the intention of the firemen in the first place. But the Senate Amendment takes care of these objections. This is extremely hazardous work and I believe they should at least earn a minimum wage. Now we talk about policemen and other departments, they already are getting more than the minimum wage. That's why they were not included in this bill. Thank you.

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

Mr. DICKINSON: Mr. Speaker, Members of the House: Municipalities in my district have called my attention to problems that would arise in other departments if this legislation was to pass. Therefore, I would concur with the thoughts expressed by the gentleman from Brewer, Mr. Libhart. Thank you.

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

Mr. DANTON: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been debated from the time we accepted the committee report of "ought to pass" until the enactment stage. Now, this argument why the firemen and not the policemen and not the municipal workers, it seems to me this is a very feeble argument because if the people who argue this were really sincere, they could have put in an amendment that would take care of these municipal employees. Apparently, they are just using it for an argument and have nothing really deep in their hearts for the firemen or for the other municipal employees. I think that this Senate Amendment "A", if anything, tightens up the wages of the firemen and makes them more palatable to the previous opponents of this bill. Thank you.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Madawaska, Mr. Levesque, has stated the case very well. When we were debating this the other day he was making the argument, if my memory serves me correctly, that the firemen were not special cases, that they should have the benefit of minimum wages, that my argument that the reason that they were left out, they and other municipal employees, one of the reasons was that the work conditions of this particular group of people, their work conditions imposed on their profession long hours, which their profession had always accepted and had never expected to be paid hourly wages which were commensurate with other people of like skill, we'll say. Simply because they recognize the fact that while they were on duty, and I am going to say it again and I hope the reporters in the Press will quote me correctly, because part of their duties was that they had to sleep and eat while they are on the job.

Now this is not a criticism of them. I say it again so that I won't be misunderstood. This is

not a criticism of them, it is part of their work. Now I am sincere when I say that if we are going to do it for one municipal employee, let's do it for all. This is not a smoke screen. I mean it sincerely, but I mean more sincerely that we should leave this for our local municipalities to decide. They have got elected people who are responsible to them in their own communities to make these decisions based on local conditions and if they are not being fair with their firemen then these people should be replaced. But they should be replaced on the local level. Why should we here in Augusta tell our towns and cities what they should do when there are very good responsible elected officials in their districts to make this determination?

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

Mr. HEALY: Mr. Speaker, I would like to pose a question through the Chair to our fluid friend from Brewer, Mr. Libhart. The question is, what do they pay per hour in Brewer to the firemen? Per hour that is.

The SPEAKER: The gentleman from Portland, Mr. Healy, has posed a question through the Chair to the gentleman from Brewer, Mr. Libhart and he may answer if he so desires.

Mr. LIBHART: Mr. Speaker, I am not sure that I can answer because we pay on a weekly basis and I think the hours would vary from week to week because of the shift system. I think our lowest paid firemen are in the seventy-six or seventy-eight dollars a week category. And I would assume that this would give them around ninety some odd cents an hour, in the present situation. And I think that they should be paid more, and I have said this before the councilmen before I ever thought of coming over here, and I appreciate the remarks from my friend that I am a fluid individual. I have also been called this term that I was unsound. So adding those two together I don't know where I am.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think that the representative from Brewer has stated truthfully that they are having their meals while they are at work, but by the same token, on their days off, when they are at home they cannot say that they can sit down peacefully and have a meal without any interruptions, because should that bell ring they are going to jump up and move right off and especially if they have a second alarm, they don't take time to eat, they just move. And they are out there protecting our property and our lives and I still will go in opposition to that representative from Brewer.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: Certainly everybody in this House here feels that the firemen are a group of people that should be recognized and given due consideration, which we have done many times on the floor of this House. And the previous gentleman from Brewer, Mr. Libhart, has stated that from the best of his knowledge they are getting approximately ninety-two cents an hour, and that he again stated that they should get more. Well, I am all for that too and I am sure that the few cents more that they are going to get under this bill is neither going to make nor break the City of Brewer or its municipal administration. This bill is only necessary because of the inactivity of some municipal officers for fear of losing the next election. So therefore I hope that you will support the bill and vote against indefinite postponement.

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

Mr. JALBERT: Mr. Speaker, I would support this bill, but we have debated it four times. I think that's a fair enough shake. I move the previous question.

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

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen, the previous question is in order. The question before the House now is shall the main question be put, which is debatable for no more than five minutes by any one member and the merits of the bill are not debatable.

All those in favor of having the main question put now will say aye; all those opposed will say no.

A viva voce vote being taken, the motion prevailed.

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

Mr. Libhart of Brewer requested a roll call.

The SPEAKER: The gentleman from Brewer, Mr. Libhart, requests that when the vote is taken that it be taken by the yeas and nays. For the Chair to order the yeas and nays it must have the expressed desire of one-fifth of the members present. All those in favor of having the vote taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

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

Mr. Jalbert of Lewiston requested a division.

The SPEAKER: A division has been requested. The question before the House is on the motion of the gentleman from Brewer, Mr. Libhart, that this Bill "An Act relating to Minimum Wages for Firemen," House Paper 503, L. D. 656, and its accompanying papers be indefinitely postponed.

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

A division of the House was had.

Fifty-nine having voted in the affirmative and seventy-three having voted in the negative, the motion did not prevail.

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

Orders

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

Mr. KATZ: Mr. Speaker, Members of the House: I have just learned that today is the birthday of the gentleman from South Thomaston, Mr. Kittredge, and my seatmate is a man I have enjoyed visiting with all session. He is unselfish and unpolitical and courageous and capable. Excuse me, sir, I am having a little trouble reading his writing. (Laughter and Applause) He has been a wonderful guy to sit next to and I noticed that if you would like to give him a birthday present, there is a small unimportant enactor a little later in the session and I am sure that you will all join me in wishing a Happy Birthday to George Kittredge. (Applause)

Mr. Kittredge of South Thomaston was granted unanimous consent to briefly address the House.

Mr. KITTREDGE: Mr. Speaker, Members of the House: I would like to thank Ben for those kind remarks today and I am doubly lucky today because it is my anniversary as well. My wife and I have been married for twenty-one years and during that time we never fought as hard as they did in Lewiston last night so I think we have had twenty-one years of married bliss. And for the gentleman from Eagle Lake, Mr. Martin, who will some day probably think of getting married, I would commend to him this idea of getting married on your birthday, because in this way you never forget your

wife's anniversary and she never forgets your birthday. (Applause)

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

ORDERED, the Senate concurring, that the Museum Study Committee be continued as a Legislative Committee for the purpose of making recommendations to the 103rd Legislature to:

1. Effectuate the construction of a State Museum as a part of a museum — archives — library complex to be located near the present Capitol at Augusta.

2. Develop a master plan for utilization by the State of land in the capitol area during the next 50-100 years, such plan to propose a location for a State Museum.

AND BE IT FURTHER ORDERED, that the sum of \$9,500 be appropriated to defray the expenses of the committee including secretarial hire, travel and meals, employment of consultants, and such other expenses as may be necessary. (H. P. 1157)

The Order received passage and was sent up for concurrence.

House Reports of Committees Leave to Withdraw

Mr. Birt from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing State Scholarships for Education" (H. P. 769) (L. D. 1013) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported "Ought not to Pass" on Bill "An Act to Pay School Subsidies on the Basis of Uniform Local Effort" (H. P. 729) (L. D. 967)

Report was read.

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

Mr. JALBERT: I would like to have it understood, Mr. Speaker, before we accept the "ought not to pass" report that this is not the bill we are working on. This is

a bill calling for eighteen million dollars.

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

Ought to Pass in New Draft New Draft Printed

Mr. Anderson from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing State Scholarships for Higher Education" (H. P. 767) (L. D. 1011) reported same in a new draft (H. P. 1156) (L. D. 1587) under same title and that it "Ought to pass"

Report was read.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: This new draft is a combined effort or result of two bills, one that was just withdrawn L. D. 1013, and L. D. 1011. This is a new area in which the state might venture into in the development of state scholarships. With the increased cost of education and the desire of more and more children to go to schools of higher education, I feel that it is a very worthwhile project and I would certainly hope that the Legislature could come out with something and I feel that this is a very good vehicle to work on for scholarships for higher education. And I would hope that this bill would receive passage.

Thereupon, the Report was accepted, the New Draft read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act to Create the Maine Commission on the Arts and Culture" (S. P. 558) (L. D. 1579)

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

Third Reader Tabled Until Later in Today's Session

Bill "An Act relating to Comparative Negligence in Civil Actions" (S. P. 565) (L. D. 1577)

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

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: In view of the fact that items 2 and 3 are both matters which I intend to speak on, I would request that some member of the House table item 2 until the next legislative day.

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

Mr. PIKE: Mr. Speaker, I would ask that item 2 be tabled until tomorrow.

The SPEAKER: The gentleman from Lubec, Mr. Pike, moves that item 2 lie upon the table assigned for tomorrow, pending its passage to be engrossed.

Mr. Levesque of Madawaska requested a division.

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

A division of the House was had.

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

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for later in today's session.

Bill "An Act relating to Liability for Damages for Tortious Conduct of Charitable Corporations" (S. P. 567) (L. D. 1580)

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

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: This position that I am in reminds me of a good friend of mine who tells me that in his studies of the early church history the Christian martyrs at some point during their

suffering would get to the point where they couldn't feel the pain that was being inflicted upon them. I would like to say to you that I have not reached that happy point, but when I do I'll be sure to let you know because I know you'll all be interested.

The bill that you have before you now is another one of those bills supported by the Maine Trial Lawyers Association which would make churches, Boy Scout Troops, charitable hospitals, charitable nursing homes and so forth liable under the laws of this state for tortious conduct. What that really amounts to, if somebody walks into the church and the budget has been a little low and there is a little fray in the rug, a tear in it, they fall down and injure themselves, under the present law the church is immune from liability for very good historical reasons. If you enact this bill you are going to expose them to liability. This matter came before the Judiciary Committee. As you recall, I was one of those who spoke very strongly in favor of abolishing the thirty thousand dollar limit on death actions. These other bills and this one are part of a package deal that I think are going to damage the people of this state and I want it to be clear to you why.

In committee, I suggested the amended bill which is now before you. I did so in a genuine effort to meet what I thought to be a real problem. Over the weekend, I talked with counsel for the Mercy Hospital in Portland, a Catholic Charitable Hospital. He indicates to me, and I have received information from other charities and from the Maine Hospital Association, that even my attempted compromise is going to raise insurance costs to the hospitals to the point where you are going to get a substantial increase in the patient bed rate. This to me is a serious problem because charitable organizations by their very nature seek to alleviate the suffering of the poor and to make it possible for persons who could not otherwise secure medical attention to secure it. All of us know of the small hospitals in our area which are having an awful tough job providing the free serv-

ice, but yet they do it. I know that they do, and so do you.

They make this service available to the indigent. It is inconsistent for me to support charitable organizations as I do and at the same time take action in this Legislature which will result in increasing their burden, perhaps to the point where some of them go out of existence. I want to remind you of one thing more, and I have not reached that stage of not feeling any pain yet. The doctors under our law are liable. Therefore, if you or some one goes to a charitable organization hospital and is injured through the negligent conduct of a physician, the physician is liable to respond in damages. Many hospitals now carry insurance policies. The amendment which I suggested originally would prohibit the insurer, the insurance company from raising the defense to charitable immunity, but I find now that this is not the way it works.

The board of the hospital determines these claims and because they pay the just claims and generally do not pay the frivolous claims, they keep control—they have some control and therefore their rates are lower.

You must in your good conscience decide whether or not this legislation is responsible and in the best interests of all the people. If you do, I will very cheerfully abide by that decision, since this will result in more insurance policies being sold and will result in more litigation in which I will be involved. I think that the bill is contrary to the public interests. I hope that you will discuss this bill with the people who run the charities, discuss this bill with the church people in your home towns, and if I am wrong they will tell you.

Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

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

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

Mr. BERMAN: Mr. Speaker and Members of the House: I thought

we would be taking up items two and three in logical order, but since someone got item two tabled I will probably have to read more or less with some additions and deletions part of the discussion on this matter in the session of the 101st Legislature.

"The Chair recognizes the gentleman from Old Orchard, Mr. Plante.

"Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: If you have had an opportunity to read L. D. 1316, you would find that it is a most important piece of legislation. Much can be said pro and con and I simply tabled this that I may have an opportunity to inquire through the Chair of anyone on the Judiciary Committee why this has been referred to the 102nd session of the Legislature rather than try to resolve it at this session.

"The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, poses a question through the Chair to any member of the Judiciary Committee who may answer if they choose.

"The Chair recognizes the gentleman from Houlton, Mr. Berman.

"Mr. BERMAN: Mr. Speaker, I am a member of that Committee, and this also happens to be my bill and I'm glad that the gentleman from Old Orchard has called it an important piece of legislation, because it is. Now what this is about, I'm sorry I can't be very brief about it, is that for over fifty years in Maine, a patient in a non-profit hospital, and anyone connected with these legal entities and state agencies have been at the mercy of the employees. Now with regard to the hospitals for example, many years ago there was a Mrs. Mary Jensen down in Portland and she was ill with typhoid fever, and her attending physician arranged for her to occupy a private room in one of the hospitals, and she remained a private patient and it was the duty of the hospital to take care of her. Now because this typhoid fever caused some sort of a mental condition, Mrs. Jensen evaded the supervision of her hospital attendants and she fell through a window to a sidewalk, and these

injuries caused her death. Now at that time litigation ensued, and, mind you this was many years ago, and the final tribunal in Maine which heard the case declared that the hospital was just privileged, that they were immune from these negligent acts for letting Mrs. Jensen fall to her death.

"Now even at the present time if this hospital had liability insurance, and was trying to help out the widows, and the widowers, and the orphans after such a tragedy, the companies would be able to rely on what I term this unfortunate case, and refuse to do anything at all for the helpless. Now it's hard for me to conceive of any fairminded hospital wishing to be in this position. Now quite recently, and this is from the Bangor Daily News, there was a comment that blood transfusion mixups killed five thousand people. Doctor Albert Erlick cited the case of a mother in a report on blood transfusion fatalities and he said: 'Incompatible blood transfusions caused by technical or administrative errors killed more than five thousand patients during 1960.' He said most of these deaths results from administrative errors, which are preventable. Now another author aptly described the giving of blood transfusions as playing Russian Roulette, with bottles of blood instead of a revolver, and while the odds are in the physician's favor that nothing will go wrong, the patient takes all the risk."

Now, ladies and gentlemen, these are the sort of situations that made me put in the bill two years ago.

"For example, I think it was in New York, a mother of six children by the admitted negligence of a United States hospital died because that hospital injected her veins with a major mis-matching of blood, and quite recently down in Tennessee there was what they call a hundred thousand dollar mixup where a man entered a hospital in Chattanooga for a hemorrhoid operation, "and he lost one of his sexual organs." Now in

Michigan quite recently Boy A got admitted for a hernia operation for which Boy B had been admitted, and Boy B had his tonsils and adenoids removed . . ." and I suppose that's why I put in the bill and why some members of the Judiciary Committee did not want to go along.

Later on in debate the Chair recognized the gentleman from Portland, Mr. Childs.

"Mr. CHILDS: Mr. Speaker, may I say that not only has England now abolished this doctrine, but many of our leading states in the country have abolished the doctrine, but many of our leading states in the country have abolished the doctrine of charitable immunity. The consensus now is that a duty is owed to all the public, and that insurance is available to just about every charity that now exists. Let me tell you about a case that I had one time which involved an American Legion Post. They were holding a dance at the American Legion Post, and this particular party that I happened to be representing was sitting at a table, and a small rumpus started and my client got hit over the head with a beer bottle. The function was being held for the benefit of the Post, the Post was realizing money from it, and when I brought suit on it, the attorney for the insurance company — for most of these charitable institutions, they do carry insurance just for their protection, but they still use as a defense, charitable immunity. I certainly didn't think too much of the doctrine, but then again who knows, the law court may still uphold the Jensen case. I am of the opinion that if that went to the courts again that the Jensen case would be overturned, but most of our leading states have held now that a duty is owed to the public, insurance is available, and these charitable institutions have the opportunity to avail themselves of this insurance. So, therefore, I think I shall move that we substitute the bill for the report."

Ladies and gentlemen, two years ago the bill was substituted for the report and in this House this bill was favorably acted upon seventy to forty-eight. So I hope today that this House will be consistent and I would oppose very strenuously the motion to indefinitely postpone, and when the vote is taken I ask for a division.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: That very learned and able insurance lawyer refers to a certain hospital in the City of Portland. It so happens that one of my five sisters is a member of the Order that runs that hospital. It appears to me that the gentleman, the insurance lawyer, is using what he said and it is my considered opinion, as camouflage. He is interested more in protecting the insurance companies. And incidentally, it is my considered opinion that there is no individual or no organization, including the one he refers to, that is so perfect that they don't make mistakes. And I would further add that that organization being human and some of its employees may make mistakes that affect a patient, including yours truly, and I think this bill should go through as is. Thank you.

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

Mr. DANTON: Mr. Speaker, at this time I would like to offer an amendment to this bill. Filing H-378.

The SPEAKER: Will the gentleman defer until this motion is disposed of?

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I think it helps to try to determine where these laws started. Negligence law, as you may know, is an extremely different type of law. It developed almost entirely by court decisions under the Doctrine of Stare Decisis, and it is a very new type of law. It is only in the last fifty years that

the Doctrine of Torts has been developing, and it has been a subject of fluid change. And because the courts have been developing it as time goes on, the decisions of the courts have been always tempered to a certain extent by the conditions of the times prevailing.

Now you recall when Mr. Berman from Houlton was speaking, he referred to the Jensen Case. That has been answered. Our court did not overrule that case, old as it is. It indicated in dicta in the new case that came up last year, I believe, that it did not want to extend this doctrine and probably would overrule it, but because it has been the law in the State of Maine for so many years, it was up to the Legislature to make the change. And this is why this bill is here. Now, why did this doctrine develop to start with? Well, my friend from Cumberland, Mr. Richardson, joined us in eliminating the maximum limit in tortious death and his reason for joining us was that this was an archaic remnant of the early negligence law. It seems to me the same logic applies here.

This doctrine developed on the protection of the trust fund theory. The early courts in deciding these cases against charitable institutions felt that if recovery was allowed it would be a diminution of the trust that the charities were holding in behalf of the donors. Well, I submit to you that this was a tremendous struggle for the courts fifty years ago to develop. It was legal gymnastics at its best, but it suited the times because in those days the insurance industry also was in its infancy, because the law of negligence was in its infancy. Now, here we are fifty years later, our insurance industry is extremely well equipped to take care of this type of thing. Now, I am not happy with this new draft, because I am afraid what's going to happen is that the hospitals particularly will simply drop their insurance policies and we won't be any better off than we were. I like the original bill. I wish there was some way we

could go back to it. But there is some merit in the new draft, those hospitals that will continue their insurance will not be allowed to use the charitable immunities defense.

Now, you don't have to go out of the State of Maine to find cases, cases presently existing where the negligence of the hospital who is receiving a daily room rate, receiving pay for its lab, receiving pay for its operation rooms, receiving pay for every service that it gives, except in those cases where the people can't afford to pay there is normally some charity involved. Now, these people are perfectly willing to take your money and provide these services, but if they make a mistake they don't want you to avail yourself of the insurance that they have used some of your money to buy. It seems to me incongruous that we would allow this type of thing to go on. Why, in good conscience, can hospitals after having bought insurance to cover when there has been negligence on their part, allow the insurance companies to use the charitable immunities doctrine to avoid paying. Why in good conscience is this allowed?

Well, it is true that because they are allowed to do this the insurance rate is less. There are types of policies that allow the institution to require the insurance company not to use this defense and in those cases the premium is higher, but it is nowhere near what has been suggested to you, that it's going to double or triple the daily board rates in the hospital. This is absolutely ridiculous. The figures are available and I call upon my friend from Cumberland, Mr. Richardson, to produce for us the figures he has available and show us in terms of daily room rate what this increased insurance would be. It would amount to peanuts as far as the individual room occupant is concerned.

Now, there is one very good and legitimate logical reason why the charitable immunities doctrine should not be allowed to continue in the State of Maine

and that is because of the availability of insurance to these hospitals and because they are best able to insure and because rates can be established for them and because they are providing a service for which they get paid, they should be made responsible for the negligence of their employees, including the doctors who are operating on their premises. What happens when this type of law prevails is what happens every day in the State of Maine, instead of suing the hospital you sue the doctor and I take it and I say that this is wrong. Why sue the doctor when somebody in his charge has been responsible for the negligence? Why sue the doctor if he, employed by the hospital, is using the hospital facilities and the hospital is receiving the pay? Why sue the doctor? Why not sue the responsible institution? To me, ladies and gentlemen of the House, there is a great deal of logic for the elimination of this doctrine and there is very little logic that you can muster against it.

Now, I take it we are going to have submitted an amendment to this bill, which also, if you'll read it carefully, would in certain cases eliminate the sovereign immunity of the State of Maine. Now, here there can be an argument and after this amendment is suggested, I will tell you the argument against that. I am against the elimination of sovereign immunity, but I am for the elimination of the charitable immunity and I hope that you will vote with me.

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

Mr. HEALY: I thank the gentleman from Cumberland, Mr. Richardson, but I'm sure I don't belong in this situation. It's a lawyers' deal. However, I have a letter from the chairman of the Planning Board of the Mercy Hospital and I would like to get his comments into the record.

"A bill to remove charitable immunity will soon be reviewed by the legislature. This bill is en-

titled L. D. No. 587" I presume that the one we're talking about is a redraft of 587 "An Act Relating to Liability for Damages for Tortious Conduct of Charitable Corporations. As Chairman of the Planning Board of Mercy Hospital, I would like to ask that you consider very carefully whether such legislation is in the public interest.

"Those of us who are directly concerned with the administration of hospitals in Maine feel strongly that it is not.

"No one today would entertain or deny the patient the right to recover provable damages. Recognizing our obligations as directors, Mercy Hospital carries expensive insurance coverage to protect our patients and in our insurance policy it is expressly stated that the doctrine of charitable immunity cannot be invoked by the insurance carrier without the consent of the trustees of the hospital.

"Nevertheless, an unrealistic judgment against a hospital if the charitable immunity was to be removed could cause the hospital serious financial losses to the point whereby there would be no protection against the hospital's assets. Such a condition could force hospitals into bankruptcy, and this certainly would not be in the public interest.

"Emphasis today is to try to maintain or reduce hospital costs, which would be the reverse here, as there would be a prohibitive rise in insurance premium rates already incurred by the hospitals. For example, Maine's present basic insurance premium rate of \$5.00 per bed compares to New Hampshire's rate of \$16.00 . . . immunity having been removed in New Hampshire.

"Public liability rates have climbed wherever immunity has been removed. California's rates are seven times as high as Maine's rates.

"The public is constantly complaining about rising hospital costs, and to lose immunity would only force hospital costs to climb still higher . . . while hospitals continue to be paid only approximately 50% of the cost for patients for

whom the State of Maine is responsible.

"Abolishment of the charitable immunity law would cause a serious threat to the existence of many of our small community hospitals, who serve their communities so well in Maine, and would not offer significantly more protection to the public than at the present time.

"I sincerely and respectfully urge you to oppose the removal of charitable immunity for the protection of the solvency of Maine's hospitals."

Thank you.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: To me it is almost inconceivable that a hospital in this State of Maine would get to the point of being so irresponsible to their patients as to consider even an increased cost of insurance of its patients. I don't think we have that particular type of hospital in this state. This state here is considered to have a good system of hospitals. And they are covered by insurance and I don't think that they would, if this law became into our books, something for them to go by that our hospital facilities would be so irresponsible as to create such a burden on the hospital or the cost of treating its patients. It is almost inconceivable that a board of directors of a hospital would say that the employees of this hospital are not carrying out the duties and looking out for the protection of the patients so that there won't be any claims on the hospital.

This is what they would be looking after, rather than to say that if this law became part of our books, that it is going to create a hardship. I cannot believe that our hospital people that are in there as employed personnel under the direction of the hospitals that they would become so negligent that they would let all the patients fall out of the windows so that they could file a claim against the hospital. Thank you.

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

Mr. PENDERGAST: Mr. Speaker, Members of the House: I support the motion of the gentleman from Cumberland, Mr. Richardson, to indefinitely postpone L. D. 1580. My reason for opposing this order is that it will be detrimental to the small hospital. This bill will force them to buy insurance to protect themselves to limits that they may or may not be able to afford. I am the Secretary of the Webber Hospital in Biddeford, a 120 bed hospital. Now, we do carry insurance, but if this bill passes the professional liability coverage will triple as it has in New Jersey. When the charitable immunity was removed, their hospital coverage jumped from four dollars per bed for five thousand to fifteen thousand dollars coverage to \$11.50 for the same coverage. Now this is almost triple.

Now most of our hospitals' income comes from the money we have to charge for rooms and services, so the unfortunate person that has to use these hospitals will have to pay more. Therefore, I urge your support to indefinitely postpone this bill.

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

Mr. BRENNAN: Mr. Speaker, Members of the House: There really has been a lot of confusion in the arguments about this bill. First, under this bill, no hospital, church, or Boy Scout group is liable. They do not give up their immunity. What happens, if they take out insurance in the event that they're negligent this bill simply states that the insurance company cannot assert the defense of charitable immunity. Under the present situation, the insurance companies are in the logically untenable position of having their cake and eating it too. Under this bill, if a hospital buys insurance, and they could buy it with limits let's say up to two thousand or three thousand, they would only be liable to the extent of those limits. Anything beyond the limits of the insurance policy they would not be liable.

When the gentleman from Kennebunkport, Mr. Pendergast, states that small hospitals would go out of business, this is not accurate. Small hospitals or big hospitals don't even have to carry insurance. This is up to the board of directors or the trustees. If they want to be responsible and feel that they have to carry insurance and they can afford it, they can carry it. And they can carry it to the limits that they can afford it. Thank you.

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

Mr. DANTON: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly concur with the gentleman from Portland, Mr. Healy. I would oppose the bill as it was in its original form.

This bill or this redraft does away with the features whereby the charitable organization is liable completely and that the immunity is waived completely. Now, let's cut all the wild brush and let's look at it clearly. What this bill says is this, that if there is insurance and the charitable corporation is negligent, the insurance company cannot say that we won't pay you because we have immunity. We have charitable immunity. In other words, if the policy, the insurance policy of the charitable organization is valid and is applicable, the injured person will be able to collect for damage done to him or injuries done to him. Now, I don't think that any small charitable corporation or large charitable corporation have anything to fear. They have always carried insurance and those who have not, need not carry insurance.

Churches came into our debate today, and I would like briefly to tell you of a situation whereby a parishioner fell on the steps of the church. The parish was insured, the priest was begging the insurance company to pay his parishioner who had received a very bad injury and the insurance company was hiding behind this shield of immunity. All this bill does is just take away that shield of immunity as far as insurance coverage is concerned and noth-

ing else. It doesn't in any way jeopardize the charitable organization or corporation so that it will be liable for large suits.

Now, we have been talking about insurance rates going up. This bill was heard in the Judiciary Committee about two or three months ago and at that time we requested, we the committee, requested the opponents to the bill, the insurance lobby, to provide us with figures to indicate to us, because we were concerned, we did not want insurance rates to be going up drastically so that they would be harmful to either the charitable organizations small or large, and to this date I have not, as House Chairman, received any figures whatsoever and I doubt that any member of the committee received any figures whereby the insurance rates would be drastically increased. Therefore, I submit to you that this argument is a very feeble one and should not be taken to heart. Thank you.

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

Mr. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House:

I would hope that by now it was quite clear that the generation of the force behind these five bills has a purpose, and the purpose is the one which has been stated on several occasions here and that is to raise or enhance jury verdicts primarily, and under the cover of the raising of jury verdicts another result obtains. You guess what.

Let me speak to you not as an attorney but as a trustee for some fourteen years of a small thirty-nine bed hospital in the Town of York. I know something about its management because for twelve of those fourteen years I have been one of three managing trustees, who have met with the administrator and other hospital personnel on an average of every other week that entire time.

Hospitals are not some enemy to us all. Hospitals are groups of people throughout the State of Maine trying to do something to care for the sick. Hospitals have a horror of injuring people. Hospitals have a horror of the ter-

rible golden staphylococcus infection for one thing, which the use of penicillin and the sulphur drugs has now caused the development of a resistance strain, and infections do occur. They occur whether or not there is negligence, they occur under circumstances that nobody really knows about. Sometimes they occur because of negligence. But the question I want to point out to you this time is—or the fact I would like to point out to you at this time, is that hospitals in the State of Maine are struggling every day of their existence to keep the costs down to you being sick. Now I don't know whether this strange anomaly of a bill which is in front of you that says if a hospital buys insurance you can recover, if the hospital doesn't buy insurance, there is no recovery, is going to cost more or not. It means of course that most hospitals will simply drop the insurance, and as the gentleman from Brewer, Mr. Libhart said, you aren't going to be any better off than you were before. But it was also stated here that the concepts of the law change in the courts, they change gradually, and over the years, but they change. What happens to the hospital that is relying on this bill that doesn't carry any insurance and in five or perhaps ten years an injury occurs and the courts overturn the current doctrine and say yes, there is liability. There is some question incidentally about the liability of trustees of these charitable hospitals themselves which arises here through the negligence of their servants, and I submit to you that in those hospitals which have not large endowment funds it is going to be difficult to find trustees who will serve on these boards if there is some question of their own personal liability being there when they serve.

Now none of these questions can be answered in debate here, but you do bring up the question as to whether or not we are adding to the cost of being sick. Those of you that have Blue Cross contracts must be just as annoyed as I am from year to year as the cost

of the contracts go up, and the same thing for your private contracts with the private insurance companies. These costs go up because the cost of being sick goes up, and the cost of being sick in a hospital whether it be big or little is something more than paying for the bed you lie in and the meals that you eat. One of the reasons why hospitals pay such low wages, and they do admittedly pay low wages, is that they simply can't afford to pay high wages. We don't have government hospitals; we don't have socialized medicine, we have to get along as best we can with the problems that face us from day to day. If you are really concerned now about the little guy, if you are really worried about the fellow who has got no comeback, I ask you to think about the many, many small hospitals of twenty, of thirty, of forty beds who are trying to do a decent job in caring for the sick, and are doing a decent job I might add.

Now the gentleman from Old Orchard Beach, Mr. Danton said it is not only hospitals, it is churches. It might be well to remember that not every church in the State of Maine is wealthy enough to afford liability insurance either, and some of our churches and some of our parishes are literally as poor as church mice. It doesn't seem to me that this is progress. It doesn't seem to me that we accomplish any social purpose with the enactment of this legislation, except the unmentionable purpose which lies behind these five bills.

One thing that perhaps is hard to say, and I say it with all the sincerity that I can muster, because I don't want to appear corny, but the works of charity began long before there were trust funds, and the works of charity, as merely as we have them left in our society today, are God's work, and the people that do charitable work are doing God's work, and you and I were raised in this tradition that charity was something apart, and maybe it is well to remember that now abideth these three, Faith, Hope and

Charity, and that the greatest of these is Charity.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: I think part of being charitable is also being just, and I think that all charities that I can think of in and of themselves want to be just and they want to do what is right in the terms of the present day times.

The gentleman from Portland, Mr. Healy suggested that no hospital in the State of Maine would hide behind this doctrine. If the gentleman will see me after we adjourn I will name a hospital that is presently doing this in a case I am involved in, and the facts are pretty serious.

Now also I suggested that the insurance rates were available, and I was hoping that a member of the opposition would present them so that our presentation wouldn't be questioned. They have given them to us. They have said that they have tripled per bed, well this is tripled per bed per year, and what does it come down to? Listen very carefully please because you can do the arithmetic as well as I can. We are presently paying in the State of Maine about a cent and a half a day for a bed for insurance if you have got this kind of coverage of the amounts suggested. This would increase the daily rate per bed by three cents, less than three cents, but no more than three cents. Now I ask you, is three cents a day too much to pay to compensate these people who bear these results of negligence? Remember, negligence, there must be negligence before there can be any recovery. To suggest that these five bills are some kind of a scheming plot of the Maine Trial Lawyers Association it seems to me is also unjust. This bill in particular doesn't fit in that category. How can you increase jury verdicts when the present law doesn't even allow you to get to a jury? Don't be afraid, ladies and gentlemen of this House, of Maine juries and

large verdicts. There is a case on the books that was recently decided within the last ten years in which a Maine jury heard a case in which there was no dispute on negligence, there was definite negligence, the dispute was only on damages. The gentleman in question was in his eighties and he was permanently impaired in his left hand. He happened to be retired, but he was permanently impaired for the rest of his life he couldn't use his left hand. The Maine jury came back with an award of \$2,000 if my memory serves me correctly, and the Supreme Judicial Court of the State of Maine reduced on an appeal as being excessive that award I believe to a thousand dollars. Now don't be afraid of our Maine juries giving away all the money that the insurance companies have got, because they just aren't going to do it. We have got the most conservative juries in any state in the Union, bar none, and they will not be giving any recoveries against hospitals that are not just, because if there is ever a question in the Maine jury's mind as to whether there is negligence or not, they always decide in favor of no negligence so there is no recovery. Don't be afraid of that. And remember, if you vote for this bill, that it concerns only charities that are insured, and it would increase the hospital rate if they adopt New Jersey's and New Hampshire's standards three cents a day per bed. I take it that any of them can afford that. And if they can't, then they simply don't have to buy the insurance.

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

Mr. JALBERT: Mr. Speaker, I move Court be ajourned and I move the previous question.

The SPEAKER: The Chair didn't understand the gentleman's motion.

Mr. JALBERT: I move that Court be ajourned and I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the previous question. 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 at this time will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-third having arisen, the previous question is in order. The question before the House now is shall the main question be put now, which is debatable for no more than five minutes by any one member and the merits of the bill are not debatable.

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

Mr. RICHARDSON: Mr. Speaker, on the question of putting the previous question at this time, I have the figures, and I would like to answer the question. I would inquire of the Chair if a motion to recess would take precedence over the motion to move the previous question?

The SPEAKER: A motion to recess takes precedence if the motion to recess is successful.

Mr. RICHARDSON: Thank you for your helpful ruling, Mr. Speaker. I should like to move that we recess until 1:30 or 2:00 o'clock whichever you prefer.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves we recess until 2:00 o'clock.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: A division has been requested. All those in favor of recessing until 2:00 o'clock will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER: The question now before the House is, shall the main question be put now?

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

Mr. JALBERT: Mr. Speaker, it is not my desire in debating the time and moving the previous question to stop any debate, and I am sure that I don't want to gag the gentleman from Cumberland, Mr. Richardson, but the thinking behind it, and I hope that you vote against the placing of the question so that he may have his opportunity to speak, but I just say that for heaven's sake, if the lawyers are going to hold court and keep on holding court we will never get out of here.

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

Mr. DANTON: Mr. Speaker, I concur with the gentleman from Lewiston, Mr. Jalbert. I think that the motion to move the question at this time is a little premature and that the gentleman from Cumberland should be given ample opportunity to present all the facts that he has at hand.

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

The motion failed on a viva voce vote.

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

Mr. Richardson was granted unanimous consent to address the House for a third time.

Mr. RICHARDSON: Mr. Speaker, four points and then I will quit. First, the opposition to this bill in the hearing and in the letters that I know that all of you have received, the primary, the gut opposition to this bill is from the Maine Hospital Association, and if you think that the insurance companies are going to lose money, my friends, you are sadly mistaken. They will simply increase the rates to cover the increased risk created by your action.

Secondly, when I voted and supported the abolition of the death limit of thirty thousand dollars, I

did so not only because it was an archaic law, but primarily and overwhelmingly because I thought that it was a stupid restriction on a man's life. Charitable immunity as has been pointed out by the gentleman from York, Mr. Erwin, is an integral part of the whole scheme of charitable operations. It is an old doctrine, yes. It is also a very good one, one that is commended to you by common sense I am sure.

Finally, it is very difficult to compare rates in different areas because, as you know, if you read the papers and the news magazines, in California you have some of the most ridiculous claims being made against hospitals, and the number of these claims alone jacks up the rate. Comparing the per bed rate, insurance cost per bed for non-profit hospitals in states where immunity exists as to those where it does not exist, here are the figures. In the states where there is no defense, in states which have taken what I consider to be the unwise action that is being suggested to you today, here are the figures: California, \$35.00; Michigan, \$16.00; Minnesota, \$16.00; New Hampshire, \$16.00; New York, \$21.00.

In the states which have a full defense which is now in Maine not even really a full defense because as I have attempted to point out to you, the hospitals are the ones that control it. The insurer can raise the defense only if the hospital gives it permission to do so, and if the hospital says no, this is one we want to defend on the merits, then the insurer must under the policy defend it.

In our states where this defense exists, Maine, \$5.00; Massachusetts, \$2.00; Missouri, \$2.00; Oregon, \$2.00; Pennsylvania, \$2.00 and South Carolina \$2.00. Thank you.

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

Mr. BERRY: Mr. Speaker and Members of the House: I have been quite interested in reading this excerpts from the report of the Recess Study Committee, a legislative committee which reported to us on this subject. There

are a lot of interesting facts in here.

I am quite impressed by the list of people that appeared in favor of continuing charitable immunities. I find a really impressive group of community organizations here, the United Community Services, the YMCA, Pine Tree Council of Boy Scouts, the American Legion, Maine Council of Churches, Waterville Community Chest and Boys' Club, Maine Hospital Association, the Maine Osteopathic Hospitals, the Salvation Army, Mercy Hospital, Colby College, Thayer Hospital, Bowdoin College, Castine Community Hospital, Central Maine Hospital of Lewiston, Kennebec Valley, and I find appearing in favor of abolishing charitable immunities, one organization, the Maine Trial Lawyers Association, and one individual, Mr. Ranger, who formerly was the hearing attorney for the State. Then appearing in the amendment which is on our desks, in favor of continuing governmental immunity is the Maine Municipal Association, which represents several hundred towns and cities and municipalities, and the only group appearing in favor of abolishing governmental immunity is the Maine Trial Lawyers Association.

It seems to me we have a pattern here, it may be unmentionable to the gentleman from York, Mr. Erwin, but it sure isn't to me.

In reading a little farther in this, the Chief Justice, no less, of the Pennsylvania Supreme Court had this to say about what the effect of this is in the legal field. He says: "The abolition of immunity" would "increase insurance costs by creating a litigious attitude in respect to charities." He says: "Furthermore, I am convinced that the extirpation of charitable immunity will greatly increase"*** "litigation which is already swamping and clogging our courts, and that claims against charities and hospitals in particular will be limited only by the imagination and ingenuity of astute lawyers specializing in the field of tort." Then a final quotation from this report. "In regard to the smaller charities in

Maine, of which there are many, this increased operating expense could be prohibitive."

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

Mr. CONLEY: Mr. Speaker, I would pose a question to the gentleman from Cape Elizabeth, and ask him who put the report out?

The SPEAKER: The gentleman from Portland, Mr. Conley, poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Berry, who may answer if he so desires.

Mr. BERRY: The title page says Excerpts Report of the Recess Study Committee to 102nd Maine Legislature.

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

Mr. PIKE: Mr. Speaker, I would suggest in a most charitable way that I get the impression that the trial lawyers must get paid by the hour. I wish they would remember that they are not, nor are we, getting paid by the hour here. I move the previous question.

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

A sufficient number arose.

The SPEAKER: Obviously, more than one-third having arisen, the previous question is in order. The question before the House now is, shall the main question be put now? All those in favor of the main question being put now will say aye; those opposed, no.

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

Mr. Benson of Southwest Harbor requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to entertain a roll call it must have the express desire of one-fifth of the members present. All those in favor of the yeas and nays will

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

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call is in order. The question before the House is the motion of the gentleman from Cumberland, Mr. Richardson, that Bill "An Act relating to Liability for Damages for Tortious Conduct of Charitable Corporations," Senate Paper 567, L. D. 1580, be indefinitely postponed. If you are in favor of this bill and its accompanying papers being indefinitely postponed you will answer "yes" when your name is called; if you are opposed to the indefinite postponement, you will answer "no" when your name is called.

The Clerk will call the roll.

ROLL CALL

YEA — Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berry, Birt, Bragdon, Brewer, Burwell, Carter, Cressey, Crosby, Cushing, Dunn, Erwin, Farrington, Gifford, Hanson, Gardiner; Harriman, Hawes, Healy, Huber, Hunter, Clinton; Jewell, Kennedy, Kittredge, Lang, Lewis, Lincoln, Littlefield, Lund, Meisner, Millay, Mosher, Norton, Payson, Peaslee, Pendergast, Pike, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sahagian, Scott, Storm, Waltz, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

NAY — Anderson, Ellsworth; Anderson, Orono; Baldic, Beane, Bedard, Benson, Mechanic Falls; Berman, Bernard, Binnette, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Brennan, Buck, Busiere, Carroll, Champagne, Conley, Cote, Cottrell, Crommett, Curran, D'Alfonso, Danton, Davis, Dickinson, Dostle, Doyle, Drigotas, Drouin, Dudley, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gauvin, Gilbert, Gillan, Glazier, Graham, Hammond, Harvey, Bangor; Harvey, Woolwich; Haugen, Hawkes, Haynes, Hunter, Durham; Jalbert, Jordan, Katz, Keyte, Kilroy, Knight, Laberge,

Lebel, Lent, Levesque, Libhart, Lowery, Martin, McKinnon, Mills, Mitchell, Nadeau, Palmer, Pitts, Poulin, Prince, Roy, Sawyer, Searles, Starbird, Sullivan, Truman, Wheeler, Whittier, Wuori.

ABSENT — Carswell, Cookson, Evans, Gaudreau, Hanson, Lebanon; Harvey, Windham; Hoy, Lane, Lycette, Ruby, Stoutamyer, Susi, Ward.

Yes, 54; No, 83; Absent, 13.

The SPEAKER: The Chair will announce the vote. Fifty-four having voted in the affirmative, eighty-three having voted in the negative, with thirteen absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed.

The motion of Mr. Berman of Houlton to reconsider the action whereby this bill was passed to be engrossed failed on a viva voce vote.

Sent up for concurrence.

Bill "An Act to Authorize Bond Issue in Amount of Six Million Nine Hundred Seventy Thousand Dollars for Capital Improvements, Construction and Repairs at University of Maine" (S. P. 568) (L. D. 1581)

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

Third Reader

Tabled Until Later in Today's Session

Bill "An Act Revising the Maine Employment Security Law" (H. P. 1137) (L. D. 1557)

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 assigned for later in today's session.)

Amended Bills

Amended Third Reader

Tabled Until Later in Today's Session

Bill "An Act relating to Fees for Fishing and Hunting Licenses" (S. P. 427) (L. D. 1362)

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 assigned for later in today's session.)

Bill "An Act relating to Municipal Regulation of Community Antennae Television Systems" (S. P. 559) (L. D. 1566)

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

Were 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.

Third Reader

Tabled Until Later in Today's Session

Bill "An Act Providing for Retirement of Teachers" (H. P. 758) (L. D. 995)

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 assigned for later in today's session.)

Third Reader

Tabled Until Later in Today's Session

Bill "An Act Exempting Textbooks Used in Schools of Higher Education from Sales Tax" (H. P. 1028) (L. D. 1398)

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 assigned for later in today's session.)

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

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" in non-concurrence and sent up for concurrence.

**Emergency Measure
Tabled Until Later in Today's
Session**

An Act relating to Powers of Board of Trustees of Maine Maritime Academy (H. P. 877) (L. D. 1173)

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

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

**Passed to Be Enacted
Emergency Measure**

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

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

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

Mr. PAYSON: Mr. Speaker, I would like to ask a question through the Chair.

The SPEAKER: The gentleman from Falmouth, Mr. Payson, poses a question through the Chair to any member of the House who may answer if he so desires.

Mr. PAYSON: If local calls from pay stations have to pay the sales tax, that's one question. How do you get it? That's the second.

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

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 109 voted in favor of same and 20 against, and accordingly the Bill was passed to be enacted and signed by the Speaker.

The motion of Mr. Jalbert of Lewiston to reconsider the action whereby this bill was passed to be enacted failed on a viva voce vote.

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

Mr. LEVESQUE: Mr. Speaker, 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.

Thereupon, the unanimous consent request was granted.

A notice was read by the Clerk. Thereupon, on motion of Mr. Levesque of Madawaska,

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

**After Recess
2:30 P.M.**

The House was called to order by the Speaker.

Orders out of Order

On motion of Mrs. Lincoln of Bethel, it was

ORDERED, that the gentlemen of the House are hereby given permission to remove their coats if they so desire; and be it further

ORDERED, that the Sergeant-at-Arms, Assistant Sergeant-at-Arms, Pages and Doorkeeper be permitted to appear on the floor of the House with their coats removed.

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

WHEREAS, it has been learned that the community owned industrial building in Waterboro has been leased to the lighting products division of Sylvania Electric Products, Incorporated;

BE IT ORDERED, that the House of Representatives commend Mr. John Hanscom, president of the Waterboro Industrial Building Corporation, Robert E. Betts, manager of manufacturing services for Sylvania, and Linwood Rollins, vice president of the Waterboro group, Norman J. Temple, manager

of area development of Central Maine Power Co., Representative George A. Carroll, and the people of Waterboro who contributed to the successful establishment of another industry in the State of Maine;

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to the above appropriate parties.

The Order received passage.

Tabled

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

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of Bill: "An Act Revising the Motor Vehicle Dealer Registration Law," Legislative Document No. 1526, introduced at the regular session of the 102nd Legislature to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

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

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

Passed to Be Enacted

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

An Act to Create the Unit Ownership Act (S. P. 194) (L. D. 766)

An Act relating to Salaries of Commissioner of Agriculture and Deputy Secretary of State (S. P. 224) (L. D. 683)

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

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

Enactor Indefinitely Postponed

An Act relating to Working Capital of Liquor Commission (S. P. 377) (L. D. 1194)

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

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

Mr. LUND: Mr. Speaker, Members of the House: I call your attention to item 7, "An Act relating to Working Capital of Liquor Commission." This measure was indefinitely postponed at least once in this House. In its original form this bill would have added one million dollars to the working capital of the Liquor Commission. In its amended form it would have added \$500,000 to the working capital. It was tabled previously in order to give me a chance to check on some figures. As I pointed out in this House, last summer the Commission added a hundred and three items to the liquor list and as of the last inventory in March, the Liquor Commission had \$464,000 tied up in these new items alone. I suggested at that time that perhaps by trimming the list the Commission might be able to make do with the money that they had, and I at this time move indefinite postponement of item 7 and ask for a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Lund, that item 7, L. D. 1194 be indefinitely postponed. He has requested a division. The Chair recognizes the gentleman from Presque Isle, Mr. Bishop.

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen: Since the other body has seen fit to enact this and since it appears that there will not be money to implement it at the present time, I suggest that you defeat the motion to indefinitely postpone and allow it to be enacted where it will go to the appropriations table and it will not be implemented unless there is money, which we don't see at the present time.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I have been on the Liquor Control Committee now for three terms. I don't know what the gentleman is trying to prove by moving to indefinitely postpone this bill, because the Commission wants this bill, the council wants this — I talked to the councillors yesterday, they want this bill, the Governor wants the bill and needs the bill. The Appropriations Chairman, Mr. Duquette, wants the bill. I don't know anybody but Mr. Lund that doesn't want this bill.

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 and he has requested a division.

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

A division of the House was had.

The SPEAKER: Fifty-nine having voted in the affirmative and sixty-two in the negative the motion—

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

Mr. JALBERT: Mr. Speaker, I move that when the vote is taken that it be taken by roll call and I would speak on the motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that this vote now be taken by the yeas and nays. For the Chair to order the yeas and nays it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth having arisen the yeas and nays are in order. The gentleman may now proceed.

Mr. JALBERT: Mr. Speaker, Members of the House: I am very sorry that I am going to have to take up the time to have a roll call vote on this measure. I was solidly behind this measure when it was heard by the Appropriations Committee. I am not at all concerned about what the Liquor Commission wants. I am not at all concerned about what the council wants. I am concerned about what we should do. Immediately after the hearing, which would call for a four and a half million dollars working capital, which we had raised from three to three and a half million dollars two years ago, I declared myself in favor of the measure, that I would go for four million dollars. As a matter of fact, I am the one who made the motion in committee for four million dollars. Since then I, as the gentleman from Augusta, Mr. Lund—and I know he gets his authenticity and in this particular instance in that I have disagreed at times with him. I know that he gets his knowledge from somebody who knows, a gentleman who is on the commission. I know he has not harmed him in giving him some information, his own father for whom I have a great deal of respect. When he states that one hundred and three numbers were added on, he is absolutely correct. I voted for an increase from three and a half to four million dollars for the working capital of the Liquor Commission under their present numbers, not for them to put on over a hundred political numbers.

Now, I voted for it because oftentimes, as they stated to us at the hearing, that their makeup is made to go into other states neighboring us and we can take advantage by getting lower freight rates in popular numbers. But when I found out what had happened it appears to me that we just are raising the capital from three and a half to four million dollars just to help them put on additional numbers; and it not only aggravated me, it infuriated me. And I certainly hope that the motion to indefinitely postpone will prevail.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I am not in the liquor business. I don't care whether we put more money in liquor or we don't put any more money in liquor. I'm just speaking after I have been spoken to by the Chairman of Appropriations, who says that this money is going to be given to the Commission, the money is going to be given to the Commission out of the Governor's contingency fund because they have to have money to do business. Now they mentioned a hundred and three new items. Look, if people come in this state and they want to buy an item you haven't got, what are you going to do, sell them something else?

Now, Mr. Speaker, they mentioned a hundred and eight items. How about the thirty-eight stores we've built? We are going to build five more stores. I don't see where the money is going to come from for these new stores.

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

Mr. COTE: Mr. Speaker and Members of the House: I was one of those when I first saw this bill, who was completely in favor of the bill. But circumstances have come about as I learned of the hundred and three new items listed in these liquor stores. Mr. Lund the gentleman from Augusta, had a list. I looked it over. I saw where there was about twenty-seven of those items which I felt were logical. The rest, probably I shouldn't say this but I will, so far as I am concerned the rest of the items are what we call dogs. They lay in the Commission and nobody buys them. I saw on that list certain items which we had never heard of two years ago, but they had an inventory of some thirty-two to thirty-three thousand dollars. Another item was another inventory of the same amount of money which was sixty-five thousand dollars in items that I don't believe anybody buys. I am a little bit familiar with the

liquor business as sometimes I do some of the buying for some of my clubs.

So I felt that if the Commission could invest \$467,000 in stock that wasn't moved, they could at least get rid of that stock and use the \$460,000 for stock that would sell. So I stand this afternoon opposed to the five hundred thousand dollar increase for the working capital of the liquor commission.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: Obviously the members of the Appropriations Committee did not have the information which the Chairman of the Liquor Control Committee has just given to us, at the time that we voted for this increase in the working capital funds of the Liquor Commission. It was a matter of knowledge to me that the Commission does go to the contingent fund at times and borrows money and has no difficulty in keeping their stocks up to what I considered a good level. In the committee I did vote to increase this money for that reason, I felt that they might as well have the money in the working capital. However, in view of what has just now been revealed to us, I shall have to back down on my original vote as taken in the committee and vote for the indefinite postponement of this bill.

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

Mr. JALBERT: Mr. Speaker, I might add that since this addition of hundred plus numbers it might be that we have arrived at the time where the Research Committee might look into the ways and manners in which these numbers are put on.

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Lund, that this Bill "An Act relating to Working Capital of Liquor Commission," Senate Paper 377, L. D. 1194, and its accompanying papers be indefinitely postponed. If you are in favor of this bill and its ac-

companying papers being indefinitely postponed, when your name is called you will either answer yea or yes; if you are opposed to this bill and its accompanying papers being indefinitely postponed, when your name is called you will either answer nay or no. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Ellsworth; Anderson, Orono; Avery, Baker, Orrington; Baker, Winthrop; Baldic, Beane, Bedard, Benson, Mechanic Falls; Benson, Southwest Harbor; Binnette, Birt, Blouin, Boissonneau, Bourgoin, Bradstreet, Bragdon, Brennan, Brewer, Buck, Burwell, Bussiere, Carroll, Carter, Champagne, Conley, Cookson, Cote, Cottrell, Crommett, Crosby, Curran, Cushing, D'Alfonso, Danton, Dickinson, Drouin, Dudley, Dumont, Dunn, Edwards, Erwin, Eustis, Fraser, Rumford; Gaudreau, Gauvin, Gifford, Gilbert, Graham, Hammond, Hanson, Gardiner; Harriman, Harvey, Windham; Harvey, Woolwich; Hawes, Hawkes, Healy, Huber, Hunter, Clinton; Hunter, Durham; Jalbert, Jewell, Jordan, Katz, Kennedy, Keyte, Kilroy, Kittredge, Knight, Laberge, Lang, Lent, Levesque, Lewis, Libhart, Lincoln, Littlefield, Lowery, Lund, Martin, Meisner, Millay, Mills, Mitchell, Mosher, Nadeau, Norton, Palmer, Payson, Peaslee, Pendergast, Pike, Poulin, Prince, Richardson, Cumberlandland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Roy, Sawyer, Seales, Starbird, Storm, Sullivan, Waltz, Watts, Wheeler, White, Guilford; Whittier, Wight, Presque Isle; Wood, Wuori, Young.

NAY — Berman, Bernard, Bishop, Davis, Drigotas, Farrington, Faucher, Fecteau, Fortier, Fraser, Mexico; Gillan, Glazier, Harvey, Bangor; Gullen, Haynes, Lebel, McKinnon, Pitts, Rackliff, Scott.

ABSENT — Berry, Carswell, Cressey, Dostie, Doyle, Evans, Hanson, Lebanon; Hoy, Lane, Lycette, Ruby, Sahagian, Stoutamyer, Susi, Truman, Ward.

Yes, 114; No, 20; Absent, 16.

The **SPEAKER**: The Chair will announce the vote. One hundred fourteen having voted in the affirmative, twenty in the negative, and sixteen being absent, the motion to indefinitely postpone prevails.

Sent up for concurrence.

Enactor Indefinitely Postponed

An Act relating to Title References in Conveyances of Real Estate (S. P. 399) (L. D. 1224)

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

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

Mr. **BRENNAN**: Mr. Speaker, and Members of the House: This bill relating to title references in conveyances of real estate, it is the feeling now of the original backers of the bill that it would create more problems than it would cure. The sum question is whether or not if you didn't have your immediate source of title whether or not the registrar would record your deed, and if he or she refused whether or not you would have to go to court. So since they are not interested and there is apparently many problems to the bill, I move that this bill and its accompanying papers be indefinitely postponed.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

An Act relating to Advisory Board on Examinations of Life Insurance Agents (S. P. 411) (L. D. 1307)

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

Enactors Tabled Until Later in Today's Session

An Act relating to Expenses of Members of Liquor Commission (S. P. 519) (L. D. 1496)

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

(On motion of Mr. Katz of Augusta, tabled pending enactment and assigned for later in today's session.)

An Act relating to Salaries of County Officers in the Several Counties of the State (S. P. 531) (L. D. 1519)

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

(On motion of Mr. Fortier of Waterville, tabled pending enactment and assigned for later in today's session.)

Enactor Reconsidered

An Act relating to Appropriation to Adjust State Employees' Pay (H. P. 184) (L. D. 239)

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

On motion of Mr. Anderson of Orono, the rules were suspended and the House voted to reconsider its action of May 24 whereby the bill was passed to be engrossed.

On further motion of the same gentleman, the rules were suspended and the House voted to reconsider its action of May 21 whereby Committee Amendment "A" was adopted.

Mr. Anderson of Orono then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

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

Amend said Amendment by striking out all of the 6th and 7th lines and inserting in place thereof the following: 'ending June 30, 1967, to effectuate as of the first pay period in January, 1966 a pay adjustment plan for state employees; such plan to be approved by the State Personnel Board. The above appropriated funds are for both'

House Amendment "A" to Committee Amendment "A" was adopted.

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

On motion of Mr. Anderson of Orono, sent forthwith to the Senate.

An Act Appropriating Funds for Classroom Building at Erskine Academy (H. P. 444) (L. D. 598)

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

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

An Act Providing for Compensation of Attorneys Appointed for Indigent Persons Charged with Crimes (H. P. 587) (L. D. 779)

An Act Appropriating Funds for Construction of a Span on the Westport-Wiscasset Bridge (H. P. 627) (L. D. 834)

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

Enactor Tabled Until 4:00 P.M. This Afternoon

An Act Increasing Salary of Commissioner of Inland Fisheries and Game (H. P. 628) (L. D. 835)

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

(On motion of Mr. Roy of Winslow, tabled pending enactment as a special order of the day and assigned for 4:00 p.m. this afternoon.)

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House the gentleman from Southwest Harbor, Mr. Benson, and also twenty-four students from the eighth grade of Southwest Harbor Junior High School accompanied by their Prin-

cial Dwight Perkins. Southwest Harbor is on beautiful Mount Desert Island, vacation center of this Vacationland State. These young people are the guests of the Representative from Southwest Harbor, Mr. Benson. On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

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

An Act relating to Licensing of Embalmers, Funeral Directors and Funeral Homes (H. P. 964) (L. D. 1299)

An Act relating to the Inhalation of Certain Vapors and to the Possession of Certain Drugs (H. P. 1123) (L. D. 1533)

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

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

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

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Baldic.

Mr. BALDIC: Mr. Speaker, may I lay this aside until later in the day, please.

The SPEAKER: The gentleman from Waterville, Mr. Baldic, now moves that this matter lie upon the table until later in today's session.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests a division on the tabling motion. All those in favor of item 22 lying upon the table until later in the day's session will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seven having voted in the affirmative and one hundred two having voted in the negative, the motion to table did not prevail.

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

Mr. PEASLEE: Mr. Speaker and Ladies and Gentlemen of the House: I now move that this bill and its accompanying papers be indefinitely postponed.

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

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

Mr. GAUDREAU: Mr. Speaker, this bill has been debated quite thoroughly two times and I guess we will have to go at it again. I will try to be as brief as possible. There are about approximately four thousand hairdressers in the State of Maine. This industry needs relief from the unfair competition. Schools are now in direct competition with the hairdressers by exploiting the labor students. If there is no charge other than for materials the schools will not advertise for paying customers and will take only a few models for the students to work on and more time will be taken for the constructive criticism between the student and the instructor. I hope this motion does not prevail and I ask for a division.

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

Mr. POULIN: Mr. Speaker, there may be four thousand hairdressers in this union or whatever you want to call it, but they had to go to school too to learn, to be able to pass their exams. Right now what they are criticizing, they call it unfair competition, they say they can't advertise for customers to practice on. If they don't have customers to practice on, how are these girls going to learn? Now somewhere along the line somebody lost their perspective because I believe that if a school was exploiting the young girls the school would soon fold up. You know as well as I do, you try to exploit a young fellow today or a young girl. If they come up and ask you for a job they

don't ask you what the job is, but how much do we get an hour.

Now how can you figure you're going to exploit a girl to work in a place for nothing, doing the same thing over and over? The girl is there to learn and if she's not there to learn then she doesn't know what she wants, but most of them do know. They want to learn the hairdressing business. And if they are not learning they are not going to be satisfied, and if they do not pass their state exams they will not be satisfied. They will certainly not recommend the school. Now there are only eleven schools in this state. Now this bill would eliminate, right off quick, three of them. Three from eleven leaves eight. Now how many others will fold up I don't know, but they certainly cannot operate at a loss just to do the girls a favor. After all when you're in business you're in business to make a dollar. Now if their charges that they are charging they call unfair or the business they do is unfair, well I don't think it is. If any person — and that could apply to any trade school, in other words, if you brought anything into a trade school to have somebody work on it, practice on it, the trade school would have to give the service away for nothing, and that's just what this bill is trying to ask the school to do and still operate.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: Once again I have been entrusted to relay a message to you from our sick colleague, Mrs. Carswell.

"As House Chairman of the Health and Institutional Services Committee which heard these bills, I hope that you pass both of these cosmetology bills.

It probably would be wiser on my part if I had given illness as an excuse not to participate in these matters because, in so doing, I am jeopardizing my future as a school instructor. I hold an instructor's license and also operate my own shop.

However, the seriousness of the complaints heard from all over the state at the public hearing compels me to place my legislative duties before my own individual interests and vote my conscience, which has always been my practice.

Let me tell you, it was no cinch for me to obtain my education in the field of beauty culture. Nobody paid my way to school. I got my education the hard way by working as a private secretary to an insurance firm district manager in the daytime and by going to beauty school at night. When special session of the legislature was called, I dropped everything and attended that and returned to my duties later.

After completing 1500 hours in school which took twice as long because I could get in only a few hours in the evening, I then passed my exam and got my license to work in a shop. However, I went on to New York to study further and then returned to put in 1500 more hours of school to get an instructor's license.

I am in a position to know what the dangers are and how important it is to be properly trained.

A beauty shop and a barber shop are entirely different. The dangers to patrons are far greater in beauty shops. Permanent wave solutions and tints, if used on a patron the same day, result in serious trouble including loss of all the hair. I have seen a good-looking baldheaded man. But a woman must buy a wig or take off for parts unknown until her hair grows back.

Activators, acids, and peroxides used in a beauty salon must be used with caution and under well trained supervision.

According to Mr. Kelley, Executive Secretary of the State Board of Hairdressers, there is a woman in the Lewiston area blind because of misuse of tint, and the courts decided in her favor. But who can give her back her sight?

A woman in the Cumberland County area was hospitalized with a serious kidney infection for many months because of misuse

of tint. Another in the same area had her hair and scalp burned so that she had to get a wig made. Another was given a permanent on top of bleached or tinted hair and the perm rods didn't have to be taken out. They fell out along with the hair wrapped around them. Yes, the courts decided in her favor too. These can be substantiated by the State Board of Hairdressers which enforces the laws we make.

They need this legislation to do their job.

Please protect the public and the future students who will become operators. You can do so by passing this bill."

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House: I stand here today in support of the gentleman from Lewiston, Mr. Gaudreau, and I have several reasons for doing so. I think it's a necessity for the House to pass this bill.

First, we now have eleven of these beauty schools throughout the state that are turning out so many so-called beauticians at a faster rate than that of the population explosion of this country. We probably have more beauticians in my area than we have laborers. And that adds up to the main reason for supporting this bill.

Some of the beauticians these schools are turning out are not being able to pursue this profession mainly because there is no opportunity for them to do so. I would suggest we just take a close look at these schools for a moment, and ask the following questions.

How much money do the owners of these schools bring in each year? How many students are graduated from these schools each year? What rates are applied to the general public for work performed on them by the students? And the big question comes, what is the tuition paid by these girls for their schooling?

I don't have the exact answer for all of these questions, but I am familiar enough with the subject to know that the owners of

these schools have the greatest racket going for them since the Capone era.

Some schools charge their students \$500.00 for their tuition fee, some \$700.00 and a figure of \$1,200.00 has been mentioned in the corridor as to one school in the state.

Now I have nothing against the students as a whole. I'm for each girl getting training, if they are interested in becoming beauticians I am all for it. But I certainly believe, like the rest of the gentlemen of the House here today and I have enjoyed as much as any one of them, the lovely lassies who have been with us for some time. In fact, I have pondered over in my mind time and time again whether they were here for the beautician bill or the unemployment compensation bill. I would also like to mention in comparison that we have but one barbers school in the state and every time someone makes a move to increase these schools this legislature has practically a fit. I would like to mention also of the regular beauticians who are trying to make themselves a daily wage. It is almost impossible for them to open their doors these days because of the fact that some of these schools have as much as forty to fifty students working there for the schooling each day. They are continually booked for the week in and week out and therefore because of the fact that the cost of having your hair done in one of these schools is at such a reduction the competition is lost. So I feel very strongly that we as a body here should support this legislation and pass this bill.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I arise in support of Mr. Gaudreau's bill the gentleman from Lewiston. I didn't get up and talk about this legislation before, but I feel this afternoon I would be remiss if I didn't get up and talk on this bill.

My mother has been a hairdresser for twenty-six years and she graduated out of Pelletiers School in Lewiston. My wife has

been a hairdresser for eighteen years so if there's any member on the floor that wants to talk about hairdressing, I certainly know the subject. Now this is a—this is the best bill that could be passed for these girls. Remember one thing, if this bill isn't passed, now you've been told on the floor of this house that these girls are going out, open shops, and then they are closing up their shops and going into bankruptcy. This bill will prevent them from going into bankruptcy. If this bill is passed these girls can go out and run their own beauty parlor and not have to be afraid that these schools are going to cut their throats. Now my mother graduated out of beauticians school and ever since she came out of school they've been cutting her throat and they are still cutting her throat.

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

Mr. BLOUIN: Mr. Speaker, Ladies and Gentlemen of the House: I believe this bill has been debated quite a bit and I think everybody understands it pretty well, so I therefore move for previous question.

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

A sufficient number arose.

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

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question before the House now is on the motion of the gentleman from Farmingdale, Mr. Peaslee, that this bill, An Act relating to Practical Demonstrations Without Fee in Schools of Hairdressing and Beauty Culture, House Paper 1127, L. D. 1537, and its accompanying papers be indefinitely postponed. The gentleman from Lewiston Mr. Gaudreau, has requested that when the vote be taken it be taken by 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.

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

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

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

Mr. CONLEY: Mr. Speaker, I now move that we reconsider our action whereby we passed this bill to be enacted.

The SPEAKER: The gentleman from Portland, Mr. Conley, now moves that we reconsider our action whereby this bill was passed to be enacted. All those in favor of reconsidering our action—The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, is the reconsidering motion debatable?

The SPEAKER: It is.

Mr. DUDLEY: Mr. Speaker, I urge this House to reconsider this bill. I for one want to speak a few words about the poor people in this state. I'm not interested in hairdressers, my mother don't happen to be a hairdresser and my wife either. My wife does cost me a lot of money to get her hair done and she don't happen to go to one of these places that's free as well as I wish she did. And so I can explain the poor people in this city and other cities that wouldn't have their hair done at all if it wasn't for this service,

especially state wards and others. I hope that you'll give me a consideration to elaborate for just a few minutes, so I hope this House will vote to reconsider this article so I may say just a few words.

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

Mr. LEVESQUE: Mr. Speaker, I believe that the gentleman from Enfield, Mr. Dudley now can debate the reconsidering motion without any hesitation on his part at this time and not wait until after reconsideration.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Enfield, Mr. Dudley, 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.

Sent to the Senate.

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

Mr. KATZ: Mr. Speaker, regarding item 10 which was tabled until later in the session. Would a motion be proper now to remove it from the table?

The SPEAKER: No it would not.

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

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

An Act Authorizing Qualified Licenses After Conviction for Drunken Driving if Essential to Livelihood (H. P. 1144) (L. D. 1568)

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

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

Mr. LUND: Mr. Speaker, Members of the House: I move for the indefinite postponement of L. D. 1568, An Act Authorizing Qualified Licenses After Conviction for Drunken Driving if Essential to Livelihood and I ask for a division on the motion and I would speak to my motion.

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

Mr. LUND: Mr. Speaker, after this measure was debated the other day in the House I checked with the Secretary of State, Motor Vehicle Division to find out just how many convictions we had last year for the offense of driving while under the influence of intoxicating liquor. I found that we had a total of 1,567 convictions last year. Of these, 67 were women and 1,500 were men. I think it's a fair guess to make that these 1,500 men were by and large employed people. A few may have been students, because they do get a few young persons convicted of drunk driving, but by and large I think it's safe to say these people were employed. Many of them were employed at jobs that were a distance from their homes where they had to travel by car. Many of them were employed in a job that required their traveling or driving on the job. The offense of drunk driving is only an offense because it involves safety upon the highways. If there weren't the safety hazard to drunk driving we need not be particularly concerned about it. It would just be a matter of persons' personal likes or dislikes. But that isn't the case. It is a safety problem and that is the reason over the years we've had this offense.

Some years ago it appeared that a mere fine or jail sentence was not a sufficient deterrent to make this offense stick, because I need not tell you that a person who is in the state of mind where he is under the influence is the person

who is least able to judge whether or not he should drive his car.

After I checked on the number of cases, I had a brief talk with our present Secretary of State, and I asked him whether he had seen the redraft version of this bill. He appeared before the Committee in support of the original version. When he examined this version he said he was not at all in favor of it and he felt that he would be opposed to it. He had suggested to the Committee a measure which would have permitted him to suspend—rather to reinstate a license for limited circumstances if the trial court so recommended. This feature is not in the present bill.

He was very much concerned over the personnel problem that he would be faced with when a substantial number of these 1,500 persons came to him and petitioned for restoration of license.

I'd like to point out that this bill does not set any time limit that a person must wait before he petitions for a restoration of license. He can petition for restoration to the Secretary of State the day after he is convicted. And I would ask you, if each one of you were the Secretary of State, how would you decide which were the extraordinary case? If you had a poor woodchopper from the county whose small job and small pay was dependent on his driver's license, how would you decide between him and the traveling salesman whose job depended on his driver's license? I suggest to you that to each person who is convicted of this offense, and I assure you I have the utmost sympathy for the predicament of the person who has lost his license for a year, because you cannot prosecute these cases and hear the stories of the hardships imposed without having sympathy for them, but I cannot see how the Secretary of State can in a rational fashion distinguish between the woodchopper, the traveling salesman or the bank president and I think for this reason this bill is discriminatory. I think it would result in an unfortunate administrative situation,

it would do grievous harm to our traffic, our highway safety problem, and I hope the House will vote to indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker and Ladies and Gentlemen of the House: I am the sponsor of this bill. I introduced the bill for another party and I believe I introduced approximately thirteen bills as a legislator during this 102nd legislature and of all the bills that I sponsored I looked upon this as perhaps being the most promising. I looked upon this bill as being a compassionate bill. I will agree with Mr. Lund that there were 1,568 convictions on drunken driving last year, but he failed to mention whether or not among these 1,568 how many were convicted for having a first conviction.

This bill is very simple in its language in that it states that the Secretary of State could only do this upon a first conviction. It is not mandatory, it is only permissive because as it states in the bill such restricted license may be issued by the Secretary of State after investigation only in cases of extraordinary hardship and upon clear showing by the applicant with such restricted license that revocation substantially and seriously impairs his means of earning a livelihood.

I can't see any particular wrong in this legislature having a slight feeling of compassion for that unfortunate person who, and there are so many of them, find themselves in this unfortunate situation on almost any occasion in which they may have taken a few drinks and they were convicted of drunken driving for the first time and the Secretary of State through an appeal by this person being represented by council presenting a case wishes for the Secretary of State to issue him a restricted license. And the Secretary of State knowing quite well that he is in charge of this whole business thoroughly reviews the situation and then after the most profound deliberation, decides that perhaps in this one par-

ticular case that this person should be given the opportunity to continue with his livelihood.

This is not extraordinary. This is a very simple compassionate bill. I think the intent of the bill as it has been attacked by the fine gentleman from Augusta, has been blown out of all proportion. There is nothing harmful about this bill. There is no guarantee that the Secretary of State is going to issue a license. This is only in the most unusual, the most extraordinary circumstances that the Secretary of State would see fit in his most profound wisdom and compassion that this one person, and there may be perhaps as many as a half dozen, and I doubt if there would be that many in one year, that this person be given one little chance to continue with his livelihood, and as I used the expression in the Judiciary Committee in reference to this person that this person would be given a chance if the Secretary of State saw fit, to enjoy, as it would be said in the French expression, *Je vis en espoir*, I live in hope, after having made this simple little mistake that the Secretary of State would see fit to give me one little chance.

This is only permissive, it's compassionate, please vote against indefinite postponement.

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

Mr. BERMAN: Mr. Speaker and Ladies and Gentlemen of the House: In our Committee on Judiciary we have ten people who are trained in a very difficult profession and the Committee is made up of men who practice the length and breadth of this state.

Now when this particular bill came before our Committee at first I didn't take too favorably to the proposal because I felt that the offense involved was a very serious one. But by degrees I was won over by the compassionate arguments so well expounded by my colleague from Portland, Mr. D'Alfonso, and so this afternoon I hope the House will see fit to defeat the motion to indefinitely postpone and then have the heart to pass this bill to be enacted.

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

Mr. COOKSON: Mr. Speaker and Ladies and Gentlemen of the House: This word compassionate really strikes me here. It strikes me more than the bill does as a matter of fact because to get compassion from the Secretary of State you're going to have to give him fifty dollars first. So the bill says right here, after first conviction only and upon the payment of a fee of fifty dollars at the time of the application. Now this bill to me isn't a very good bill for the poor working man. If this bill had a heart in the first place, why would he have to pay this fifty dollars? Right now he can go to the Governor and Council and get one for nothing if he is deserving. I go along with the gentleman from Augusta, Mr. Lund, on the indefinite postponement of this bill. It certainly isn't a poor man's bill.

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

Mr. BRENNAN: Mr. Speaker, the reason for the fifty dollar fee was to preclude frivolous appeals and also to help defray the cost for investigation.

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

Mr. BUSSIERE: Mr. Speaker, Members of the House: I think this is a good bill and I would like to mention the fact that this morning when the bill to change the charter of the City of Lewiston and I voted in favor of killing this bill. But two years ago I presented a bill to change the Lewiston City Charter and it cost me my license. I had all the politicians in the City of Lewiston jumping from the four corners of the city.

So one night I went to a local restaurant after the session, had a couple of drinks with a friend, noticed there was the police commissioner in the restaurant, he was not too happy about the charter change I was proposing, so when I got home the prowl car was waiting for me and it cost me my license for one year. I remember that. But you don't know for the

old members of this House what happened last year during the session here about one of our Senators who got caught about two o'clock in the morning, what happened, nobody knows, but he never lost his license. But he was not a Democrat. I think this is a good bill and you ought to pass it. At least if you do it through legislation it won't be so bad as doing it without legislation. But it did happen every day in the past. I think it would do you good to check the record. I am very much in favor of this bill to be passed today. And it cost me some \$5,000 for losing my license. When the case came up I asked for some justice, I asked to have my case tried in another county to make sure that it would get some justice, but no, they were waiting for me, and I think that you people should decide in here. This is a good bill and I am to vote for it.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: First, I want to state that the points made by the gentleman from Augusta, Mr. Lund, are well taken. I had occasion to discuss this bill with the Secretary of State and it is my understanding that an amendment will be placed in the other body whereby this measure will be taken into consideration by the Secretary of State upon the recommendation of the Courts. Secondly, I want to answer the gentleman from Glenburn, Mr. Cookson, that the Governor and Council do not grant licenses, they grant pardons, and this is not the intent of the bill.

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

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

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the previous question. 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. Obviously more than one-third having arisen the previous question is in order. The question before the House now is shall the main question be put now, which is debatable by any member for not more than five minutes, the merits of the bill are not debatable. Is the House ready for the question?

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

Mr. LUND: Mr. Speaker, I'm sure there has been enough debate on this bill. I would have liked to extend to the gentleman from Lewiston, Mr. Bussiere, an invitation to enjoy our Kennebec County justice, I've not been able to do that.

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

Mr. JALBERT: Mr. Speaker, I rise more on a point of personal privilege for the gentleman from Lewiston or a point of order. The gentleman from Augusta, Mr. Lund, in his remarks commented on the merits or demerits of the bill. Consequently I move those remarks be stricken from the record as being totally out of order.

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

A viva voce vote being taken, the motion prevailed.

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 and he has requested a division. All those in favor of this bill, An Act Authorizing Qualified Licenses After Conviction for Drunken Driving if Essential to Livelihood (H. P. 1144) (L. D. 1568), and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-five having voted in the affirmative and seventy-five having voted in the negative the motion did not prevail.

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

Enactor

Tabled and Assigned

An Act Revising Certain Laws under the Workmen's Compensation Law (H. P. 1147) (L. D. 1571)

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

The SPEAKER: The Chair recognizes the gentleman from Newport, Mr. Bradstreet.

Mr. BRADSTREET: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 1571 has to do with Workmen's Compensation Law and agricultural employees and I have prepared an amendment to this and at the present time it is in the Attorney General's Office and I would appreciate it if someone would table this until the next legislative day for me.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending passage to be enacted and specially assigned for tomorrow.

Enactor

Tabled and Assigned

Resolve Appropriating Moneys for Improving Bar Harbor and Rockland Airports (H. P. 120) (L. D. 144)

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: It appears that in the program as set forth in the six hundred thousand dollar package that the Lewiston-Auburn airport was left out for the repairs which are very badly needed. It is not my intention to harm in any way the Bar Harbor and Rockland airport project because I am one hundred percent for them. I intend to take this up

with the Appropriations Committee so that I can prepare an amendment I have and take it up with the House Chairman and other members of the committee, and for that purpose I would hope that some member would table this bill until tomorrow so that I can prepare an amendment.

Thereupon, on motion of Mr. Cote of Lewiston, tabled pending final passage and specially assigned for tomorrow.

Orders of the Day

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

Bill, "An Act relating to Qualifications for Practice of Hairdressing and Beauty Culture." (S. P. 491) (L. D. 1456), the pending question being the motion of Mr. Anderson of Orono that the Bill be tabled unassigned.

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

Mr. ANDERSON: Mr. Speaker, I withdraw my motion.

The SPEAKER: The gentleman from Orono, Mr. Anderson, now withdraws his motion.

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

Mr. ROSS: Mr. Speaker, Members of the House: I have nothing against the charming young ladies who have graced our halls the past several days. As a matter of fact, their pulchritude has added much to our staid old chambers. However, I do disagree with their aims, which is to defeat the two cosmetologist bills. If skilled operators were able to take the time off that the girls have been able to take off, I feel that this House would have been swamped, but I feel that these are both excellent pieces of legislation and I now move that we recede and concur with the Senate on this bill.

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

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

Mr. JALBERT: Mr. Speaker, I mean I still repeat what I have stated last week regardless of what anyone says or anyone writes. Any citizen of this state or any state has a right to be in this hall, and I think undue notice has been paid to them. They have certain rights and if they don't like anything, it's their right and privilege to let us know and I welcome them or any group whether I agree with them or not. I did tell the charming young lady who registered as a lobbyist on this measure that I would withhold my future thinking on the bill awaiting news from the many, many hairdressing establishments that are in my area. I waited and I got exactly one letter. So apparently they're not too much interested and I think it means a great deal to these people who are in these schools. For that purpose, I now move the indefinite postponement of this bill and its accompanying papers for the second time.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that this bill and its accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Brewer, Mr. Libhart.

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen of the House: The basic bill I have no problem with, but the problem that I have with it is the apparent reason for the section requiring a twelve month apprenticeship. I think it came out in the other bill we discussed earlier today that the sole purpose of this is to limit competition in this profession. I think that's wrong. We heard in previous debates how these girls came out of these schools unprepared. Well, I seriously doubt whether that in fact is the truth. What disturbed me even more was the suggestion that after these girls had taken their examinations for their licenses that they were still not qualified. Well, if this is the case, then I suggest that the problem is with the examiners and not with the law.

Isn't this another situation whereby we don't like the present law because of the way it's being enforced or applied, so therefore

we want to scrap it and substitute another one I don't think that makes any sense. We want to revise the law as it presently stands for good sound reason other than limiting competition and because there is some flaw in it as it now stands, not because of the difficulties of perhaps the people enforcing it. I am not suggesting that this is the case, that there is difficulty in these examinations, but if there is, then the thing to do is go and try to do something about the way the exams are being given, not to require these girls to practice their apprenticeship for another twelve months at some probably ridiculous wage scale. I don't see—if these girls go to school and then they are going to have to work for months before they can practice, a year before they can practice on their own, they are going to get the lowest possible wage that could possibly be given to them.

I don't think this is fair. I don't think there is any need for it. I think again we must discover what the purpose of the bill is and finally it has come out, the purpose of it is to limit competition and I am most certainly opposed to that and I stoutly endorse the motion to indefinitely postpone.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of this House: Being a member of that Health and Institutional Committee we have heard these girls, we have heard these schools. I signed the minority report "ought not to pass" and I still maintain that that is imposing too much of a burden on these girls to work a year after they got out of school. I think they should be trained enough in school so that they could be allowed to open up a shop when they come out. I think it is up to them to do so.

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

Mr. BLOUIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise on this bill to support the motion—for the second time to support the motion of the gentleman from Lewiston, Mr.

Jalbert, to indefinitely postpone this bill and its accompanying papers. I believe that I have and many other representatives have explained what this bill does and I'm sure that everyone who are here knows and realizes that this bill is an unfair bill. And I also feel that this bill has been discussed long enough and I therefore move for previous question.

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

An insufficient number arose.

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

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

Mr. KENNEDY: Mr. Speaker, in looking this bill over and discussing it with the sponsor, there are doubts in my mind too as to the legality of this bill. As I understand it, this does not repeal any present statute that allows the licensee to practice. If this bill does amend the statute that allows them a license to practice, it may be a good bill, but personally I think this is a bad bill.

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

Mr. CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: Never having had the professional services of these beauticians myself, I would just like to take this moment today to serve notice on the third body, the lobbyists that they too may try to recede and concur with these fine ladies and obtain the same influence that they have with this House today.

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

Mr. BERNARD: Mr. Speaker and Members of the House: We eliminated the cut rate business

and now I hope that you will go along to indefinitely postpone this bill and when these girls graduate we are not afraid of good competition.

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

Mr. LEVESQUE: Mr. Speaker, may I inquire through the Chair of which of these four amendments are now on the bill if we recede and concur with the Senate?

The SPEAKER: Senate Amendment "A" to Senate Amendment "A" was adopted in the Senate which is Filing No. S-251.

Special Order of Business

The SPEAKER: It now being 4:00 p.m. it is necessary for the Chair to take from the table item 18 under enactors, An Act Increasing Salary of Commissioner of Inland Fisheries and Game, H. P. 628, L. D. 835 which was tabled earlier in the day by the gentleman from Winslow, Mr. Roy.

Thereupon, on motion of Mr. Roy of Winslow, passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: We will now return to item 1 of Unfinished Business.

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

Mr. POULIN: Mr. Speaker and Ladies and Gentlemen of the House: I don't know too much about trades or apprenticeship but I always understood that you had to serve an apprenticeship before you got a license, not a license then serve an apprenticeship.

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

Mr. BLOUIN: Mr. Speaker, I rise for parliamentary question.

The SPEAKER: The gentleman may make his inquiry.

Mr. BLOUIN: I understand there are two motions on the floor. I am a little bit mixed up. One is to recede and concur.

The SPEAKER: The motion before the House is to indefinitely postpone this bill which is in order.

Mr. BLOUIN: Does that supersede the other motion?

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

Mr. HAUGEN: Mr. Speaker, Members of the House: I don't want to take too much of your time, but I feel it is my duty as a member of the Health and Institutional Services Committee and as a member who signed the divided "ought to pass" report. The members of the Committee that signed the "ought to pass" report on this bill felt that it was to give the students, to give the young students coming out a year before they opened a shop. The figures reported to us by the State Board of Hairdressers indicated that many students fail in business during this period and it was our feeling that this one year would give them this extra time for shop management. And also I would like to point out to the members of the House that there are twenty-six other states that have such legislation on the books, so we are not doing something that is real pioneering. Thank you.

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

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to have anything to say on this, but it appears there could be a little misunderstanding. In the first place, the barbers years back, they had a six months apprenticeship added to the time that they had to spend in school after completion of the basic course. Now, this six month apprenticeship did not allow them all to obtain jobs and we had very few per year that are entering into the profession. It created a hardship and the barbers came in and they asked to have the law changed and it was changed. I think where one of the troubles can be, and I don't mean to pass any derogatory remarks, but I think that the trouble rests here with the members of the Beauticians Board. In the first place, those of you that had the privilege of attending the last examination that they gave, which

runs in principle with the exams that they have been giving, they simply take them into a large room. They have manikins. They make two or three rows and when they have four hundred, approximately four hundred students taking the exam and they allow a year, and they will have possibly two hundred to any one examination they expect to run through a hundred a day with only three members of the board to do the examining on the practical work, I think it is ridiculous.

The student does not have a chance. The members of the board do not have a chance to judge fairly and I think that possibly the board should make a change there. I also feel that possibly due to the finances of a certain individual, namely the inspector of the Beauticians Board had in the regard to obtaining any funds, if it were possible to build up the funds within or for the board, he would make recommendations on schools and so forth, until now they have plenty of schools in the state. In fact they could have too many according to what I have heard.

Because they are graduating approximately four hundred per year and you know very well that in a rural state like this that there just are not enough jobs open for four hundred per year. I feel that if they had had legislation which would have limited the number of schools according to the population that was within their locality they would have been doing something for the benefit of the trade to help the student and help the taxpayer, the parents which are investing their money in the training of that student. Personally, I feel that they are bringing their dirty linen here for us to clean.

I am not a beautician. I don't hold a beautician's license and I have no desire to hold one. As it happens I do own the only school in the state. They were going to put one in at Bangor. I went to Bangor, obtained a location, I talked with those of the trade and the profession there, and to let an outsider come in which had never

done any barbering in his life and anything else and simply open up a school for the sake of running a school, the barbers in the state did not want it. We are supplying the demand and as far as the barbers are concerned they want only one school in the state if possible, although anybody has the right to put one in providing they meet the qualifications. I don't feel that the qualifications are such for the Beauticians Board that they have the control of it as they should have at the present time.

I think it is a shame to penalize the student and the parent who is investing the money and so on and so forth by trying to add on a year's apprenticeship. Now six months apprenticeship would not work for the barbers. They came back here and through the kindness of the Legislature it was changed. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Bill "An Act relating to Qualifications for Practice of Hairdressing and Beauty Culture," Senate Paper 491, L. D. 1456, and its accompanying papers be indefinitely postponed. All those in favor of this Bill and its accompanying papers being indefinitely postponed will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question before the House now in order to handle this matter concurrently, is the motion of the gentleman from Bath, Mr. Ross, 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; all those opposed will say no.

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

On motion of Mr. Jalbert of Lewiston, the House adhered.

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

HOUSE REPORT—Committee on Judiciary on Bill, "An Act Regulating Collection Agencies." (H. P. 888) (L. D. 1185) reporting same in New Draft (H. P. 1150) (L. D. 1582) under same title, and that it "Ought to pass."

Tabled—May 24, by Mr. Bernard of Sanford.

Pending—Acceptance.

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

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

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, now moves that we accept the committee report.

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

Mr. BERNARD: Mr. Speaker, I would just like to ask some questions, Mr. Speaker, of Mr. Danton of Old Orchard or any other lawyer who would answer. In this bill, in section 4 on page 2 of the bill, new draft, you have got here the Commissioner may require any financial statements and references of all applicants for a license as he deems necessary. I would like to know if this is giving the power to the commissioner, unreasonable power as far as I can see by reading this bill.

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

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

Mr. DANTON: Mr. Speaker, the bill before you is a model bill. The Judiciary Committee labored over this bill several hours and tailored it to what we considered the needs for this state. Yes, in direct answer to the gentleman from Sanford, Mr. Bernard, this would be discretionary with the commissioner. We in the Judiciary after hearing the proponents and opponents of this bill, felt that some regulation for collection agencies might be necessary. We felt that the original bill presented to us was too harsh and we redrafted the bill and we used

as a model, the so-called model bill.

I stand here today and tell you that any collection agency who is doing business in the correct manner will have nothing to fear from this bill. This bill is designed to take those who are doing a disservice, not only to residents of this state but to their own profession, out of business. I hope that I have answered the question and enlightened the members of the House on this.

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

Mr. BEANE: Mr. Speaker, Ladies and Gentlemen of the House: It has always been my understanding and this is only my second term in the House, that the sponsor of the bill should be recognized first, but I was not extended that courtesy.

Now, 1185 is my bill, L. D. 1582 is a new draft. It is also my bill. The hearing was held last February and it lasted five hours. You have many times heard these words said this winter. This is a good bill. This bill is badly needed and it should have been on the books a long time ago. Collection agencies in many cases use methods to collect bills that it would seem to be only limited to their imaginations. Twenty-eight states now have laws governing collection agencies and other states have bills in their Legislatures for the same thing.

Mr. Speaker, I now move that we accept the committee report and I ask for a division.

The SPEAKER: The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Danton, that we accept the committee report. The Chair recognizes the gentleman from Sanford, Mr. Bernard.

Mr. BERNARD: Mr. Speaker and Members of the House: The Credit Bureau of Portland is a non-profit organization. I want you to remember this when you vote, that the Credit Bureau of Portland is a non-profit organization. Now they are collecting bills for the hospitals in the City of Portland. They are collecting bills for everywhere. Now, as far as I can see this bill

by reading it thoroughly this is going to be a bill where your lawyers are going to collect with deputy sheriffs and these credit departments are going to be put to such a burden that they won't be able to collect and if they do follow this regulation they are going to go ahead and they are going to have to charge an awful increase to keep all these records that this bill calls for. I move for indefinite postponement of this bill, Mr. Speaker.

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

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

Mr. DANTON: Mr. Speaker and Members of the House: I hate to disagree with the gentleman from Sanford, Mr. Bernard, but this bill will not put any credit bureau or collection agency who is running in a bona fide manner out of business. The committee was very mindful of the services of the collection agency. I think that they are needed. We welcome them. We did not approach it from the view that there would be business for the attorneys I assure you. As a matter of fact we aided in making this bill into a very good bill and will protect the services of the collection agencies. And I feel the House should go along and accept the Majority Report of "ought to pass".

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to inform the House that I have been involved somewhat in the business manner with one of these agencies that we propose by passing such a bill to eliminate. I do not believe that this would affect the legitimate collection agencies. I think it would, however, take care of those who would circulate names through the process of printing and sending to other businesses, possibly causing some business people to become liable. I there-

fore would strongly support this bill and I hope that everyone else in the House sees fit to also.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests a division. The question before the House is on the motion of the gentleman from Sanford, Mr. Bernard, that this Bill "An Act Regulating Collection Agencies," House Paper 1150, L. D. 1582, and its accompanying papers be indefinitely postponed.

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.

None having voted in the affirmative and one hundred having voted in the negative, the motion did not prevail.

Thereupon, the "Ought to pass" in New Draft Committee Report was accepted, the New Draft read twice, and assigned for third reading tomorrow.

The SPEAKER: The Chair requests the Page to escort the gentleman from Milbridge, Mr. Kennedy, to the rostrum for the purpose of presiding as Speaker pro tem.

Thereupon, Mr. Kennedy assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Childs retired from the Hall.

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

DIVIDED REPORT — Majority (6) — "Ought not to pass" — Minority (4) — "Ought to pass" — Committee on Liquor Control on recommitted Bill, "An Act relating to Liquor Fees of Hotels Serving and Not Serving Meals." (H. P. 750) (L. D. 987)

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

Pending — Acceptance of Either Report.

On motion of Mr. Cote of Lewiston, the Majority "Ought not to

pass" Report was accepted and sent up for concurrence.

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

DIVIDED REPORT — Report "A" — Committee on Judiciary on Bill, "An Act Revising Laws relating to Search and Seizure." (H. P. 585) (L. D. 777) reporting same in New Draft (H. P. 1151) (L. D. 1583) under same title, and that it "Ought to pass" — Report "B" — "Ought not to pass"

Tabled — May 24, by Mr. Levesque of Madawaska.

Pending — Acceptance of Either Report.

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

Mr. DANTON: Mr. Speaker, I move that the "ought to pass" report be accepted.

The SPEAKER pro tem: The gentleman from Old Orchard Beach, Mr. Danton, now moves that Report "A" "Ought to pass" in New Draft be accepted. The gentleman may continue.

Mr. DANTON: Mr. Speaker, Members of the House: I am the signer of the "ought not to pass" report. The original search and seizure bill as presented to us was unsatisfactory to I think a majority of the committee members. However, there are amendments that will be coming in that will be satisfactory to all of us. This search and seizure bill is necessary to us. Many of the search and seizure laws that we have now have been termed unconstitutional and we as a committee and we as a Legislature are bound to pass legislation to protect our law enforcement bodies and for that reason I ask that you support my motion.

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

Mr. STORM: Mr. Speaker, L. D. 1583 has not been distributed in this section and we don't know what we are voting on.

The SPEAKER pro tem: The Chair will inform the House through the Clerk that 1583 has

been distributed and it's a new draft and will be made available.

Thereupon, on motion of Mr. Storm of Sherman, tabled pending the motion of Mr. Danton of Old Orchard Beach to accept Report "A" "Ought to pass" in New Draft and specially assigned for later in today's session.

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

Bill, "An Act Providing for Adequate Fishways in Dams." (H. P. 1108) (L. D. 1514) (S. "A" S-229)

Tabled—May 24, by Mr. Gilbert of Turner.

Pending — Passage to be Engrossed.

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

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

The SPEAKER pro tem: The gentleman from Moscow, Mr. Beane, now moves that item 5 be indefinitely postponed.

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

Mr. POULIN: Mr. Speaker, Ladies and Gentlemen of the House: We debated on this the other day and we tried to explain to the people of the House that this addition to the law that is on the books right now is just a matter of putting a little bit of teeth in the law and allowing the public to have a chance to have a hearing and have the commissioner face the public, those in the area that are being affected. Naturally, the power companies are not for this. They would rather have the commissioner continue as it has been going. In other words, they don't have to air their troubles before the people and the press is not involved whereas this redraft would give the general public a chance to have their say and the press to be present when it is being said.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I can see no reason for

enactment of this bill when we already have a law on the books that is working splendidly. Now, the Fish and Game, the Inland Fisheries and Game since 1951 have installed and repaired 80 new fishways and they have removed dams obstructing passage of fish 127. I think this is a remarkable record. They can't do all of this overnight and give them time and they will clean up every stream in the state. This bill has been killed once in the House and the move to reconsider has been killed and now it's back here with an amendment.

I certainly hope you will adhere to your previous decisions and join with me in indefinite postponement of this bill.

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

Mr. ROY: Mr. Speaker, all this bill does it gives back to the people of the State of Maine the right that they once had in this state. If they feel that they need a fishway in any county that they are in, they have the right to petition. Also if we must maintain ourselves as a vacationland we must also protect our natural resources. On the indefinite postponement I request a division.

The SPEAKER pro tem: A division has been requested. The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that fishways and dams are now being taken care at a reasonable rate by the department. A number of years ago, the Legislature passed a law requiring every mill on Sourdabscook Stream in Hampden to install a fishway so that salmon could go up the stream. In those days I used to catch black bass, white perch, pickerel and once in awhile trout on that stream. Today, the five mills are gone. The dams are gone so that salmon can go up the stream and the only fish that you can catch are sunfish, chubs, hornpout and eels. A few public spirited citizens in our town are now building a little dam on that stream and a recreational area along its

banks for our young folks in order that they may have a swimming hole. And under this bill it will allow twenty-five citizens to oppose the building of the dam without a fishway and today it is easy to find twenty-five disgruntled persons to oppose any project. The only thing that I can see that this bill does is put the little teeth into the present law and I certainly support the motion of the gentleman from Moscow, Mr. Beane to indefinitely postpone the bill.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First, I would say that I am somewhat at a loss because I was under the impression that the gentleman from Moscow, Mr. Beane, would present the amendment that he had prepared for this bill. However, he has chosen not to do this. Therefore, I will have to debate the bill in its present form.

It has been pointed out by one member that this is a political deal. I have not made this a political deal as such and I have no intentions of making it. If others are, this is something beyond my reach, which I have nothing to do with. I would point out to the gentleman from Hampden, Mr. Littlefield, that the bill as amended by Senate Amendment "A" provides that twenty-five — rather two hundred citizens be on that petition rather than twenty-five that he has mentioned. I will further point out that I do not feel that the present law is that bad, but rather I am saying that the people of Maine should have a chance to express their views on matters publicly rather than leaving the entire burden on the Commissioner of Inland Fish and Game. His job is difficult enough when he is acting in that capacity rather than be forced to act as a sole judge. I think that someone should be able to bring it to his attention that a problem does exist. When he makes decisions from that point on, the people of Maine will then know what the reasoning is behind that decision.

I would point out to the gentlemen from Ellsworth, Mr. Anderson, that this bill has been passed in this House once and this was last week. I would commend the present Commissioner for the excellent job he has done in the construction of these fishways; however, this has not always been true of our past Commissioners and this is something that should not be left up to the sole job of one Commissioner.

What would happen if a future Commissioner of the Inland Fish and Game Department were not interested in constructing fishways? You are at the same point you were twenty years ago. Certainly I see reason for this bill to be passed and I certainly hope the House will go against the motion for indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I can't see any merit in this bill. I think the Commissioner is doing an excellent job. I have reason to know that the Commissioner and his deputy have worked and labored for bills which they approve and those that they do not approve and it's evident from their time that they have spent in the rotunda of this Capitol in back of the rail here and I say they're doing a bang up job in defending the department and I will support the motion of the gentleman from Moscow, Mr. Beane, for indefinite postponement.

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

Mr. LITTLEFIELD: Mr. Speaker, I want to assure the House that this certainly isn't any political issue with me in any way, shape or form. Now to answer Mr. Martin, I read from this bill.

"1. Petition by citizens. Whenever he shall be petitioned by twenty-five citizens of a municipality in which a dam or artificial obstruction exists."

I find no two hundred in the bill.

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

Mr. MARTIN: According to the House calendar the bill comes back from the Senate as amended by Senate Amendment "A" under filing number 229. And under that amendment I read and I quote, "Petition by citizens. Whenever he shall be petitioned by two hundred citizens of municipalities in which such a dam or obstruction occurs," etc.

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

Mr. ANDERSON: Mr. Speaker, I want to make it very clear that the Inland Fisheries and Game Commissioner is not dissatisfied with the present setup, and I think they have done a remarkable job and give them time and we will have a fishway in every stream in the state.

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

Mr. GAUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: I wholeheartedly concur with the gentleman from Eagle Lake, Mr. Martin. I know that the present commissioner is doing a very good job. I'm on the Fish and Game Committee and in close contact with him, but this probably hasn't been so in the past and who is to tell what's going to happen in the future? Maybe we're not going to have this Commissioner. Who knows how long we're going to have this Commissioner with us? Maybe we'll have a Commissioner who has personal interests in some of the companies and maybe he'll be reluctant to act upon fishways. This way with a petition where two hundred people he cannot lay aside his duty with this petition and he will have to call for a hearing and give them a good reason if it's not feasible to build that fishway. If it is feasible then he will be forced to do it. Thank you.

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

Mr. MILLS: Mr. Speaker, I have a little doubt in my mind on this bill. I would like to pose a question to any member of the House that could answer it. On this bill after the petition of hearing has been held and the petition has been

presented to the Commissioner, is there anything in this bill that forces him to act on that petition?

The SPEAKER pro tem: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to any member who may answer if he so chooses. The Chair recognizes the gentleman from Lewiston, Mr. Gaudreau.

Mr. GAUDREAU: Mr. Speaker, this bill leaves it up to the discretion of the Commissioner whether he shall tell the companies to put in a fishway or not. It's not binding just because they signed a petition with two hundred names, it doesn't mean that he has to force these companies to put in a fishway. It just gives them a chance to be heard and then the Commissioner can explain to them why or why not it's going to be built.

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

Mr. ROY: Mr. Speaker and Ladies and Gentlemen of the House: There have been figures quoted that there are about 127 fishways in the State of Maine. That may be true, but how many of these fishways are on major rivers? For an example, how many do we have on the Kennebec River, the Penobscot River? As you notice on the information that was handed out to this House about three weeks ago, a lot of these fishways are on just minor streams.

The SPEAKER pro tem: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson, who has spoken twice. Does he request permission to speak a third time. Is there an objection? The Chair hears none. The gentleman may proceed.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: It's very warm here and you're all tired and I don't want to belabor this thing, but I have a brochure here from the Fish and Game Department which shows every county where a fishway has been put in and repaired. It would probably take me twenty minutes to go over this, but anybody that wants one of these can go up to the office of the Fish and Game Department and get it.

The SPEAKER pro tem: Is the House ready for the question? The pending motion is the motion of the gentleman from Moscow, Mr. Beane, that this Bill "An Act Providing for Adequate Fishways in Dams," House Paper 1108, L. D. 1514, and its accompanying papers be indefinitely postponed. A division has been requested. All those in favor of indefinite postponement will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-eight having voted in the affirmative and fifty-three having voted in the negative, the motion prevailed.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Winslow, Mr. Roy, and would inquire for what purpose the gentleman rises.

Mr. ROY: Mr. Speaker, that this lie upon the table until the next legislative day.

The SPEAKER pro tem: The matter has been disposed of.

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

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

Tabled—May 24 by Mr. Cottrell of Portland.

Pending — Passage to be Engrossed.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I move this bill be passed to be engrossed.

The SPEAKER pro tem: The gentleman from Sanford, Mr. Bernard, now moves that this matter be passed to be engrossed. The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, this legislative document 1562 is in new draft establishing a new method of handling state insurance. This

is a very complex and technical matter and obviously this L. D. is very complex, because the Attorney General's office has about a dozen inconsistencies already. It is very obvious to me that this bill, if it is passed, the state insurance will be in a sad state of affairs. The Governor and Council have the authority, under Chapter 11, Section 13, to place all fire and liability insurance. I feel that they should proceed and purchase package insurance effective July 1, 1965. I have confidence that the Governor and the Democratic Council will handle this matter in a very good manner, satisfactory to the entire citizens of the State of Maine. In view of these inconsistencies I move for indefinite postponement of this bill.

The SPEAKER pro tem: The pending motion is on the motion of the gentleman from Wilton, Mr. Scott, that this matter be indefinitely postponed.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of Mr. Scott of Wilton to indefinitely postpone and specially assigned for tomorrow.

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

DIVIDED REPORT—Report "A"—"Ought to pass"—Report "B"—"Ought not to pass"—Committee on Liquor Control on Bill, "An Act Directing Review of the Liquor Laws." (H. P. 988) (L. D. 1342)

Tabled—May 24, by Mr. Lund of Augusta.

Pending—Motion of Mr. Bernard of Sanford to Accept Report "B"—"Ought not to pass"

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

Mr. LUND: Mr. Speaker and Members of the House: In the report of our Attorney General, Richard J. Dubord, on page six, in the report which he filed in response to the request of the House, he cited two obstacles to law enforcement in connection with the liquor laws of this State. And I quote from the last page of his report. "The second obstacle is the

liquor law itself which has developed spasmodically through the biennial legislative battle between wets and drys for thirty-two years. These laws could stand a major objective overhaul."

I have been sitting on the Committee of Liquor Control for a few weeks and when this bill was drawn and submitted by myself. The idea did not originate with me, it came as a result of repeated expressions of persons who appeared before Liquor Control Committee, both wets, drys, citizens, representatives of industry and all, all expressing a desire for a comprehensive study of our liquor laws.

The order that I just quoted from, or the study I have just quoted from rather, of Richard Dubord, came as a result of the remarks of the gentleman from Waterville, Mr. Lane, in this House on February 24. My bill was dated and submitted the day before that on February 23. Now I've been led to believe that possibly my bill may be defeated and that a substitute order may be passed and one has already been submitted. It is of no particular moment to me whether it is my bill which passes or whether it is an order which directs a review.

However, I hope that the reason that my bill fails, if it does fail, is not that it bears the name of a Republican, because I feel that a bi-partisan approach to this problem is of the utmost importance if we are to accomplish anything in the way of improvement of our liquor laws. In looking over the other order, the only other order which I have seen, in which there is some interest, the other order dealing with this problem, I noticed that the other order states that the Attorney General shall serve as counsel for the committee. This is the one feature of the order to which I object and a feature which I think that the bill now before us represents an improvement.

The bill now before us states as follows: "For this purpose the Attorney General may employ such technical and clerical assistance

as he may find necessary." This is in large part a problem of drafting and I think in carrying out a study, whoever does it, competent, skilled legal draftsmen should be employed. If the other order passes to which I have made reference the Attorney General would serve as counsel, or a representative of his, and I feel that the counsel for this study committee should not be someone who is already in state government, should not be one of our Assistant Attorney Generals, and I have no personal objection to any of them of course, but that the counsel for the committee should be somebody who is particularly skilled in legal drafting.

We have, for instance, a professor and other staff at our University of Maine Law School. The professor is serving as consultant to other committees studying reviews of the laws. Perhaps a similar arrangement could be worked out. I hope that either this bill or some measure will pass directing a review of the liquor laws, but that whatever is passed will make adequate provision for good legal assistance in reviewing and recompiling our liquor laws.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: I suspect that a visitor from another planet or possibly even a visitor from other parts of the world would be at a loss to understand our preoccupation in this Hall with two subjects, fish and liquor. I think we have spent a lot of time on each and I suggest you support the motion of the gentleman from Sanford, Mr. Bernard to accept the "Ought not to pass" report.

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

Mr. JALBERT: Mr. Speaker, is it my understanding that if this bill, the "Ought not to pass" report of this bill would be accepted and the order as it came from the Senate would be amended that this would take care of the situation, is that correct?

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to any member who may answer if he so desires. The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Mr. Jalbert is correct.

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

Mr. MEISNER: Mr. Speaker, Ladies and Gentlemen of the House: I have served two terms on the Liquor Control Committee and I feel that there is a great need for this bill. I wholeheartedly subscribe to the bill as presented by Mr. Lund and hope that it will pass.

We have all kinds of bills and amendments to bills that someone has called a hodge podge of bills, it's difficult for anyone to know when they are really violating some of the liquor laws. I hope that the House will go along.

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

Mr. JALBERT: Mr. Speaker, the reply that I got from the House Chairman of the Liquor Control Committee, I move that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert now moves that this bill and its accompanying papers be indefinitely postponed. Is the House ready for the question? All those in favor will answer yes; all those opposed will answer no.

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

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

Sent up for concurrence.

At this point, Speaker Childs returned to the rostrum.

SPEAKER CHILDS: The Chair thanks the gentleman from Milbridge, Mr. Kennedy, for acting as Speaker pro tem and for his fine job.

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

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

SENATE REPORT — Committee on Labor on recommitted Bill, "An Act Revising the Minimum Wage Law." (S. P. 416) (L. D. 1313) reporting same in New Draft (S. P. 526) (L. D. 1504) under same title, and that it "Ought to pass." (S. "B" S-191) (S. "A" to S. "B" S-194)

Tabled — May 24, by Mr. Levesque of Madawaska.

Pending — Acceptance in concurrence.

On motion of Mr. Levesque of Madawaska, tabled pending acceptance of the Committee Report in concurrence and specially assigned for tomorrow.

On motion of Mr. Levesque of Madawaska,

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