

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 17 - JUNE 4, 1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, June 1, 1965

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

Prayer by Brigadier Alfred Davey of the Salvation Army, Augusta.

The members stood at attention during the playing of the National Anthem by the Hall-Dale High School Band of Hallowell, Maine.

The SPEAKER: On behalf of the House the Chair would like to thank the thirty-one members of the Hall-Dale High School Band under the supervision of their Music Director and Supervisor of Music Robert Antognoni, for the very fine concert presented prior to the convening of the Legislature this morning. This is a relatively new band, having been formed two years ago. They are wearing new uniforms which were purchased with money received in donations and from fund-raising campaigns. This band was invited here today by our Sergeant-at-Arms, Leo Martin of Hallowell. Again the Chair would like to thank the members of the band for their performance and for their rendition of the Star Spangled Banner, which is played on the first legislative day of each week. (Applause)

The journal of the previous session was read and approved.

**Senate Reports of Committees
Ought to Pass with
Committee Amendment
Passed to Be Engrossed**

Report of the Committee on Judiciary on Bill "An Act relating to Petition for Release of Respondents Acquitted on Basis of Mental Defect" (S. P. 380) (L. D. 1196) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT
"A" to S. P. 380, L. D. 1196, Bill, "An Act Relating to Petition for Release of Respondents Acquitted on Basis of Mental Defect."

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

Further amend said Bill in the 6th line by striking out the underlined word "State" and inserting in place thereof the underlined words 'Department of Mental Health and Corrections'

Further amend said Bill by adding at the end, a new section, as follows:

'Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$1,000 for the fiscal year ending June 30, 1966 and the sum of \$1,000 for the fiscal year ending June 30, 1967 to the Department of Mental Health and Corrections to carry out the purposes of this Act. The breakdown shall be as follows:

Department 1965-66 1966-67
MENTAL HEALTH
AND CORRECTIONS
Bureau of Mental Health

Personal Services \$1,000 \$1,000'

Committee Amendment "A" was adopted in concurrence and under suspension of the rules the Bill was given its third reading, passed to be engrossed as amended and sent forthwith to the Senate.

**Amended in Senate
Tabled Until Later
in Today's Session**

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in The Public Laws" (S. P. 414) (L. D. 1310) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

ment "A" as amended by Senate Amendment "A" thereto, and Senate Amendment "A".

In the House, the Report was read.

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

Non-Concurrent Matter

Bill "An Act relating to Expenses of Members of Liquor Commission" (S. P. 519) (L. D. 1496) which was indefinitely postponed in non-concurrence in the House on May 27.

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

In the House: On motion of Mr. Kennedy of Milbridge, the House voted to adhere.

Non-Concurrent Matter

Resolve Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens (H. P. 248) (L. D. 316) which was recalled to the Senate from the Governor by Joint Order (S. P. 586)

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

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

On further motion of the same gentleman, sent forthwith.

Non-Concurrent Matter

Bill "An Act relating to Use of Purse Seines in Taking Herring from Certain Waters" (H. P. 540) (L. D. 714) which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 27.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. PRINCE: Mr. Speaker, I move that we insist on our former action and ask for a Committee of Conference.

The SPEAKER: The gentleman from Harpswell, Mr. Prince, moves that we insist on our former action and request a Committee of Conference.

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

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

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

All those in favor of receding from our former action and concurring with the Senate will say aye; those opposed, no.

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

Forty-seven having voted in the affirmative and fifty-one 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 Harpswell, Mr. Prince, that we insist and he requests a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

By unanimous consent, sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act to Authorize Municipalities to Finance Industrial and Recreational Projects" (H. P. 1091) (L. D. 1487) which was passed to be engrossed in the House on April 27.

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

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

By unanimous consent, sent forthwith to the Senate.

Non-Concurrent Matter

An Act Authorizing Qualified Licenses After Conviction for Drunken Driving if Essential to Liveli-

hood (H. P. 1144) (L. D. 1568) which was passed to be enacted in the House on May 26 and passed to be engrossed on May 24.

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

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

By unanimous consent, sent forthwith to the Senate.

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

Veto Messages

The SPEAKER: Is there objection to taking up a matter which does not appear on the Advance Calendar, which are messages and documents from the Executive Department? The Chair hears none, the Clerk will read the messages.

STATE OF MAINE
Office of The Governor
Augusta

(Seal)

May 28, 1965

To the Honorable Senate
and House of Representatives
of the 102nd Legislature

There is returned herewith, without my approval, House Paper 128 — Legislative Document 152, entitled "An Act Determining Weight Limits of Trucks."

I am advised that this Act was introduced with the intent of clarifying for the courts, the determination of violations in accordance with Title 29, M.R.S.A., Section 1654, Weight Violations.

The Department of the Attorney General examined this Bill earlier in the session and expressed concern that the Bill, as drafted, would create confusion for the judiciary who are called upon to determine violations.

The Act in its present form has again been reviewed by the Department of the Attorney General and I am advised that it could be interpreted to grant to all trucks, during all twelve months of the year, a specialized 15 per cent extra allowance.

Title 29, M.R.S.A., Section 1655 grants vehicles loaded with specifically named products a 10 per cent tolerance above the maximum gross weight for which such vehicle is registered. The wording in this Legislative Document could be interpreted to mean that the court could grant one-half of this 10 per cent tolerance to all trucks.

It is my opinion that Legislative Document 152 does not accomplish the intended purpose of clarifying this section of the law, but to the contrary, would make the section more difficult to interpret.

For the reasons set forth, this Act does not meet with my approval and I am returning the document without my signature.

Respectfully submitted,

JOHN H. REED

John H. Reed

Governor

Thereupon, the Communication with accompanying papers was placed on file.

The SPEAKER: The question before the House now is, shall this bill become a law notwithstanding the objections of the Governor? Under the Constitution this question must be answered by the yeas and nays. If you are in favor of this bill becoming a law notwithstanding the objections of the Governor, when your name is called you will answer either yea or yes; if you are opposed to this bill becoming a law, when your name is called you will answer either nay or no. The Clerk will call the roll.

ROLL CALL

YEA — Bourgoin, Bussiere, Dumont, Fecteau, Fortier, Fraser, Rumford; Gaudreau, Lebel, Lent, Martin.

NAY — Anderson, Ellsworth; Anderson, Orono; Baker, Winthrop; Baldic, Beane, Bedard, Benson, Mechanic Falls; Benson, Southwest Harbor; Berman, Bernard, Berry, Binnette, Birt, Boissonneau, Bragdon, Brennan, Brewer, Buck, Burwell, Carroll, Carter, Champagne, Conley, Cote, Cottrell, Cressey, Crommett, Cushing, Danton, Dostie, Doyle, Drigotas, Drouin, Dudley, Dunn, Evans, Farrington, Fraser, Mexico; Gauvin, Gif-

ford, Gilbert, Gillan, Glazier, Graham, Hammond, Hanson, Gardiner; Haugen, Hawes, Haynes, Healy, Huber, Hunter, Clinton; Hunter, Durham; Jalbert, Katz, Kennedy, Keyte, Kilroy, Kittredge, Laberge, Lang, Levesque, Lewis, Lincoln, Littlefield, Lowery, Lund, Lycette, McKinnon, Meisner, Millay, Mills, Mitchell, Mosher, Nadeau, Norton, Payson, Peaslee, Pendergast, Pike, Pitts, Poulin, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sawyer, Scott, Searles, Starbird, Storm, Sullivan, Truman, Waltz, Watts, Wheeler, White, Guilford; Whittier, Wight, Presque Isle; Wood, Wuori, Young.

ABSENT — Avery, Baker, Orrington; Bishop, Blouin, Bradstreet, Carswell, Cookson, Crosby, Curran, D'Alfonso, Davis, Dickinson, Edwards, Erwin, Eustis, Faucher, Hanson, Lebanon; Harriman, Harvey, Bangor; Harve y, Windham; Harvey, Woolwich; Hawkes, Hoy, Jewell, Jordan, Knight, Lane, Libhart, Palmer, Roy, Ruby, Sahagian, Stoutamyer, Susi, Ward.

Yes, 10; No, 105; Absent, 35.

The SPEAKER: Ten having voted in the affirmative and one hundred five having voted in the negative, and thirty-five being absent, the Governor's veto is sustained.

The SPEAKER: The Clerk will read another message from the Executive Department.

STATE OF MAINE
Office of The Governor
Augusta

(Seal)

May 28, 1965

To the Honorable Senate
and House of Representatives
of the 102nd Legislature

There is returned herewith, without my approval House Paper 708 — Legislative Document 946, entitled "An Act Relating to the Sale of Fireworks."

I have sincere respect for those interested in this bill, however, a study of the experience records from the use of fireworks clearly

convinces me that if this measure became law a new menace to persons and property would be created.

Available information indicates that as many as 5,000 people each year suffer injuries ranging from minor cuts and bruises to maiming as a result of fireworks accidents.

Analysis of the 331 fireworks incidents reported to the National Fire Protection Association from the last week of June through the end of July 1964 reveals some interesting facts. Fireworks killed nine persons and caused 322 injuries requiring medical attention in 241 of the incidents reported. In 95 of the incidents property damage occurred. Two-thirds of the injured were persons who had not been involved in setting off the fireworks; and most of these innocent bystanders were victims of fireworks maliciously tossed into crowds or at individuals.

According to a report in the Fire Journal of May 1965, five persons died last year in Virginia, in an apartment fire that started when a child tossed a firecracker against a wooden stairway to a second story apartment. An operator of a fireworks stand in Texas died from burns received when his entire stock ignited while demonstrating a rocket. A fifteen year old St. Louis boy died of burns received when his clothing caught fire while he was discharging fireworks at his home.

Class "C" fireworks would permit the use of sparklers which last year caused a five-year-old New York boy to receive severe chest burns. A ten-year-old Indiana girl suffered third degree burns on her back and arms when someone touched a sparkler to her blouse. This device reaches temperatures up to 2000 degrees F. which certainly is not safe for a child to play with.

Other nonexploding types of Class "C" fireworks can be dangerous. An Illinois man lost two fingers when he picked up a skyrocket that failed to go off. In Philadelphia, four boys started a \$75,000 church fire by shooting a Roman candle through a window.

The foregoing cases dramatically describe the type of accidents that we could anticipate if this bill became law. In order to protect persons and property in Maine this act does not meet with my approval and I am returning the document without my signature.

Respectfully submitted,

JOHN H. REED

John H. Reed
Governor

Thereupon, the Communication with accompanying papers was placed on file.

The SPEAKER: The question before the House now is, shall this bill become a law notwithstanding the objections of the Governor? Under the Constitution this question must be answered by the yeas and nays.

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

Mr. BUSSIERE: Mr. Speaker and Members of the House: Would a motion to accept the veto and thank the Governor for having vetoed that bill be in order?

The SPEAKER: The question before the House is, shall this bill become a law notwithstanding the objections of the Governor. If you are in favor of this bill becoming a law notwithstanding the objections of the Governor, when your name is called you will answer either yea or yes; if you are opposed to this bill becoming a law, when your name is called you will answer either nay or no. The Clerk will call the roll.

ROLL CALL

YEA — Beane, Bernard, Binnette, Burwell, Cote, Crommett, Dostie, Dumont, Evans, Farrington, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Hammond, Hunter, Clinton; Lang, Lund, Mills, Mitchell, Norton, Wuri.

NAY — Anderson, Ellsworth; Anderson, Orono; Baker, Winthrop; Baldie, Bedard, Benson, Mechanic Falls; Benson, Southwest Harbor; Berman, Berry, Birt, Bishop, Boissonneau, Bradstreet, Bragdon, Brennan, Brewer, Buck, Bussiere, Carroll, Carter,

Champagne, Conley, Cottrell, Cressey, Curran, Cushing, D'Alfonso, Danton, Doyle, Drigotas, Drouin, Dudley, Dunn, Eustis, Fecteau, Gauvin, Gifford, Gilbert, Gillan, Glazier, Graham, Hanson, Gardiner; Harriman, Harvey, Bangor; Harvey, Windham; Haugen, Hawes, Hawkes, Haynes, Healy, Huber, Hunter, Durham; Jalbert, Jewell, Jordan, Katz, Kennedy, Keyte, Kilroy, Kittredge, Knight, Laberge, Lebel, Lent, Levesque, Lewis, Lincoln, Littlefield, Lowery, Lycette, Martin, McKinnon, Meisner, Millay, Mosher, Nadeau, Palmer, Payson, Peaslee, Pendergast, Pike, Poulin, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sawyer, Scott, Searles, Starbird, Storm, Sullivan, Susi, Truman, Waltz, Watts, Wheeler, White, Guilford; Whittier, Wight, Presque Isle; Wood, Young.

ABSENT — Avery, Baker, Orrington; Blouin, Bourgoin, Carswell, Cookson, Crosby, Davis, Dickinson, Edwards, Erwin, Faucher, Hanson, Lebanon; Harvey, Woolwich; Hoy, Lane, Libhart, Pitts, Roy, Ruby, Sahagian, Stoutamy, Ward.

Yes, 22; No, 105; Absent, 23.

The SPEAKER: Twenty-two having voted in the affirmative, one hundred five having voted in the negative, and twenty-three being absent, the Governor's veto is sustained.

Orders

Mr. Jalbert of Lewiston presented the following House Resolution and moved its adoption:

HOUSE RESOLUTION

Announcing an addition to the Plante family.

WHEREAS, on the 31st day of May, 1965, Patricia E. Plante brought forth a 6-pound, 13-ounce girl; and

WHEREAS, said child measured twenty inches from the top of her head to the sole of her foot; and

WHEREAS, said child has a swatch of black hair atop her crown; now, therefore, be it

RESOLVED, that the child shall be known as Andrea Elizabeth, the second child of this family;

AND BE IT FURTHER RESOLVED, that the Assistant Clerk of the House be directed to send flowers to the mother and child and an attested copy of this Resolution. (Applause)

(Off Record Remarks)

Tabled

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

ORDERED, the Senate concurring, that the Legislative Research Committee, in cooperation with the Attorney General, is directed to study the liquor laws and rules and regulations promulgated by the Liquor Commission of this State for such changes and amendments as may appear to be necessary or desirable to make such laws more realistic and easy to understand; and be it further

ORDERED, that the committee shall have the authority to employ professional and clerical assistance within the limit of funds provided; and be it further

ORDERED, that the committee shall make a written report of its findings and recommendations to the 103rd Legislature; and be it further

ORDERED, that there is appropriated to the committee from the Legislative Appropriation the sum of \$7,500 to carry out the purposes of this Order.

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

On motion of Mr. Levesque of Madawaska, it was

ORDERED, that Kenneth Martin of Hallowell be appointed to serve as Honorary Page for today.

The SPEAKER: Kenneth is twelve years old and in the sixth grade at Hall-Dale Junior High School. He is observing Legislature and acting as honorary page in order to earn his Citizenship in the Nation Badge in the Boy Scouts. He is a member of Troop No. 147 of Hallowell. He is the youngest son of our Sergeant-at-

Arms, Leo Martin. On behalf of the House, Kenneth, the Chair welcomes you and we hope that you will enjoy your duties as honorary page for the day. (Applause)

Third Reader

Tabled and Assigned

Bill "An Act to Authorize Bond Issue in Amount of Five Hundred Thousand Dollars for Construction and Renovations at Boys Training Center, Maine State Prison and Stevens Training Center" (S. P. 576) (L. D. 1588)

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

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

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

HOUSE AMENDMENT "A" to S. P. 576, L. D. 1588, Bill, "An Act to Authorize Bond Issue in Amount of Five Hundred Thousand Dollars for Construction and Renovations at Boys Training Center, Maine State Prison and Stevens Training Center."

Amend said Bill, in section 3, by striking out all of the last sentence and inserting in place thereof the following: 'The Treasurer of State is authorized to invest the proceeds of the sale of the bonds during the period when the proceeds are not needed for the purposes set forth in this Act and the interest therefrom shall be paid into the General Fund. Any unencumbered balances remaining at the completion of the projects listed in section 6 shall lapse to the debt service account established for the retirement of these bonds.'

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

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: In looking this amendment over and another one that came in right following this, I have some serious questions in my mind as to whether this amendment should

be adopted or not. Back a couple of years ago, I am just trying to think back through my mind, during the time the tax cut program was adopted in the Federal Congress, there were various measures that were considered as being inequities in the tax cut program. Among them was the exemption that was given municipal bonding. By not having municipal bonding subject to tax under the internal revenue program, there is a saving of about one and a half to two percent on the interest. Now if we are to authorize the State Treasurer to take and invest these bonds, it is very possible that the federal government might decide to remove this exemption; and if we do we are going to force ourselves to have to increase the interest that we pay on borrowing from about three percent up to in the neighborhood of five percent and this could become quite a burden to the state, and because of this serious reservation I'm going to move the indefinite postponement of this amendment.

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

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of this House: Due to the fact that our Treasurer has handled the money entrusted in care of the state in such a manner that he has brought a great deal of interest for the state, I think that his wisdom should be followed in this respect and I therefore move for a division in regard to this motion.

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

(On motion of Mr. Jalbert of Lewiston, tabled pending the motion of Mr. Birt of East Millinocket that House Amendment "A" be indefinitely postponed and specially assigned for tomorrow.)

Amended Bills Third Reader Tabled and Assigned

Bill "An Act relating to Appropriation for Certain Legislative Documents" (S. P. 578) (L. D. 1590)

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

Mr. Ross of Brownville offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 578, L. D. 1590, Bill, "An Act Relating to Appropriation for Certain Legislative Documents."

Amend said Bill by adding at the end, a new paragraph, as follows:

'Such Acts or resolves that are finally enacted under the provisions set forth above, from the Unappropriated Surplus, shall not exceed in total the amount of \$1,695,551.'

(On motion of Mr. Jalbert of Lewiston tabled pending the motion of Mr. Ross of Brownville that House Amendment "A" be adopted and specially assigned for tomorrow.)

Third Reader Tabled Until Later in Today's Session

Bill "An Act Revising the Minimum Wage Law" (S. P. 526) (L. D. 1504)

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

Mr. Cottrell of Portland offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 526, L. D. 1504, Bill "An Act Revising the Minimum Wage Law."

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

"Sec. 1. R. S., T. 26 Sec. 662, amended. Section 662 of Title 26 of the Revised Statutes is amended to read as follows:

'Sec. 662. Coverage

Employers employing 4 employees or more in any day of the week are subject to this subchapter for that week, and in the count of employees there shall be included waiters, waitresses, doormen, bellhops and chambermaids, students, and members of the family of the employer all employees, including those otherwise exempt under section 663, subsection 3.'

Sec. 2. R. S., T. 26, Sec. 663, sub-Sec. 3, Paragraphs E, G, amended. Paragraphs E and G of subsection 3 of section 663 of Title 26 of the Revised Statutes are amended to read as follows:

'E. Any individual engaged in the activities of a public-supported nonprofit organization or in a program controlled by an educational nonprofit organization or employed in a private nursing home; or employed in a private hospital.'

'G. Any individual employed in the catching, taking, propagating, harvesting, cultivating or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing such marine products at sea as incident to, or in conjunction with, such fishing operations, including the going to and returning from work and including employment in the loading, and unloading when performed by any such employee or packing of such products for shipment or in propagating, processing (other than canning), marketing, freezing, curing, storing or distributing the above products or by products thereof; or any individual employed as a smoked fish worker.'

Sec. 3. R. S., T. 26, Sec. 663, subsection 5, amended. Subsection 5 of section 663 of Title 26 of the Revised Statutes is amended to read as follows:

'5. Wages. "Wages" paid to any employee includes compensation paid to such employee in the form of legal tender of the United States, checks on banks convertible into cash on demand and includes the reasonable cost to the employer who furnishes such employee board, or lodging or other services and benefits;'

Sec. 4. R. S., T. 26, Sec. 663, subsection 7, additional. Section 663 of Title 26 of the Revised Statutes is amended by adding a new subsection 7 to read as follows:

'7. Counter waiter or waitress. "Counter waiter or waitress," and employee who works at a counter and who is engaged for 25 percent or more of his or her working time in duties other than the serving of customers, including but not limited to preparation of food, dishwashing and cleaning.'

Sec. 5. R. S., T. 26 Sec. 664, amended. Section 664 of Title 26 of the Revised Statutes is amended to read as follows:

'Sec. 664. Compliance required

By reason of the declaration of policy set forth in section 661 and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee except as otherwise provided in this subchapter at the rate of less than \$1 \$1.15 per hour during the first year from the effective date of this Act, and not less than \$1.25 per hour thereafter; provided, however, that employees of private nursing homes and private hospitals may be paid at the rate of not less than \$1 per hour during the first year from the effective date of this Act, not less than \$1.15 per hour during the 2nd year from the effective date of this Act, and not less than \$1.25 per hour thereafter.'

Sec. 6. R. S., T. 26 Sec. 665, subsection 1, amended. Subsection 1 of section 665 of Title 26 of the Revised Statutes is amended to read as follows:

'1. Examination of records, books; copies. Every employer subject to this subchapter shall keep a true and accurate record of the hours worked by each employee and of the wages paid; and the, such records to be preserved by the employer for a period of at least 3 years; and shall furnish to each employee with each payment of wages a statement which shall clearly show the hours, total earnings and itemized deductions. The commissioner or

his authorized representative may, and upon written complaint setting forth the violation of section 664, shall have authority to enter the place of business or employment of any employer or employees in the State, as defined in section 663, for the purpose of examining and inspecting such records; and copy any or all of such records as he or his authorized representative may deem necessary or appropriate. Any and all information so received shall be considered as confidential and shall not be divulged to any other person or agency except insofar as may be necessary for the enforcement of this subchapter.'

Sec. 7. R. S., T. 26, Sec. 669, repealed. Section 669 of Title 26 of the Revised Statutes is repealed as follows:

'Sec. 669. Enforcement

Whenever the commissioner has information that any employer is violating this subchapter, he shall notify such employer immediately by registered mail of such violation and order such employer to comply with this subchapter. If such employer fails or refuses to comply with this subchapter, the county attorney of the county where the violation occurs shall, upon notification by the commissioner or upon the sworn complaint of any other person, institute criminal action against such employer.'

Sec. 8. R. S., T. 26, Sec. 670, amended. Section 670 of Title 26 of the Revised Statutes is amended to read as follows:

'Sec. 670. Employees' remedies

Any employer who continues in violation of any provision of section 664 after having received notice from the commissioner shall be liable to the employee or employees affected thereby for the amount of unpaid minimum wages. Upon a judgment being rendered in favor of any employee or employees, in any action brought to recover unpaid wages under this subchapter, such judgment shall include, in addition to the unpaid wages adjudged to be due, an additional amount equal to such wages as liquidated damages, and

costs of suit including a reasonable attorney's fee.'

Sec. 9. R. S., T. 26, & 671, amended. Section 671 of Title 26 of the Revised Statutes is amended to read as follows:

'Sec. 671. Penalties

Any employer who violates this subchapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200.

Any employer, who discharges or in any other manner discriminates against any employee because such employee makes a complaint to the commissioner or to the county attorney concerning a violation of this subchapter, shall be punished by a fine of not less than \$50 nor more than \$200.

In the event of the violation of any of the provisions of this subchapter, the Attorney General may institute injunction proceedings in the Superior Court to enjoin further violation thereof.'

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: This amendment contains provisions of a minimum wage bill that I was asked to co-sponsor with Representative Brewer. The particular provision in this amendment that I am interested in is the one which pertains to employees under nineteen who are in educational institutions. Now they have always been exempted from the minimum wage under our laws and I think that that exemption should be retained.

I'm not going to give a long discourse on the reasons for it but I think it is quite obvious that those who are working in the summertime, who are regularly attending school, should have a little free bargaining power with their employers and should not come under the over-time provisions. In Senate Amendment "B" to this L. D. 1504, all those under age nineteen working in summer camps, boys and girls summer camps, are exempt and I repeat,

I think that all employees under age nineteen working, who are regularly enrolled in school, should also be continued to be exempt from the minimum wage law.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House, thirty-seven pupils of the seventh and eighth grades at the Viola Rand Elementary School at Bradley. They are accompanied by their Principal Christopher Bates and five adults. They are the guests of the gentleman from Old Town, Mr. Binnette. On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

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

Mr. PEASLEE: Mr. Speaker and Ladies and Gentlemen of the House: I have no objections to a minimum wage hike, but much has been said about our finding jobs for our kids and keeping them here in the state. And I know if this bill is passed without this amendment, I'll never hire any more kids to work for me. So I hope that you will support it.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I certainly feel that in some areas the camping business in the State of Maine does need protection under a minimum wage law such as we have before us. Although it was the feeling of the committee that we should limit these minimum wage laws to counselors and junior counselors, anybody else that is going repeatedly year after year to these summer camps are in most cases receiving now a minimum wage for their services. It is only the odd case that is not now presently receiving a minimum wage in the State of Maine. So I don't feel that in due justice to the industries we have kept the counselors and junior counselors in there as not being part of the minimum

wage law in our state, and any regular employees that they have there year after year should at least receive a basic minimum wage for their service as far as summer camps are concerned. So, therefore, I move the indefinite postponement of this amendment.

The SPEAKER: The question before the House now is on the motion of the gentleman from Madawaska, Mr. Levesque, that House Amendment "B" be indefinitely postponed.

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: I think we're all pretty much in accord that the minimum wage in the State of Maine should be increased. I think it is a question of how far we want to go before we start hurting small businesses within the state, of which Maine is made up primarily of small businesses. The minimum wage bill is not going to hurt our larger industries, but they are few in number. Now this is a nonpartisan bill which I was happy to co-sponsor with the gentleman from Portland, Mr. Cottrell. And this amendment brings the minimum wage bill before you back to L. D. 443, which in our mind was a sound bill. It increased the minimum wage in two steps to a dollar from a dollar to a dollar fifteen, and then the following year to a dollar and a quarter; and also, a three step plan regarding the nursing homes to a dollar, a dollar fifteen and a dollar twenty-five in three years.

The gentleman from Portland, Mr. Cottrell, has explained the nineteen year olds. To me, this will hurt the boys in this area because there will be a lack of jobs, but another point I would like to bring out at this time is what it is going to do, the present bill before you, as far as your non-profit hospitals go. You had placed before you on your desks, awhile ago, some interesting figures. And I'm not going to read them to you because I think probably you have absorbed them as far as your particular area. It's not just the minimum wage we are

talking about as far as non-profit hospitals go, it's the escalation that is caused by this. In other words, if you bring some employees in your non-profit hospitals up to a certain level, you have to raise salaries on the level where they are getting the minimum wage. It is going to pose an awful problem.

Now this bill that we have, 443 that the gentleman from Portland, Mr. Cottrell and I sponsored, is the one that was recommended by the Department of Labor and Industry in the State of Maine and it strengthens the administration of the Department and they feel that this is as far as we should go at this time. I would hope that the indefinite postponement of this amendment does not prevail.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in support of the motion of the gentleman from Madawaska, Mr. Levesque, to indefinitely postpone this amendment. I introduced, along with the good gentleman from Eagle Lake, Mr. Martin, one of the minimum wage bills, the main provision of which was time and a half after forty-eight hours. Time and a half has become a penalty factor to induce various segments of industry and employers to increase their work force by putting more people to work and this is the only way that labor has found to be able to effectively do it, is to put a penalty clause in.

As I understand this amendment, this amendment will remove the time and a half provision and I think this would be moving in the wrong direction. I consequently would hope that the House will support the indefinite postponement of this amendment.

Mr. Brewer of Bath requested a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, that House Amendment "B" be indefinitely postponed. The gentleman from Bath, Mr. Brewer, requests a divi-

sion. All those in favor of House Amendment "B" being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

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

The SPEAKER: The question before the House is on the adoption of House Amendment "B". Is it now the pleasure of the House that House Amendment "B" be adopted.

Thereupon, House Amendment "B" was adopted.

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

Mr. LEVESQUE: Mr. Speaker, I now move that Senate Amendment "A" to Senate Amendment "B" be indefinitely postponed.

Senate Amendment "B" was then read by the Clerk.

Senate Amendment "A" to Senate Amendment "B" was next read by the Clerk.

The SPEAKER: The question before the House now is on the motion of the gentleman from Madawaska, Mr. Levesque, that Senate Amendment "A" to Senate Amendment "B" be indefinitely postponed. The Chair recognizes the gentleman from Augusta, Mr. Katz.

Mr. KATZ: Mr. Speaker, I pose a question through the Chair. Apparently, what we have done is substituted one bill for another. Now we have an amendment on a bill that no longer exists. I wonder if the gentleman from Madawaska would explain the effect of postponement of this amendment.

The SPEAKER: The gentleman from Augusta, Mr. Katz, poses a question through the Chair to the gentleman from Madawaska, Mr. Levesque, who may answer if he so desires.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen: The indefinite postponement of Senate Amendment "A" is only to eliminate the word "hotels" as has been added on to this amendment. In previous amendments the nursing homes and hospitals have already been taken out. By this amendment

they have added the word "hotel." This is only to eliminate the word "hotel" in the bill.

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

Mr. KENNEDY: Mr. Speaker, I would pose a question through the Chair to the gentleman from Portland, Mr. Cottrell, and inquire if the processes are cared for under his amendment, the freezing of fruits, berries and the canning of sardines?

The SPEAKER: The gentleman from Milbridge, Mr. Kennedy, has posed a question to the gentleman from Portland, Mr. Cottrell, who may answer if he so desires.

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

Mr. BREWER: Mr. Speaker, in this amendment as proposed by the gentleman from Portland, Mr. Cottrell, under G it exempts the packing of products for shipment, processing other than canning, marketing, freezing, curing, storing or distributing the above products or by products thereof, or any individual employed as a smoked fish worker.

(On motion of Mr. Kennedy of Milbridge, tabled pending the motion of Mr. Levesque of Madawaska that Senate Amendment "A" to Senate Amendment "B" be indefinitely postponed and specially assigned for later in today's session.)

Emergency Measure Tabled Until Later in Today's Session

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

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

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

Mr. DUDLEY: Mr. Speaker, Members of the House: L. D. 1559, An Act Relating to Relocation Assistance in State Highway Projects, this act is an enabling act to permit the State Highway Commission to match federal funds for the purpose of paying an amount not to exceed two hundred dollars in the

case of an individual family or not to exceed three thousand dollars in the case of a business concern, on moving costs for individuals, families, business concerns forced to move by reason of highway construction, due to the fact that such payments by the state should be in the similar category to the payments of the state sharing the cost of moving public utility plants in connection with interstate systems, when such plant is located in the public right-of-way. It was deemed necessary to provide state funds for L. D. 1559 from the General Fund, State General Fund. The appropriation from the General Fund was to be eighty-one thousand nine hundred for the next biennium.

Now the State of Maine Supreme Court gave an advisory opinion to the effect that in the case of the state share of the cost of moving utility plants, payments had to be made from the General Fund and could not be taken from the Highway Fund because of the anti-diversified clause in the State Constitution. Now having checked with George C. West, Deputy Attorney General, and he agrees that there is a question as to the legality of the bill with the amendment Filing No. S-268 or H-358, providing funds come from the State — come from the Highway Fund.

Now due to these facts it appears almost impossible to appropriate money necessary for this bill from the General Fund and further because the question as to the legality of the bill should be passed with money coming from the Highway Fund, I believe that I will move the indefinite postponement of this bill and its accompanying amendments. And I hope the House will see fit to support the motion before the House.

The SPEAKER: The question before the House now is on the motion of the gentleman from Enfield, Mr. Dudley, that item 1, An Act Relating to Relocation Assistance in State Highway Projects, be indefinitely postponed.

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

Mr. D'ALFONSO: Mr. Speaker, Ladies and Gentlemen of the

House: I sponsored the original bill which would have given to people displaced, money for incurring a hardship because of highway construction. The original bill was reviewed thoroughly by Mr. Asa Richardson of the Highway Department and he assured me, along with other people, that this was one area that needed attention. Under the federal government's program of urban renewal, people who are displaced are paid by the federal government for having been displaced. The State of Maine under their Highway Construction Program, if a person, family or business is displaced by the Highway Program, they are not reimbursed for this displacement.

Mr. Asa Richardson, having thoroughly reviewed the necessities involved in this particular area, drafted a document that was accepted by the Judiciary Committee. The Judiciary Committee reviewed this document very thoroughly and after careful consideration of the necessities involved, because of displacement under the highway construction program, they decided that this was the type of legislation that was overdue and needed. Reviewing the history of what took place thereafter, they did decide to take the monies out of the General Fund at the outset. This for some reason was not acceptable because of the simple fact that the highway construction program is financed by the highway construction money.

So then they decided that the money should come from the Highway Fund. Upon learning of this, Mr. Stevens decided that this bill should be killed. I wonder why? I don't know of anything that is particularly wrong with this legislation. I think that this move to indefinitely postpone this legislation is simply because Mr. Stevens is now saddled with the problem of having a few dollars expended from the Highway Construction Program. These people that are displaced, and I have gone through the experience through the federal government, are entitled to these few dollars for having been displaced. They

have not asked to be displaced. The arm of the state government is moving in and saying you have to move, and if the arm of the state government says under this highway construction program that you should move then the state government should reimburse that person or business organization.

Therefore, I would hope for the purposes of common decency that you would simply vote to pass this legislation and pay no attention whatsoever to the motion for indefinite postponement.

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

Mr. ROSS: Mr. Speaker, I have to concur with my good friend, the gentleman from Enfield, Mr. Dudley. The Attorney General not only questions the legality, but he suggests further exploration. Now, I definitely think that we should explore this matter further and I support the motion for indefinite postponement.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: This bill was drafted by Asa Richardson who is counsel for the Highway Department and I believe that he made a trip to Washington to make sure of the legality of the proposed idea. Now because of this fact and because I am vitally interested in the bill, I would hope that some member would table it until later in today's session. This is too important a bill to die here in an aura of uncertainty. If it is a bad bill all right, but I would certainly like an opportunity to check with the Attorney General and make sure that there is some legal difficulty involved.

Thereupon, on motion of Mr. Gillan of South Portland, tabled pending the motion of Mr. Dudley of Enfield for indefinite postponement and specially assigned for later in today's session.

Passed to Be Enacted

An Act relating to Definition of Club under Liquor Laws (S. P. 434) (L. D. 1368)

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

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: Under our statutes today, if a club wants to get a liquor license they have to stay open, they have to be organized for two years. That's under our statutes today. Under this new bill and after we pass Sunday sales, three or four neighbors or a few people can get together and join a club and organize a club in almost every neighborhood and they will be selling liquor on Sundays. I don't believe we people in the State of Maine are ready to have a club in almost every corner. If a club can organize and wait two years for their license, I think they should wait two year for their license. Now I move to indefinitely postpone this bill and all its accompanying papers.

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

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

Mr. COTE: Mr. Speaker, when this bill was first introduced, it called for a six month waiting period. After having discussed it in the Committee on Liquor Control, the bill came out with a divided report and it went to the other body. A compromise was reached which raised the waiting period to one year. And it seemed to have gone fairly on its way up until now. I feel that if a club cannot establish itself financially in one year, it will not be able to establish itself financially in two years, three or four years. So, I hope that the motion for indefinite postponement does not prevail and when the vote is taken I call for a division.

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

Mr. BERNARD: Mr. Speaker,

Members of the House: I was one of the gentlemen that voted in committee "ought not to pass" on this bill. I couldn't go along with six months. I was against the six months but when they came back and compromised and made it one year, I felt that any club that would organize and work out their charter in one year we should go along with them. So, I hope you will vote not to indefinitely postpone this bill.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Waterville, Mr. Lane, that this bill and its accompanying papers be indefinitely postponed. The gentleman from Lewiston, Mr. Cote, has requested a division. All those in favor of this bill and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

An Act Revising the Electricians Licensing Laws (S. P. 540) (L. D. 1538)

An Act relating to Uniforms for Full-Time Deputy Sheriffs (H. P. 260) (L. D. 330)

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

An Act Providing for Adequate Fishways in Dams (H. P. 1108) (L. D. 1514)

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

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

Mr. BENSON: Mr. Speaker, Members of the House: I will not

add to the debate that has already gone before on this bill. I have never considered it to be a good bill and I therefore move the indefinite postponement of L. D. 1514 and all its accompanying papers.

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

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

Mr. POULIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure what forces are behind the indefinite postponement of this bill because all the bill does is give the general public a chance to have a hearing on the fishways on a proposed dam or on the dams that are already built. Now as it is the old bill, the sole power is left up to the commissioner. This bill does not take anything away from him. He still has the power to either put in a fishway or not, but it would give the general public at least a chance to speak with him about the fishways.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I neither will belabor the point because I feel it has been debated long enough. I would concur with the remarks made by the gentleman from Skowhegan, Mr. Poulin, in saying it is merely giving the people of Maine a chance to express their opinions. I would hope that the House will vote against the motion for indefinite postponement and I would request a division.

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

Mr. LUND: Mr. Speaker, Members of the House: My impression is that on this bill several of the objectionable features have been removed by amendment. In its original form, as I recall, twenty-five signatures was all that was required to compel a hearing. I believe it has been raised to two hundred. I believe in another

amendment that the advisory committee has been taken out of the bill. I would like to inquire from some member of the House whether this is so. If it is so, my objection to the bill is removed.

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

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

Mr. MARTIN: Mr. Speaker, in regard to the question directed by the gentleman from Augusta, Mr. Lund, I would reply to both questions in the affirmative, both have been adopted by both the House and Senate.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I told you what happened on our stream the other day. The general public wanted the fish to go up Sourdabscook Stream. Four good mills were on the stream. Mr. Manning blew a hole in his dam and his grandson is now operating a portable mill just beyond the Hampden line in Winterport. Mr. Emerson put a fishway in his dam and two years later they told him it was in the wrong place. He told them to go put it in the right place. His mill rotted down. Mr. Temple blew a hole in his dam. Smith put a fishway in his dam down next to my father's property. The department agreed to put in a retainer wall there to save the land. There was a driveway down there and one acre of land washed down into the river. My father put in a claim for damages of one thousand dollars because he got two thousand dollars for a lot similar on the river. He thought this one would be worth a thousand dollars. My brother and I hired a lawyer for him, we came to Augusta and we got four hundred dollars for the damage done. Now I don't think this law is needed at all. It is just another dig into the industrial business of this state and I support the motion to indefinitely postpone it.

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

Mr. JALBERT: Mr. Speaker, this is the fifth time this important question has been debated. I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the previous question. For the Chair to order the previous question it must have the 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? This is debatable for no more than five minutes by any one member and the merits of the bill are not debatable.

Is the House ready for the question? The question 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 Southwest Harbor, Mr. Benson, that this bill and its accompanying papers be indefinitely postponed. The gentleman from Eagle Lake, Mr. Martin, has requested a division.

All those in favor of this Bill "An Act Providing for Adequate Fishways in Dams," House Paper 1108, L. D. 1514, 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-nine having voted in the affirmative and seventy-seven having voted negative, the motion did not prevail.

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

An Act relating to Application to

Municipalities for Support of Indigent Dischargees from the Pine-land Hospital and Training Center (H. P. 1126) (L. D. 1536)

An Act Providing State Scholarships for Higher Education (H. P. 1156) (L. D. 1587)

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

Finally Passed

Resolve to Reimburse Raymond A. Cote of Augusta for Legal Expenses for Securing Right of Appeal to Superior Court (S. P. 572) (L. D. 1585)

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

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I notice that this Bill 1585, regards an employee who is dismissed from the Department of Economic Development, the decision was upheld by the State Personnel Board and a draft No. L. D. 389 came into the Legislature in January calling for a sum of twenty-one thousand six hundred and fifty-four dollars. And the notice, this employee was discharged by a temporary superintendent, the notice was signed by the temporary commissioner and read as follows:

"On August 22nd, 1963, you made a false activity report covering your activities on Wednesday, August 14th and Thursday, August 15th," and the person denies that he made such a false statement. Now after all the legal procedure that we have gone through, they come in and they want two thousand dollars to be paid from the Unappropriated Surplus in General Fund. It seems to me this is rather a peculiar procedure to be paying legal fees for a discharged employee. And I would move that this bill and all its papers be indefinitely postponed.

The SPEAKER: The question before the House now is on the

motion of the gentleman from Hampden, Mr. Littlefield, 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, Ladies and Gentlemen of the House: As I have previously stated to the House, we did not go into the merits or demerits of the case why this man was discharged. We thought he did have a right to have his day in court and for that reason the members of the Judiciary who were present unanimously agreed to allow Mr. Cote to have his day in court and face his accusers and face his jury. Thank you.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: If memory serves me correctly, there are four signers of the "Ought not to pass" report and as I indicated to you several days ago when this matter came on the floor, I thought you were establishing an undesirable precedent. I am sure that all of us feel some sympathy for this man who submitted false reports concerning his activities, but I certainly don't think that the way to handle his particular problem is to pay his attorney's fees for the proceeding. I have the greatest respect for the majority membership of the Judiciary Committee, in this case the six members who—I believe it's six signed the "Ought to pass" report. However, I don't think there is any good reason for making an exception in this case. Therefore, I would go along with the motion of the gentleman from Hampden, Mr. Littlefield, that this bill and its accompanying papers be indefinitely postponed.

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

Mr. BRENNAN: Mr. Speaker, I rise against the motion to indefinitely postpone this bill. As the gentleman from Old Orchard Beach, Mr. Danton, said we did not go into the merits or demerits of the bill. What we decided was

simply that this gentleman should have had a right to appeal to the courts without being harassed by the state. Otherwise the State through its Personnel Board could act arbitrarily and when he did take this to the law court, not this case itself but a similar case, it was decided that he should have had this right and that is all we are reimbursing him for is to show that he had the right to go to the courts to appeal any decision he felt was arbitrary.

Mr. Binnette of Old Town requested a division.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, requests a division.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: You have heard this disputed and the pros and cons of this, but I just wish to point out to you, that the State of Maine is never so mighty, never so lofty and never so high but what the little man at the foot of the ladder should be granted his right and his request to appeal. And whenever at such time a personnel department or a personnel board feels that they are so high, so mighty, so strong that a man can be denied his rights, the rights that we grant all Americans in America. Now this is the merits of this case and I urgently urge you to right a wrong because a wrong has certainly been committed.

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

Mr. DANTON: Mr. Speaker, Members of the House: I think it will be a sad state of affairs if we as a State Legislature adopted the attitude that a man having his day in court is an undesirable precedent.

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

Mr. BRAGDON: Mr. Speaker, perhaps I don't thoroughly understand this matter from the discussion that we have had, but I would like to pose a question to any of the honorable gentlemen

who have spoken in favor of it. By what method is any man being denied a right in court? For Heavens sake, are we going out and provide funds to pay for any man in the State of Maine the right to go into court? How are we denying this man the right?

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

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton, who requests permission to answer the question. Is there objections? The Chair hears none. The gentleman may proceed.

Mr. DANTON: Mr. Speaker, in answer to the gentleman from Perham, Mr. Bragdon. It seems that when the DED was organized the right of appeal from any decision from that department to a court was not spelled out in the law. And because of this technicality, the gentleman in question was required to retain attorneys to finally solve this question and have his day in court. For that reason, we allowed him this money to reimburse him for the expenditures that he had to make in order to have that right in court.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman in question this morning here is not asking for any compensation not directly connected with his case and not asking for compensation of any of the hardships that he has gone through for the last two and a half years. This was only something that happened here in the courts and we would like to see him receive justice in the courts.

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

Mr. BREWER: Mr. Speaker, from the debate here I gather that this is to give him a day in court and pay the legal fees, the attorney's fees, but in the

original bill when he asked for twenty-one thousand dollars included in that amount was the expenses incurred including legal fees. Now are we paying for legal fees that he has incurred, or are we paying him two thousand dollars so he can have his day in court? I submit this is a bad bill and I think that the Attorney General's office would agree with it. Thank you.

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

Mr. BRENNAN: Mr. Speaker, here we are just paying for expenses he incurred to prove or to show that he had a right to appeal from a Personnel Board decision. As the gentleman from Old Orchard Beach pointed out, in the enabling act under DED there was no provision for this appeal. Probably it was overlooked. That is all these expenses are for, this reimbursement is to pay the money it cost him to prove he had a right to go to court.

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

Mr. BREWER: Mr. Speaker, I would like to pose a question to the attorneys. Now if this was spelled out in the DED rules and regulations, would he still be entitled to compensation for legal fees?

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

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton, who requests permission to answer the question. Is there objection? The Chair hears none. The gentleman may proceed.

Mr. DANTON: Mr. Speaker, if it was spelt out to begin with he wouldn't have incurred the expenses.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Hampden, Mr. Littlefield, that this Resolve to Reimburse Raymond A. Cote of Augusta for Legal Expenses for Securing Right of Ap-

peal to Superior Court, Senate Paper 572, L. D. 1585, and its accompanying papers be indefinitely postponed. The gentleman from Old Town, Mr. Binnette, has requested that when the vote be taken that it be taken by a division. All those in favor of this Resolve and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, the Resolve was finally passed, signed by the Speaker and by unanimous consent sent forthwith to the Senate.

Orders of the Day

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

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

Tabled—May 27, by Mr. Bishop of Presque Isle.

Pending — Passage to be Engrossed, (Specially assigned for Friday, May 28th)

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

Mr. BISHOP: Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER: The gentleman may make his inquiry.

Mr. BISHOP: Mr. Speaker, if we were to reconsider our action whereby we accepted the majority report and were to then indefinitely postpone the bill, would a motion to accept the committee report "A" then be in order?

The SPEAKER: The motion to reconsider would be in order and I would suggest that on the report that we reconsider the motion whereby we accepted whatever report was accepted and then accept the other report.

Mr. BISHOP: Then I would like to make that motion.

The SPEAKER: The gentleman from Presque Isle, Mr. Bishop, now moves that we reconsider our action whereby this bill was passed to be engrossed. The report was accepted on May 25, which will require that the rules be suspended. Does the gentleman make that motion?

Mr. BISHOP: Yes.

The SPEAKER: The gentleman from Presque Isle, Mr. Bishop, now moves that the rules be suspended so we may reconsider our action whereby we accepted Committee Report "A". In order to reconsider our action whereby we accepted Committee Report "A" we must suspend the rules and a two-thirds vote is required to suspend the rules, and the motion is not debatable. All those in favor of suspending the rules will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Sixty-six having voted in the affirmative and forty in the negative, and sixty-six not being two-thirds of one hundred six, the motion to suspend the rules is lost.

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

Mr. LEVESQUE: Mr. Speaker, may I approach the rostrum please?

The SPEAKER: The House will be recessed for a moment.

After Recess

Thereupon, the Bill was passed to be engrossed, and by unanimous consent sent forthwith to the Senate.

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

SENATE DIVIDED REPORT—Majority (6)—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"—Minority (4) reporting same in New Draft (S. P. 561) (L. D. 1573) under title of "An Act Directing

Review of Governmental Immunity," and that it "Ought to pass" (C. "A" S-245)

Tabled—May 27, by Mr. Brennan of Portland.

Pending—Motion of Mr. Richardson of Cumberland to accept Minority Report in concurrence. (Specially assigned for Friday, May 28th)

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

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed and by unanimous consent sent forthwith to the Senate.

Order Out of Order

On motion of Mr. Bernard of Sanford, it was

ORDERED, that the Clerk's stuffed edition of man's best friend, "Butch", be finally given to its rightful owner, Andrea Elizabeth Plante, with the best of wishes from the House of Representatives;

AND BE IT FURTHER ORDERED, that the Assistant Clerk of the House be directed to send an attested copy of this Order to the new owner.

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

An Act relating to Definition of Hotel under Liquor Law. (H. P. 1063) (L. D. 1439) (H. "A" H-375)

Tabled—May 28, by Mr. Graham of Freeport.

Pending—Passage to be Enacted. (Assigned for later in Friday's session)

On motion of Mr. Graham of Freeport, the Bill and accompanying papers were indefinitely postponed.

By unanimous consent, sent forthwith to the Senate.

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

Resolve, Appropriating Moneys to Repair Runway of Rockland Airport. (H. P. 120) (L. D. 144) (S.

"B" S-238) (S. "A" S-240) (H. "B" to S. "A" H-404)

Tabled—May 28, by Mr. Levesque of Madawaska.

Pending—Adoption of Senate "A" as Amended by House "B" thereto. (Assigned for later in Friday's session)

On motion of Mr. Bishop of Presque Isle, tabled pending adoption of Senate Amendment "A" as amended by House Amendment "B" thereto and assigned for later in today's session.

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

Bill, "An Act Revising Laws relating to Search and Seizure." (H. P. 1151) (L. D. 1583)

Tabled—May 28, by Mr. Levesque of Madawaska.

Pending—Passage to be Engrossed.

On motion of Mr. Danton of Old Orchard Beach, retabled pending passage to be engrossed and assigned for later in today's session.

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

Bill, "An Act relating to Time of Payments of Benefits Under Employment Security Law." (H. P. 1092) (L. D. 1488)

Tabled—May 28, by Mr. Levesque of Madawaska.

Pending—Passage to be Engrossed.

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

Mr. BREWER: Mr. Speaker and Members of the House: I would like to make a few comments about this bill and possibly one prediction. At this time, I do not care to make a motion.

If you read this bill carefully, it proposes that if a person is out of work four weeks, he picks up that extra week as a bonus the first week he was unemployed, which under the law says that the first week is not paid for, and then from the second week to the twenty-six weeks he collects his unemployment. This takes away the incentive of any individual to look for work.

Now this bill here will be incorporated in the unemployment security law. Now the unemployment security law, the revisions that are before you, I agree with. I think they — some of the changes that are necessary, increased benefits and reduction of penalty clauses, I will wholeheartedly support.

Let's go back a few years when unemployment was first put into effect. We came to the war years, as the gentleman from Manchester, Mr. Gifford said, when unemployment was relatively nil, and the fund was relatively high, and after that, things crept into the unemployment law such as paying unemployment benefits for women that were having babies, people that were retired, and seasonal employees, and I submit to you that some of these things that crept into the law over the years was the reason why there was an overwhelming change in the 100th Legislature, and I will predict that if we fool around with bills of this nature that are going to be incorporated into the unemployment law that that is just what's going to happen again within a short time.

Now there are forty-six states in the union that have a waiting period of one week. Now this bill takes away the incentive for anyone to go out and look for a job because they are going to pick up that extra week as a bonus at the end of four. Now the Michigan law, which I would wholeheartedly support in this area, says that if you go out and get a job within four weeks then they will pay you that extra week that you were out of work. Now there is the incentive for an individual to really go out and try to get a job.

Now there has been an amendment placed on your desks, and I hesitate to make any motion on this bill until I see whether this amendment will be presented, and this is in line with the Michigan law which I could wholeheartedly support. Thank you.

Mr. Benson of Mechanic Falls then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1092, L. D. 1488, Bill, "An Act Relating to Time Payments of Benefits Under Employment Security Law."

Amend said Bill by striking out all of the 2nd paragraph and inserting in place thereof the following:

"To advance the purpose of this Act to compensate unemployed individuals for making an active search for work, benefits shall be paid for an individual's waiting period week, in accordance with the other provisions of this Act, if the individual has been laid off by his most recent employing unit and the individual has accepted and commenced suitable, full-time work with another employing unit within the first 4 calendar weeks following said lay off. For the purposes of this subsection, an individual shall be deemed to be engaged in full-time work if he has earned with such employing unit within any period of 7 consecutive days commencing within such 4-week period an amount equal to his most recently established weekly benefit rate. Except as provided in this subsection, no week shall be counted as a week of total or partial unemployment for the purpose of this subsection."

(On motion of Mr. Levesque of Madawaska, tabled pending the adoption of House Amendment "A" and assigned for later in today's session.)

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

Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate. (S. P. 539) (L. D. 1529) (H. "A" H-366)

Tabled—May 28, by Mr. Anderson of Orono.

Pending — Adoption of House Amendment "A".

Thereupon, House Amendment "A" was adopted on a viva voce vote.

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

Mr. STARBIRD: Mr. Speaker, I would like to inquire through the Chair of the gentleman from Cape Elizabeth, Mr. Berry, if he would explain part of this amendment. He told me that these would be at large districts, but the way it reads here that each district should have a median population of 30,000. This sounds to me like one-senator districts. Now I have no objection to this, but I know many people do, some would like to have at large districts, and if this could be clarified, I wish he would do it.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, has posed a question to the gentleman from Cape Elizabeth, Mr. Berry, who may answer if he so chooses.

Mr. BERRY: Mr. Speaker and Members of the House: This provides that the lines for the senatorial districts will be single districts, and will not be at large the way they are now, but will follow insofar as possible county lines.

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

Mr. STARBIRD: Mr. Speaker, this is true, but if each district has only 30,000 people, this surely would mean that some counties would have more than one district within them, and these would not be at large districts, would they? Would Mr. Berry clarify that please?

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, has posed a question again to the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker, Members of the House: There will be instances where the smallest counties will have their senatorial district go over the county lines. In order to follow the thirty thousand medium figure it is impossible for the smallest counties to do this, as we do at the present time. It has been necessary to do this in order to keep the members of the other body somewhere close to where they are now.

The SPEAKER: I don't believe the gentleman answered the question. Would the gentleman repeat his question again?

Mr. STARBIRD: Mr. Speaker, this matter is still not clear in my mind. I would request someone would table this until the next legislative day so I could clear this up.

Thereupon, on motion of Mr. Cottrell of Portland, tabled pending passage to be engrossed and assigned for later in today's session.

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

Bill, "An Act Creating the Investment of State Funds Law." (S. P. 555) (L. D. 1564) (S. "A" S-264)

Tabled—May 28, by Mr. Graham of Freeport.

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

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: While applauding the motives of this bill, I am still conscious of the fact that it is a hastily drawn bill, which to my way of thinking creates more problems than it solves and consequently I hope you will join with me in the indefinite postponement.

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

Mr. GRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of indefinite postponement. The opposition to this bill baffles me. Obviously with some one hundred million dollars of state funds to invest we need the investment council and a full time investment officer that this bill would provide.

The present, rather informal, way of handling the services with as few as two trustees of the State Retirement System deciding the investments and carrying them out is a curious and perhaps risky way to manage this huge fund.

L. D. 1564 which would take management of the retirement

funds out of the horse and buggy era and put it on a sound progressive basis with all investment decisions resting with a council of seven paid members. The present finance committee which handles the funds, are not paid and this is characteristic of the rather amateurish way in which the funds are handled.

One of the members of the proposed investment council would be the state treasurer who would have no vote except in case of a tie. An investment officer, upon recommendation of the council, would be appointed by the treasurer with the approval of the Governor. This full time investment officer, the present financial committee has none, would carry out the policies of the investment council acting only under their direction and their authority. This is a model setup for the management of retirement funds. What criticism we have heard in this House has been of the most trivial and irrelevant nature.

Three of the council members are to be representatives of the state fund with the largest total investment assets. We are asked, what if that fund should lose its predominant position? This seems hardly likely, at least in the near future, as the state retirement system has ninety-three percent of the funds involved. It could drop behind some other fund, but need we worry about that now?

Another criticism of the bill is that ten thousand dollars isn't enough money for a good investment officer. True, but there are some five thousand dollars more money available in the State Retirement System budget. Another of the bill's detractors referred darkly to the fact that the council would invest in Canadian securities. This provision is taken from the law regarding savings bank investments, a law highly commended by the same speaker. But the shrillest criticisms of this bill resulted from the provision that up to twenty percent of the state's funds could be invested in common stock. The word "speculation" was tossed around and what

this would do to the working man's money. To me, this seems the soundest, most sensible part of the bill.

We are living in an inflationary economy. The cost of living is going up. Common stocks are a hedge against inflation. Most pension funds, therefore, have an even higher percentage of stocks in their portfolios. The Province of Quebec is setting up a fund that will have a top of 30 percent in stocks rather than the 20 percent recommended in this bill.

The teachers insurance and annuity fund, a fund for American college professors, has in effect 50 percent, I say 50 percent of its money in common stocks. Conservative investment trusts have 80, 90, 95 percent in common stocks. This is sort of a pension fund that will keep pace with the cost of living. Stocks not only pay dividends, they increase in value. Bonds are more or less static. Thus in the Maine State Retirement Fund bonds have gone down some three million dollars in value and the stocks have gone up some three million dollars in value.

The composite yield of all common stocks on the New York Stock Exchange for the period 1926 to 1960 was 9.3 percent. Scaremongers talk about the stock market drop of 1960. It was completely wiped out by the end of 1963. Times have changed. All bonds are not safe and stocks are not necessarily speculative.

I bought a bond in 1923 for \$99; I had to sell it a few years later for \$13. In 1940 I bought some top grade stock at \$8; it is now selling at \$80. The opposition's attack on this feature of the bill is raising the stock allowance to make state funds allowed to take 20 percent instead of 10 percent of stocks in their portfolio. This silly criticism shows how weak the case against the bill is.

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

Mr. BERRY: Mr. Speaker, as many of us feel we're approaching the end of the session here debate on these matters is repetitious —

but when our arguments are called silly, weak and so forth, well, I think we do have to stand up and answer them. We've seen a rose slip through here this morning that had an odor about it that certainly wasn't a rose and I'm a little bit inclined to think here we've got a whole bunch of roses and it doesn't have much of a smell to it that smells like roses.

Let's call this political if we want to. Let's bring it right out in the open. Let's say that the majority party is pushing through here this morning, railroading if you will, a political appointment. I don't know why, I don't know who is involved, who will be the recipient of this \$10,000 position. But he must be an important man, ladies and gentlemen of the House, he indeed must be. Because what we are playing with here, in spite of what the gentleman from Freeport has said, is a very serious matter of trust funds. We are not administering here an investment account. We are administering actuarial funds which are placed here to guarantee that no less than a certain monthly paycheck shall reach our retired people.

This, I ask you, is this something to play politics with? The answer is in your own heart. I think no argument perhaps could change the vote if it's going to be on party lines, but if it is I think the record should show it. We have here a very grave responsibility. I am not moved by the arguments that we need this vital position which will pay \$10,000 a year, because there is presently available the money and the powers to create this position and to put a man in it, and if this is what needs to be done for a political payoff, do it, there's no argument there. But when we tie this with a trust fund and we jeopardize and we try to play the stock market and we throw aside all established principles of good sound investment, then we are on the wrong side ladies and gentlemen. I urge you, regardless of your party affiliation, please vote for the indefinite postponement of this. I would ask for a roll call, Mr. Speaker.

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

Mr. KENNEDY: Mr. Speaker, I too am very much opposed to speculation with monies that do not belong to us as individuals. This is a voluminous bill which is difficult for one with my background to absorb, but I do note that under 157 the qualifications that it states in the end "or shall he hold any office, position, or employment in any political party." Can we find suitable people to be members of the council who are registered as independents?

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: I think we are in an incongruous position here. One of the most important parts of the legislative program of the Maine State Employees Association, the Maine Municipal Association and the Maine Teachers Association has been a study of the entire retirement picture. One of the most serious aspects of this is that we are in the process of appropriating \$35,000 for a professional actuarial study of the entire picture; this is with the left hand. With the right hand we're dealing with 30,000 people now and if you include their families we are dealing with one of the largest segments of the population in the State of Maine. On the one hand we're saying fine, let us study this all important picture, and on the other hand we're saying let us prejudge it. Now this legislation was hastily drawn and after studying it I am absolutely confused as to who is the boss, who does the hiring and firing of this investment officer I say that we are preoccupied with speed. Let's kill this bill.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: In relationship to the suggestion by the gentleman from Milbridge, Mr. Kennedy, I would point out that in section 157 it merely says that the state investment officer shall not hold any

office, position or employment in any political party. It does not say that he may not belong to one. We are merely saying that he should not be the state treasurer if he belongs or happens to be the state treasurer for the party. This is the only thing that we are trying to prevent.

In relationship to the remarks made by the gentleman from Augusta, Mr. Katz, I would point out that in section 164 it says that the state investment officer is appointed to serve without term but may be removed from that office for cause upon notice and opportunity to be heard at a public hearing by the governor, if a majority of the investment council recommends his removal. Certainly this is the way to remove him.

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

Mr. GILBERT: Mr. Speaker, I would like to pose a question to any one who wishes to answer it. Now this bill apparently is replacing some method which you are now using. I would like to know how they handle it presently if anyone would tell us what we are replacing.

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

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

Mr. KATZ: Mr. Speaker, actually we are talking about ninety-three million dollars of the state retirement picture, which is long term investment, and this is administered by the trustees in the retirement program. But we are also talking about seven million dollars in state capital available for long term investment and we are talking about forty million dollars in state capital available for short term investments. So actually we are lumping together several different methods of investment.

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

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

I rise in opposition to the act creating the investment of state funds law. Its purpose is to streamline, modify and clarify the existing law for the investment of state funds.

In actuality, it confuses, complicates and sets us back in our intent. Under the current State Retirement System, Title 5, Chapter 101, Section 1031, we now have a board of trustees which consists of seven members which are chosen from various state offices having both their position and experience. The seven members currently are the Chairman of the State Personnel Board, the State Controller, the Bank Commissioner, the Treasurer of the State, a member of the Maine Teachers Association, an employee who represents the Maine State Employees Association and, finally, one person appointed by the Governor.

Under the Investment State Fund Law, the entire board will become a State Investment Council, and will be tacked on as a division of the Treasury Department. There will be eight members of the Investment Council. Six will be appointed by the Governor, having voting rights. The other two non-voting members will be a state-paid Investment Officer and the Treasurer of State, who will be chairman of the Investment Council with the right to vote in case of tie. Of the six members appointed by the Governor, three will be public members and the other three members will be selected from the representatives of state funds. There will be no representative from those funds which have lesser amounts of investment assets. This will place the funds at the disposal of representatives of the larger state funds and preclude the smaller funds representatives from any voice as to where their funds shall be invested or held.

Under Section 155, the Investment Council requires that there be four for a quorum. No mention is made whether it is four of the voting members or four of the entire membership. In the absence of a positive direction, it would appear that a quorum would rep-

resent four out of the voting and non-voting members. That would mean a quorum would be had where two voting members and officers, the State Investment Officer and the Treasurer appeared for a meeting. The section further provides that action may be taken by a majority. As a hypothetical example: One voting member votes "No" and other voting member votes "Yes", it would now be a tie and the Chairman Treasurer would have the right to vote because of the tie. Based on a vote of three members, there is a possibility that a hundred million dollars may be invested in a variety of state bonds or other investments which I will refer to later.

Under Section 157, it is provided that a member of the Investment Council shall not benefit directly, or indirectly, from any transaction made by the State Investment Officer. If this is carried through to its literal intent, the three members of the Investment Council, who are representatives of state funds, will be benefiting directly, or indirectly, by transactions made by the State Investment Officer. This certainly would be most inconsistent with the intent of this section and should therefore, be further clarified.

Under Section 160, the members of the Investment Council are to receive \$20.00 per day for each meeting attended, and are also entitled to be reimbursed for the necessary expenses incurred in the performance of their duties as approved by the Investment Council. This is a departure from the Title 5, Chapter 101 of Section 1031, Sub-Division 2 which provides that the trustees serve without compensation. Also, since it is stipulated that members receive \$20.00 per day for meetings attended and Section 171 requires that the Investment Council meet once a month, the minimum cost for compensation per month will be \$160.00. This is the minimum cost. Of course, this automatically will give the Treasurer an increase in salary per month and will give the State Investment Officer an additional \$20.00 per meeting plus necessary expenses. This

is in addition to the minimum and it is only a minimum of ten thousand dollars that the State Investment Officer must be paid under Section 162. There is no maximum. And if the Investment Council so chooses to pay him ninety thousand dollars a year for a job well done, it is conceivable that he could receive ninety thousand dollars a year for a job well done.

Ladies and gentlemen of this House, I submit, is all this necessary?

Under Section 166, it is provided that the State Investment Officer shall appoint all employees of the division subject to the Personnel Law. And, in addition, to funds appropriated in the law, in the amount of approximately twenty-one thousand dollars, the monies necessary for the appointment of employees shall be allocated from the appropriations to the various funds and shall be billed to the funds on a pro-rata basis. This is a rubber stamp for an allocation of money. We have no idea how much money will actually be allocated or the number of employees that will be hired as part of the staff. This section should be spelled out with greater clarity and be remitted in financial documents to a specific sum or a maximum sum.

Under Section 172, the Treasurer of State, with the approval of the Commissioner of Finance and Administration and the Investment Council is authorized to make compromises, adjustments or dispositions of past-due interest or principal as are in default or to make compromises or adjustments as to future payments of interest or principal as deemed advisable for the purpose of protecting the funds invested. We are asked now to ratify, or confirm, these adjustments or compromises.

I submit, shall we, today, ratify and confirm compromises or adjustments that will be made with peoples' trust funds in the future? Will the attorneys here inform me as to the legality of this? Can we make a contract in the future where we have no knowledge of the subject matter? I am not an attorney, but it just does not appear proper to me.

Under Sections 173-174, the categories for investment are greatly broadened. Not only can we invest in bonds and stocks and notes in subdivisions of other states, we are also given authority for the state funds to be invested in the sunny island of Puerto Rico and in the neighboring country of Canada. I ask, is it wise that the Investment Council have the right to invest more than a hundred million dollars in a foreign country, especially at a time when the President of the United States sits down to the dinner table to have dinner and orders that only domestic wine be served so that the United States of America should not drain the flow of American dollars to foreign wine makers?

This economy measure by the President of the United States is being done to save \$1.50 on a bottle of wine. Shall we permit the possibility of one hundred million dollars being invested outside of the United States and increase a severe drain on the American gold which is currently flowing out of the country and creating a serious imbalance? Would it not be better in the first instance, to invest the money in the United States of America so as to provide jobs through investment and industry; or, in the absence of such investment, to invest these funds in other states of the Union which help the welfare of our country and keep our nation economically sound?

Under Section 175, we ask that any investments shall be made with the exercise of that degree of judgment and care with men of prudence, discretion and intelligence exercise in the management of their own affairs. Ladies and gentlemen, I submit that the standard of care must be greater. These men of fiduciaries, in a position of trust with trust funds, shall exercise care, greater than that standard they would use in their own affairs, because their responsibility is not just to themselves; their responsibility is to the funds of the poor people of the State of Maine.

Under Section 183, there is a requirement that a monthly report be furnished fifteen days after the

close of the month. Each report deals with a summary of investments, purchases, sales and transactions. There is no requirement that a record be kept of all proceedings which is available and open to public inspection. The reason for this type of omission can only be explained because this entire law is not a well-thought out, planned, concrete proposal dealing with such an important subject matter. It apparently must have been pasted together in some back room with cut-out paragraphs. I say, "Let there be light"! Defeat this measure! All the good which the 102nd Legislature has accomplished at this session can be cast aside with this extremely harmful, regressive legislation.

I could talk a long time on this. In the closing days of this session, don't, don't leave a sour taste in all the poor peoples' mouths. Don't let them point to us and say the 102nd, you, you are the cause of this catastrophe.

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

Mr. ROSS: Mr. Speaker, I would like to take issue with the gentleman from Freeport, Mr. Graham, on one statement. He says stocks go up. It will be a year next month since somebody paid me a debt that I didn't expect to collect so I invested it on the advice of an investment counselor on a common stock in an A-1 insurance company, I paid forty-three dollars a share for it, but before the ink got dry on my check it dropped seven points and it has never gone up since.

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

Mr. SULLIVAN: Mr. Speaker, Members of the House: I note in this bill that there are going to be three public members of that board. Now if those three public members, and I assume they will be, are selected from individuals who know finances and investments inside and out and across the board, supposing those three public members are men of the type of the President of Union Mutual, Carleton Lane, or men of

that type, I don't see what anyone has to fear and it appears to me that men of that type, they are going to protect the public's money that my friend from Biddeford is seemingly so afraid of. I am for this bill and I suggest that it go through.

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

Mr. BERNARD: Mr. Speaker, Members of the House: Last week I voted on this bill one day one way and then on the following day I voted the other way. So I finally got to myself and said look, what are you voting on? So, I went home last weekend and I studied this bill very thoroughly. I arrived here this morning an hour and a half earlier to study it again and go through it with the departments. I concur highly with Mr. Plato Truman of Biddeford that this is not a good bill.

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

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that this is a poorly written bill. Now when the Treasurer can only vote in the case of a tie, now with only four appointed members of the board, please note this is an even number of people appointed to the board, and I know of no board with an even number to decide any issue. It is possible for any two members to disagree and then the Treasurer breaks the tie. It is also possible that any two members of the board plus the Treasurer could control this ninety-three million dollar fund. Under the present system, I should like to point out that the services are nationally known, Standard & Poor Corporation are employed for investment recommendations to the present board. I would support a study of a committee to look into the parts of this bill which I favor; otherwise I will vote for the indefinite postponement motion.

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

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

House: This bill would clear up the present situation which is confused and in the hands of very few people. At the present time as few as two members of the board make a decision. This would create a board of seven for the Treasurer voting in case of a tie. Much of the talk here today has been, it seems to me, to confuse the issue and panic this House. This is a simple straightforward bill. It has a model in the Intergovernment Committee for such bills and it clears up the fog that overhangs the fund right now. For instance, Section 181 says, "Records of investments. The Division of Investments shall keep, for each fund for which investments are made, a separate account, to be designated by name and number, which shall record the individual amounts and the totals of all investments belonging to such fund . . ."

"The Division of Investments shall report monthly to each and every interested state official or agency the changes in investments made during the preceding month for their respective fund or funds, . . ." and so on. I therefore urge you to defeat the present motion.

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

Mr. JALBERT: Mr. Speaker, Members of the House: On page 7, item 15, there is before us on the table by the gentleman from Madawaska, Mr. Levesque, a joint order, which passed the other branch, that would call for a legislative research study of the Maine State Retirement System and in the order it states that it would call for the hiring of an actuary. Further than that, the word gets to me that the board of trustees of the Maine State Retirement System have already in the minutes of their meeting voted unanimously to hire an investment officer. That being the case, it might be well if we — admitting that we might have gone at a too fast a pace, but I think that being the case it might be well if we did wait until we see the results of the research committee action and also the result of the study by the investment officer made

by the Maine State Retirement System Board of Trustees.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Augusta, Mr. Katz, that this Bill and its accompanying papers be indefinitely postponed. The gentleman from Cape Elizabeth, Mr. Berry, has requested that when the vote is taken that 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 Augusta, Mr. Katz, that this Bill, "An Act Creating the Investment of State Funds Law," Senate Paper 555, L. D. 1564, and its accompanying papers be indefinitely postponed. If you are in favor of this bill and 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 you answer you will either answer nay or no. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Ellsworth; Avery, Baker, Winthrop; Benson, Southwest Harbor; Berman, Bernard, Berry, Birt, Boissonneau, Bragdon, Brewer, Buck, Burwell, Carter, Cottrell, Cressey, Curran, Cushing, Danton, Davis, Drigotas, Dunn, Evans, Farrington, Gifford, Gilbert, Gillan, Hammond, Hanson, Gardiner; Harriman, Harvey, Windham; Hawes, Hawkes, Haynes, Huber, Hunter, Clinton; Jalbert, Jewell, Katz, Kennedy, Kilroy, Kittredge, Knight, Lang, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, Meisner, Millay, Mosher, Nadeau, Norton, Palmer, Payson, Peaslee, Pendergast, Pike, Prince, Rackliff, Richardson, Cumberland;

Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Sahagian, Scott, Storm, Susi, Truman, Waltz, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

NAY — Anderson, Orono; Baldic, Beane, Bedard, Benson, Mechanic Falls; Binnette, Bishop, Bourgoin, Bradstreet, Brennan, Bussiere, Carroll, Champagne, Conley, Cote, Crommett, D'Alfonso, Dostie, Doyle, Drouin, Dudley, Dumont, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Glazier, Graham, Harvey, Bangor; Harvey, Woolwich; Haugen, Hunter, Durham; Jordan, Keyte, Loberge, Lane, Lebel, Lent, Levesque, Lowery, Martin, McKinnon, Mills, Mitchell, Pitts, Poulin, Roy, Ruby, Sawyer, Searles, Starbird, Sullivan, Wheeler, Whittier, Wuori.

ABSENT — Baker, Orrington; Blouin, Carswell, Cookson, Crosby, Dickinson, Edwards, Erwin, Hanson, Lebanon; Healy, Hoy, Stoutamy, Ward.

Yes, 78; No, 59; Absent, 13.

The SPEAKER: The Chair will announce the vote. Seventy-eight having voted in the affirmative, fifty-nine having voted in the negative, and thirteen being absent, the motion to indefinitely postpone prevails.

Thereupon, by unanimous consent, sent forthwith to the Senate.

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

Mr. LEVESQUE: Mr. Speaker, I move that we recess until 1:30. (Off Record Remarks)

Thereupon, the House recessed until one-thirty o'clock in the afternoon.

After Recess

1:30 P.M.

The House was called to order by the Speaker.

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

Mrs. RUBY: Mr. Speaker, I move that the gentlemen be al-

lowed to remove their jackets for the rest of the day.

The SPEAKER: The gentleman from Bangor, Mrs. Ruby, moves that the gentlemen be allowed to remove their jackets for the remainder of the day. Is this the pleasure of the House?

The motion prevailed.

Orders Out of Order

Mr. Lowery of Brunswick presented the following Order and moved its passage:

WHEREAS, Joseph P. Vaughan, a teacher-coach at Brunswick High School, has been named Maine's outstanding Biology Teacher of the year, and

WHEREAS, the annual award is sponsored by the National Association of Biology Teachers, and

WHEREAS, Mr. Vaughan has won several summer fellowships or awards including National Science Foundation grants to Penn. State, the Southwestern Research Station of the American Museum of Natural History in Portal, Arizona, and to a marine biology institute at Bowdoin College in 1962,

BE IT ORDERED, that the House of Representatives extend congratulations to Mr. Joseph P. Vaughan for his achievements in the field of Biology, and

BE IT FURTHER ORDERED, that the Clerk of the House is directed to send an attested copy of this Order to Mr. Joseph P. Vaughan.

The Order received passage.

Mr. Fraser of Mexico presented the following Order and moved its passage:

WHEREAS, Miss Clare Griffith of Rumford, is retiring after 50 years of dedicated service as a teacher in the schools of Maine, and

WHEREAS, Miss Griffith has served 45 years as a member of the Rumford School Department, and

WHEREAS, Miss Griffith has served 30 of the 45 years as Principal of the Chisholm School,

BE IT ORDERED, that the House of Representatives extend congratulations to Miss Griffith for her successful career in the field of education, and

BE IT FURTHER ORDERED, that the Clerk of the House is directed to send an attested copy of this Order to the above named party.

The Order received passage.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Payment by Dealers to Producers for Milk Purchased," House Paper 1037, L. D. 1408, the Speaker appointed the following Conferees on the part of the House:

Messrs. HUNTER of Durham
POULIN of Skowhegan
GILBERT of Turner

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Use of Purse Seines in Taking Herring from Certain Waters," House Paper 450, L. D. 714, the Speaker appointed the following Conferees on the part of the House:

Messrs. PRINCE of Harpswell
RICHARDSON
of Stonington
PENDERGAST
of Kennebunkport

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

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)

Tabled—May 28, by Mr. Anderson of Orono.

Pending—Passage to be Enacted.

On motion of Mr. Anderson of Orono, the House voted to suspend the rules and to reconsider its action whereby this bill was passed to be engrossed on May 26.

Thereupon, the same gentleman offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 568, L. D. 1581, 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."

Amend said Bill, in section 3, by striking out all of the last sentence and inserting in place thereof the following: 'The Treasurer of State is authorized to invest the proceeds of the sale of the bonds during the period when the proceeds are not needed for the purposes set forth in this Act and the interest therefrom shall not be paid into the General Fund. Any unencumbered balances remaining at the completion of the projects listed in section 6 shall lapse to the debt service account established for the retirement of these bonds.'

Further amend said Bill, in section 6, by adding at the end thereof, a new paragraph, as follows:

'The amounts listed after each unit in this section are to be construed as guides and any one or more amounts may be exceeded, with the approval of the Governor and Council, as long as the total expenditures of state moneys do not exceed the total amount of the bond issue and construction or repairs on each unit is performed as nearly as possible to that contemplated.'

House Amendment "A" was adopted, the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence. By unanimous consent, sent forthwith.

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

An Act Conferring Upon Others the Powers now vested in the Executive Council. (H. P. 1136) (L. D. 1555)

Tabled—May 28, by Mr. Berry of Cape Elizabeth.

Pending—Passage to be Enacted.

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

Mr. BERMAN: Mr. Speaker, Members of the House: Being practical, I feel that extensive debate on this very voluminous bill will probably not change a single vote. So I will try to be brief. This bill in new draft will probably be decided on political grounds, so there seems little point in going over it in detail. But I did spend a great deal of time going over the original

eighty page document and I discussed this matter in considerable detail before the Committee on State Government. Because we are at the eleventh hour, so to speak, there is one feature I would like this House to consider out of courtesy, and I would direct your attention to page sixty of the new draft, legislative document 1555. As this bill is presently written and beginning on the first Wednesday of January, 1967, the Secretary of State shall on application by Maine members of the United States Senate and the United States House of Representatives, the members of the Legislature and the representatives of the Indian Tribes, the President of the Senate, the Speaker of the House, the Secretary of the Senate and the Clerk of the House issue to these people specially designed number plates.

Now, ladies and gentlemen, I think we had a bill before us this session to give special plates to the United States Attorney and his Assistant and while I for one have never used my own plates, I would suggest that as long as we have the Executive Councillors we should extend them the courtesy of the number plates. So I would hope that someone from the Majority Party might make the appropriate moves so that this House could take the necessary steps to have this courtesy extended to our Council.

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

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

Bill "An Act Revising Certain Laws Under the Workmen's Compensation Law." (H. P. 1147) (L. D. 1571) (H. "A" H-401)

Tabled—May 28, by Mr. Levesque of Madawaska.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and by unanimous consent sent forthwith to the Senate.

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

An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies. (H. P. 1130) (L. D. 1545) (S. "A" S-258) (H "A" H-344) (H. "B" H-345)

Tabled—May 28, by Mr. Conley of Portland.

Pending—Passage to be Enacted.

On motion of Mr. Libhart of Brewer, the House voted to suspend the rules and to reconsider its action whereby this bill was passed to be engrossed as amended on May 25.

Thereupon, the same gentleman offered House Amendment "D" and moved its adoption.

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

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

Amend said Bill in that part designated "§ 3802." by inserting after subsection 10, a new subsection, as follows:

"11. Private business. Private guard or plant protection departments of any private business."

Further amend said Bill in the last paragraph of that part designated "§ 3804." by striking out in the 3rd, 6th, 10th and 14th lines the underlined word "wrongdoing" and inserting in place thereof the underlined words 'misconduct in the performance of his duties'; and by inserting after the underlined word "surety" in the 18th line the underlined words 'and the aggregate liability of the surety on any such bond shall not exceed the penal sum thereof'

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

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

Mr. LIBHART: Mr. Speaker, this is simply indicating that this attempts to get the language of the bill in shape so that the insurance companies can issue the surety type bond and the liability type of insurance on more firm

grounds so to speak. The original language made it difficult to know just exactly what kind of insurance that the bill required and this language now makes it perfectly clear what kind of insurance is required and makes it possible to procure this type of insurance.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Brewer, Mr. Libhart, that we adopt House Amendment "D". Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "A", House Amendments "A", "B" and "D" in non-concurrence and sent up for concurrence. By unanimous consent sent forthwith.

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

Bill, "An Act relating to Sweepstakes Races and Allocating Proceeds for Educational Purposes." (H. P. 102) (L. D. 110) (S. "A" S-252)

Tabled—May 28, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Dumont of Augusta to recede and concur.

(In the Senate, Engrossed as Amended by Senate Amendment "A")

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

Mr. LENT: Mr. Speaker, Ladies and Gentlemen: I move that we recede from our former position.

The SPEAKER: Does the gentleman from Augusta, Mr. Dumont, withdraw his motion to recede and concur?

Mr. DUMONT: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Augusta, Mr. Dumont, withdraws his motion to recede and concur. The question before the House now is the motion of the gentleman from Scarborough, Mr. Lent, that we recede from our former action. Is this the pleasure of the House?

The motion prevailed.

Thereupon, Mr. Lent of Scarborough offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to H. P. 102, L. D. 110, Bill, "An Act Relating to Sweepstakes Races and Allocating Proceeds for Educational Purposes."

Amend said Bill by striking out all of the last underlined sentence of that part designated "§678." and inserting in place thereof the following:

"Tickets for such sweepstakes shall be sold by the commission. Such sales to be made at any premises licensed under either chapter 11 or chapter 13 and in state liquor stores."

Further amend said Bill by adding at the end, the following Referendum:

'Referendum for ratification. The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general or special state-wide election to give in their votes upon the acceptance or rejection of the foregoing Act, and the question shall be:

"Shall 'An Act Relating to Sweepstakes Races and Allocating Proceeds for Education Purposes,' passed by the 102nd Legislature, be accepted?"

The inhabitants of said cities, towns and plantations shall vote by ballot on said question and shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall count the same, and

if it shall appear that a majority of the inhabitants voting on the question are in favor of the Act, the Governor shall forthwith make known the fact by his proclamation, and the Act shall become effective in 30 days after the date of said proclamation.

Secretary of State shall prepare ballots. The Secretary of State shall prepare and furnish to the several cities, towns, and plantations ballots and blank returns in conformity with the foregoing Act, accompanied by a copy thereof.

The SPEAKER: The question before the House is on the adoption of House Amendment "C". The gentleman may proceed.

Mr. LENT: Mr. Speaker, Ladies and Gentlemen: Well, the purpose of this amendment was to improve the bill somewhat. There was objection to it, we know, in spite of the tie vote here last Thursday and we feel that as it is now written, it will go before the people this fall at referendum, which I am sure you all agree is a very fair approach to any problem. In addition to that, to our good friends that are loyal to the harness sport in the State of Maine, we also urge that they be permitted to put in ticket dispensing machines so that they too can participate in the added activity and revenue.

The SPEAKER: Is the House ready for the question? The question before the House is on the adoption of House Amendment "C". Is it the pleasure of the House that House Amendment "C" be adopted?

The motion prevailed.

Mr. Susi of Pittsfield offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 102, L. D. 110, Bill, "An Act Relating to Sweepstakes Races and Allocating Proceeds for Educational Purposes."

Amend said Bill by striking out all of that part designated "§ 678." and inserting in place thereof the following:

§ 678. Authorization

The commission is authorized to contract with any licensee to conduct within the enclosure of any race track or race tracks of a licensee or licensees, where there are held races or race meets licensed and conducted under chapter 11, and said licensees shall be subject to section 271. The commission is given authority to conduct such sweepstakes races as the commission deems necessary to implement the purposes of this chapter. Tickets for such sweepstakes shall be sold by the commission, such sales to be made within the enclosures of any pari-mutuel race tracks operating in Maine, as the commission deems advisable and in state liquor stores, subject to sections 681 and 682.'

Further amend said Bill by adding at the end of the first paragraph of that part designated "§ 679" the following underlined sentence:

'Eligibility to these sweepstakes races will be limited to horses owned by residents of the State of Maine.'

The SPEAKER: The question before the House is on the adoption of House Amendment "B". The gentleman may proceed.

Mr. SUSI: Mr. Speaker, this amendment briefly provides that only Maine horses will be eligible to participate in the sweepstakes races and Maine horses are harness horses. The proponents of this bill, as it is written, may believe that only running horses can determine the winner of a sweepstakes. This—winning tickets in a sweepstakes can be determined just as surely and as readily by horses wearing harnesses as by horses with a saddle on their back. Now, yesterday, the gentleman from Harrison, Mr. Pitts, had this sheet passed out to you which gives you some of the information on the part that harness racing plays in the State of Maine. I would like to work a little on that.

Maine has now some two thousand harness horses that are owned and trained and driven by Maine people. These horses, all of their equipment, supplies, are bought here in Maine and there is quite

a contribution to our economy, according to the best records we have, approximately ten million dollar annual contribution to Maine's economy. In 1964, there were nine hundred and thirty-seven licensed owners, trainers and drivers of harness horses in Maine and we can only imagine how many amateur harness people there are who do not license. Against that there are some sixty running people. We have eighteen harness tracks in Maine, owned, supported and managed by Maine people. Many of you here today, I know, are involved in one way or another with your local fairs, which through the years have been supported by harness racing people.

In contrast there is one running track which is officiated at by out-of-state personnel, for the simple reason that we do not have here in Maine the people who are knowledgeable in flat racing who can fill these jobs. Last year for thirty-six weeks racing, the Maine Harness horses received a total of about seven hundred thousand dollars in purses. In comparison, the two hundred thousand dollar purse provided for in this L. D. 110 equals nearly one-third of a total year's purses as received by the harness people. Out-of-state runners came into Maine for a seven week meet last year and went out with purses way in excess of those given our own people, which is evidence of the need for support for our local people who are again getting skim milk while out-of-state people come up here for a short meet and walk off with the cream.

Now in the face of these facts we would, with this bill L. D. 110 as written, allow probably about a dozen out-of-state runners to come into our state for one or not more than two races and that same night leave with some two hundred thousand dollars of our Maine money down across the Kittery Bridge, which would be forever gone. Now, I don't think we have that kind of money up here in Maine that we can continue to enrich out of state interests while we leave our Maine people to scratch around for leavings. Now

my amendment as submitted would provide that the racing would be done by Maine horses and only Maine horses, at as many of our Maine tracks as our commission would see fit under this bill.

Now harness racing is completely interwoven throughout the history of Maine. I would like to take time now to trace harness racing for a couple of hundred years through Maine's history, but it is the wrong time of year to go into long discourses on history. I will spare you this agony. But this sport, which was kept alive in Maine when nearly all other states in the Union had abandoned it with the advent of the automobile, and this sport which now has grown to become one of the fastest growing spectator sports if not the fastest growing spectator sport in America, can again be boosted here at what we might call its birthplace, in Maine. If we had two hundred thousand dollars available to us here today to promote a food product, we wouldn't likely promote caviar for all its good qualities, because basically caviar isn't of or for or by Maine or Maine people. We would probably allocate that fund to promotion of lobsters, which is Maine. It is State of Maine, it is produced by State of Maine people, it benefits Maine.

Now harness racing is in the same category and I believe that we should adopt this amendment and by so doing promote the welfare of Maine and Maine people all over. So now, Mr. Speaker, I move the adoption of House Amendment "B," request a division and sincerely request your support on behalf of my amendment. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Pittsfield, Mr. Susi, that House Amendment "B" be adopted.

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

Mr. LENT: Mr. Speaker, I too would like to comment on the proposed House Amendment "B." I have the greatest respect for Maine harness people and their horses, but this is something en-

tirely different than a little local promotion. The Kentucky Derby doesn't restrict their entries to Kentucky horses. The winner a year ago came down from Canada. In late years we have had three Kentucky Derby winners from California. When you get into this type of promotion, you have got to bring in the best. We have it here at Rockingham, our neighbor. He, Lou Smith who controls Rockingham Park, races both trotters and runners, but when he was looking for a lead attraction, something to base an attractive sweepstakes program he didn't go to the trotters, he went to the runners.

So, we can have something in the state comparable to the Preakness, the Kentucky Derby that will bring in not necessarily local people, but a lot of out-of-state people. Thank you.

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

Mr. BERNARD: Mr. Speaker, Members of the House: I think that it's ridiculous to come in with this sweepstakes bill and have a gentleman put in the harness racing attached to it. Now we are trying to copy the New Hampshire bill and this is what we want to do. Now if the gentleman wants to hold the thing up and acting fair, about five miles from Sanford with the grandstand would hold about three hundred people maybe it would be a good thing. But we are in this for the money we are going to make out of it. We are not in this for the fun. I move that this amendment be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Sanford, Mr. Bernard, that House Amendment "B" be indefinitely postponed.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I doubt that we ever here in Maine are going to upset the Kentucky Derby. Now it's well established, and let's leave the Kentucky

Derby for Kentucky and stick to something that we know and love here in Maine, harness racing. If we start here in Maine a harness derby then I think we have a real opportunity to promote our state in a fast growing sport. I don't think that we have to bring in the New York millionaires to make them richer. We have some two thousand good, honest Maine people who have good, honest Maine horses who are anxious to race. Some of the finest horses in the nation are owned by Maine people. They can't afford to race them here now, because we haven't had the benefit of good purses. Let's give them a chance to come back home and show them what they can do back here.

I hope that you will vote along with me for this amendment, thank you.

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

Mr. PEASLEE: Mr. Speaker and Ladies and Gentlemen of the House: You have all received a copy of this thing, but I thought I might read it to you in the event you hadn't had a chance to read it. From 1953 to 1964, seventeen harness tracks received through Scarborough Downs the sum of \$760,251. This money has greatly benefited these tracks and has made it possible for them to have better harness racing. Scarborough Downs has been a strong supporter for the Maine Agricultural Fairs. The above report proves it.

In 1965, the State of Maine will receive from Scarborough Downs over \$700,000 in the sixty-nine days of racing. This year through Scarborough Downs the Maine Agricultural Fairs will receive over \$100,000. During its racing season, Scarborough Downs will spend in the State of Maine over \$931,000. Scarborough Downs employs four hundred and fifty persons. Ninety-five percent of them are from the State of Maine. Scarborough Downs can accommodate ten thousand patrons with all the necessary facilities. I hope that you will support the motion to in-

definitely postpone this amendment.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Sanford, Mr. Bernard, that House Amendment "B" be indefinitely postponed. All those in favor of House Amendment "B" being indefinitely postponed will say aye; all those opposed will say nay.

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

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

Thereupon, House Amendment "B" was adopted.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: I move that this bill and all of its accompanying papers be indefinitely postponed and I would speak to the motion.

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 gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that you have discussed this among yourselves and with representatives of the group that are interested in proposing this and I am quite sure that I am not going to change your mind, but I would like to go on record in opposition to this bill and I would like to tell you very briefly why I am opposed to it. First of all the proponents say that we can get somewhere, and I have heard varying figures, between a million and two and a half million dollars a year. I submit to you that this is based on rather questionable logic, particularly in view of the fact that I believe in the New Hampshire sweepstakes it was estimated that six hundred thousand dollars gross came from Maine bettors. I suggest to you that even if we do get two and a half million dollars as

a consequence of running this lottery, this will be only a drop in the bucket compared to the broad base of educational needs that we must solve.

I think that this bill falls far short of meeting those needs. I'm not opposed to this bill on moral or religious grounds but I do disagree rather strongly with my seatmate and friend the gentleman from Falmouth, Mr. Payson, who the other day suggested that a lottery was a reasonable substitute for broad base taxation effort. I am very very much opposed to the concept of an individual income tax but I would much rather see an income tax than this sort of gimmick, sucker financing, which is designed to attempt to replace a broad base tax. It is the responsibility of all of us, not just those who are inclined to gamble, to support our state institutions and to support state programs which must be supported if we are to survive.

I was very much impressed with the remarks by the gentleman from Portland, Mr. Cottrell, talking about the histories of lotteries, the vices that lotteries have encouraged and how they have eventually fallen into disrepute and finally been abandoned. I think that this state would be taking an action contrary to its entire history if it enacted a lottery as a substitute for tax effort by all the people.

I'm opposed to this bill because it encourages those who can possibly or probably least afford it, to gamble. I'm not opposed to gambling, but when we tie the future of the State of Maine to a gambling proposition I'm against it and always will be. And finally I'm opposed to this bill because it encourages the something for nothing complex and as was pointed out by the gentleman from Lubec, Mr. Pike, this bill is a poor gamble at best. I urge you to vote for the indefinite postponement of this bill and its accompanying papers and move on to more responsible legislation.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I don't know about the rest of the legislature but before I vote on this I would like to know from somebody on the floor, where is this race going to take place and where are the horses going to come from?

The SPEAKER: The gentleman from Sanford, Mr. Bernard, poses a question to any member of the House and any Member of the House may answer if he so desires. The Chair recognizes the gentleman from Augusta, Mr. Dumont.

Mr. DUMONT: Mr. Speaker, in answer to the gentleman's question, the original intent of the bill was to have this run at Scarborough but the amendment presented by Mr. Susi would include the harness racing.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: I would like to make a few comments from an article that one of all the leading Republicans, not just in the State of Maine but in the entire nation. The name is Claire Booth Luce, and in addition to being a good statesmanlike woman she is an unusually good business woman. There are approximately fifty billion dollars that is gambled in this country every year and what organization gets the most of it, well I don't know whether I can pronounce it correctly or not, I'd have to have that Democrat that's in favor of milk, the Cosa Nostra gets most of that.

Now people are going to gamble in various forms and I'm quite sure that that very learned attorney Representative Richardson, and I'm sure that he takes a chance in one form or another, and when most of the leading civilized nations in the world are using lotteries in one form or another, and the reason that lotteries were finally stopped was because private individuals with fixed lotteries were operating.

Now when the gentleman also refers to two and a half or three million dollars as if it was about

three cents, we need that two and a half or three million dollars here in the State of Maine. In fact this lady recommends, Claire Booth Luce, a national lottery and in my opinion if this so-called sweepstakes bill goes through, and I believe it will go through, eventually you'll probably have a national lottery. She ends up and says "I feel that the government," and when she speaks of government I presume she also means not only the national government but any government in any of the states. "I feel that the government could endorse carefully, well regulated lotteries." These of course could be managed and controlled by scrupulously selected officials as they did in New Hampshire, and this so-called sweepstakes bill in the State of Maine is going to be run clean and honestly so that all the choice is, shall we get that two and a half million or shall we not? And we certainly can use two and a half million dollars or more for educational purposes and other things that are needed in the State of Maine. And I might add that I will remember that Mr. Richardson is in favor of an income tax in the State of Maine, I'm glad to hear that because at the next session I'll expect him to get up and advocate it. Thank you.

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

Mr. LANE: Mr. Speaker and Ladies and Gentlemen of the House: I was against this bill three months ago and I'm still against this bill. If anybody had told me last week that this bill was going to get sixty-seven votes I wouldn't believe them, but I saw it on record.

People are trying to connect this bill with education today, they say the money is going to go toward education. I've talked to people who are connected with the Education Department and I've talked to educators. They don't want any part of it. And who's going to pay for these tickets, who's going to buy ninety-five percent of these tickets? They are the

people that are going to the liquor stores almost every day, every other day. Any man that's got money goes into the liquor store maybe once a month or once every six months and buys a few bottles of liquor and he's got it home, but the same people that can't keep liquor overnight they are going to go to the liquor store and they are going to buy tickets every day and every other day, and who is going to suffer by it? Their poor children. Every time you take away three dollars from a family that is working for a living, you're depriving their child from something. Either a pair of shoes or bread and butter. If you people want to get money that way, just make the poor children suffer and make the poor people pay for the bills, go ahead and vote for it, my conscience would bother me to vote for a bill like this.

And another thing is they say New Hampshire has this bill. Believe you me, ladies and gentlemen, if New Hampshire would have their way they would get rid of this bill today. And I don't believe and I don't think it's fair for us legislators to pass legislation that is going to affect just people that can't afford to pay for this. You want money, we need money, let's get it, let's get money, let's make the people that can afford it pay.

If you had an income tax, I always said and I always believed nobody's going to change my mind, it should be the ability to pay. If a man is making \$20,000 to your \$15,000 or \$10,000 let him pay according to, but don't try to take away money from people that are only making \$2,500 or \$3,000 a year. Then the same man will go in a liquor store and buy two or three tickets and he'll come home and his wife will tell him, what did you do with the money? Oh, I spent it on tickets. She'll start hollering at him and he'll say don't holler, don't holler, it's gone for a good cause, it's gone toward education, that's the excuse they're going to have and they're going to buy all kinds

of tickets, and I hope the motion to indefinitely postpone prevails.

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

Mr. POULIN: Mr. Speaker and Ladies and Gentlemen of the House: Something seems to be wrong here. We are talking about the people that can't afford to bet, we want to protect those people. But if you will go to your race-tracks and check the number of two dollar tickets sold in comparison with ten dollar tickets you'll find a majority of those are the so-called people that can't afford to spend the money. They're giving it to the race track boys, they aren't complaining about it.

This lottery or so-called sweepstakes doesn't give them any more outlet, they've already got it, but they do have a chance for better prizes. Now you can't expect the sulky races with a \$300 purse to get a five or six thousand dollar horse running in it. They wait for a decent race where they can pick up a decent purse, because a \$300 purse won't even pay for their hay. So I can't see what the objection is because they say well, we're against gambling, because we're gambling all the time, sixty-nine days out of the year.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Taxation Committee I signed an "Ought not to pass" report on this. Not only do I feel that gambling is a very poor way to try to finance our state projects, but I doubt if this particular bill would raise nearly the amount of money claimed, and when the vote is taken I move it be taken by the yeas and nays.

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

Mr. BUSSIERE: Mr. Speaker and Members of the House: I always like to speak after Mr. Ross. I'd like to remind the members of the House here that buying tickets will not be compulsory, they're not going to canvass you from house to house to buy a

ticket, as Mr. Lane just mentioned. If tickets are sold through liquor stores, and they only got money to buy a ticket, certainly they won't buy a fifth. I feel that if you've got your own money to buy a ticket it's your own business and I am to vote for it and I hope that you will vote against the motion for indefinite postponement.

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

Mr. LENT: Mr. Speaker, Ladies and Gentlemen of the House: I just want to arise once more to remind this group that this is an attempt to, as we often say, practice democracy at home, to let the people decide this issue. It would be nice to know for a change what the people do want rather than being told here what we know they want, and believe we're so wrong in many cases. Thank you.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think that if you investigated further into the New Hampshire sweepstakes that you would find out that 75 or 80 percent of the money comes from out of state and when we speak of taking from the poor on this particular race I think that this is sufficient to say that in our particular state it would probably work out the same, that 80 percent of the money spent for these sweepstakes tickets would come from out of state and it's about time that this state had a little money coming in. I don't object to anybody doing something that they want, I don't feel that they should tell me that I can't do things that I'd like to do, and I think it's about time that we recognized this in each other and give the people a chance to vote on this bill as they should.

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

Mr. BERNARD: Mr. Speaker, I'd like to go along with the last speaker when he mentioned the percentage of out of state people,

because in the New Hampshire sweepstakes 86 percent of the tickets were bought by out of state people. And I just want to say to you members of the House, the ones that are worried about the poor people, you're not showing it the way you're voting on these minimum wage bills.

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

Mr. BUSSIERE: Mr. Speaker and Members of the House: I'd like to remind the members of the House that last year some of them were making a living selling tickets, taking a ride to New Hampshire charging a dollar more for each ticket, and I think if we had our own here we could keep our own money here in the state and we will have it some day, so why not now?

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

Mr. MEISNER: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to make any extended speech here but I wouldn't dare to go back to my constituency if I didn't stand up and make my opinion known here on this occasion, especially if we're going to have a yea and nay vote, because the people at home are interested in these yea and nay votes.

I know there are a few people in my constituency, I don't know just how many, that would like to see a lottery but I'm sure that the most of the people that I represent here think it's a poor way to raise taxes. That's the way I feel about it. I can't add anything to what has been said especially by the gentleman from Cumberland, Mr. Richardson. I go along with him one hundred percent.

Perhaps something here from the paper the other day would be a little bit interesting. It comes from Connecticut. 1963 there was a twelve man committee appointed to investigate racing and lotteries. On April the 14th they reported eight to four against sweepstakes. They went into it very thoroughly and they came up from a tax angle, this was mentioned here

as a tax base, they said the best they could get from it would be only one percent of the expenses for taxation. This is just a recent report.

Now I am interested in the moral issue of this. I have done a lot of investigation but I haven't had time to put it together in very good form. In practically all of my reading there is a moral issue raised by people who ought to know. I'm not an authority on this but I have read and I have testimony from several officials here who have to do with crime and lotteries in different states. I'm not going to take the time to read them but perhaps pick out one or two who ought to know what they're talking about.

The first one I choose here is Edward J. Noyes, Head of the Interstate Gambling Unit of the Organized Crime and Racketeering Section of the Federal Department of Justice and he said recently and I quote. "As long as gambling on a large scale exists organized crime is going to be a major problem in the United States." Gambling is the bankroll for organized crime. "Public apathy towards local enforcement will have to be overcome before any appreciable dent can be made in this monster. We in the Federal Government will do all that we can to interdict the interstate aspects of gambling but this is not going to be enough. An aroused citizenry, aware of what is at stake is going to have to insist upon local enforcement. When the people do speak as they have spoken in California, Washington and Arkansas in the last election the forces of gambling have to be defeated."

Then another man, these are not preachers, they're social workers. They are government officials, Dwight S. Strong, Executive Director of the New England Citizens Crime Commission said that "professional promoters have infiltrated the New Hampshire sweepstakes and set up illegal operations in violation of federal laws."

So I could go on for quite awhile, I have here a book which cost me seven dollars of my hard

earned money, "Fortune's Merry Wheel," some of you perhaps have studied it some during this campaign and it is written by the professor of history at Oklahoma University. It's an authoritative book on the subject, you'll find it in the state library. He has made this study, an independent study, and he comes up with this conclusion. The history of gambling it goes up and it goes down in cycles. It exists for awhile and flourishes and by and by it comes to such a pitch because of racketeering on the inside that the people rise up about every so often and do away with it. And in conclusion and I quote what he says. "But if history teaches us anything, a study of the over thirteen hundred legal lotteries held in the United States proves these things: they cost more than they brought in if their total impact on society is reckoned; and that one hundred and sixty years' experience indicated clearly that the most careful supervision cannot eradicate the inevitable abuses in a system particularly susceptible to fraud."

I have something here again that was taken from the National Observer. "Any state that embraces legalized gambling departs from its proper function of encouraging thrift and productive enterprise among its citizens when it spurs them to take part in the new form of revenue-raising. After it adopted its lottery designed to raise money for schools, New Hampshire engaged in a sales campaign. Heading the staff employed to administer the entire program is high-salaried Edward J. Powers." And he put on a great campaign of evangelistic fervor and the second drawing in the lottery, a boy of eight years old won the ticket. His mother had bought eight tickets even though she was opposed to gambling. Because of the high pressure evangelistic appeal she bought eight tickets and this boy won the ticket.

Now I submit to you ladies and gentlemen that this is a poor example to our youth and the youth are the ones that I am particularly interested in this. I think that the

get rich quick scheme, and to go out and gamble rather than to do hard work to get what they want is a bad example, and I think that we who are here who represent the trusted citizens of our community should put on a better front for our youth than to pass a bill like this. The most convincing paragraph that I've read came from youth.

Nancy Drouin, a Junior from Laconia High School in a statement before the Ways and Means Committee of the New Hampshire Legislature said "As a youth, I declare that those of my generation who are headed for successful careers can learn, if necessary, in an overcrowded classroom, but will not want to learn if their only inspiration is the irresponsible action of our state's most trusted officials, if the money used to finance education does not represent our state's entire concern for the welfare of our youth, but only an easy way out of the responsibility of providing a decent education for them." I agree very much with Nancy's conclusions.

So far as taxes are concerned, I'd go along with the gentleman from Cumberland, Mr. Richardson, I don't like taxes any better than anybody else. Perhaps I pay more taxes than you would think I do because I own some property, property taxes are high as you know—and quite a bit of property and I am not in favor exactly of an income tax but I had rather go along with an income tax and share the responsibility if my state needs more money than to have a lottery. If you have a lottery, if you need this to pay the bills of the state, the State of Maine doesn't owe me anything, I wasn't born here, it's done a lot for me and I love the state I think as well as anybody. Now if we have to have money for the state, it's not going to get any from me this way. I'm not going to gamble in order to get money and if it's necessary, I'm willing to pay my share, to relieve the burdens of the state.

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

Mrs. RUBY: Mr. Speaker and Ladies and Gentlemen of the House: I am not for any form of gambling simply because I'm a gambler. I can say no to a drink but when it comes to buying a ticket I don't have very much willpower. However, I would like to see this go out for referendum to the people.

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

Mr. ANDERSON: Mr. Speaker and Members of the House: I heartily concur with the remarks made by the gentleman from Dover-Foxcroft, Mr. Meisner. It is my humble opinion that if this law is enacted that we will be branded as irresponsible legislators. I certainly hope the motion to indefinitely postpone does prevail.

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

Mr. POULIN: Mr. Speaker and Ladies and Gentlemen of the House: I just happened to pick up a paper here and here is the title of the article. 73,375 fans wager more than six million dollars at Aqueduct racing. So they must be all wrong then.

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

Mr. LUND: Mr. Speaker, I would like to pose a question through the Chair to anyone who is more familiar with the bill than I. In a quick skimming over the bill I see no restrictions as to the age of persons who may buy it. My question is, am I correct that as the bill is drawn it would permit children to purchase these tickets?

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

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

Mr. LENT: Mr. Speaker, in answer to the question, the tickets will only be sold in places like racetracks and state liquor stores, where minors are not permitted anyway.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Just a few moments ago I spoke with some of the proponents of this measure, some of the people which would be affected by it, particularly at our running race track. It seems that with the amendment just put on, in their opinion, it wouldn't be feasible nor would there be much profit in it. They have informed me that they are not too much in favor of the bill themselves now.

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

Mr. BERNARD: Mr. Speaker, I was a supporter of this bill. I thought we may be able to help the State of Maine in progress. But now that we have put in the harness racing, I am against this bill one hundred percent and I shall vote against it. But, I would just like to point out to Reverend Meisner that by talking this afternoon, he hasn't helped the people of the State of Maine. He has helped the biggest gamblers in the State of Maine. The biggest gamblers in Massachusetts, the bookies, the Cosa Nostra and all of them.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Richardson, that this bill and its accompanying papers be indefinitely postponed. A roll call has been requested. For the Chair to entertain a motion for 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 Chair recognizes the gentleman from Augusta, Mr. Dumont.

Mr. DUMONT: Mr. Speaker, Members of the House: I sponsored L. D. 110 for the simple reason that I believed in it. And I envisioned this as being a profitable thing. New Hampshire has netted forty-six percent net profit on the

money that was taken. But in view of the fact that the House saw fit to adopt House Amendment under Filing No. H-405 I think it takes all the flair, all the color out of the bill and I will support the motion to indefinitely postpone. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Richardson, that this Bill, "An Act relating to Sweepstakes Races and Allocating Proceeds for Educational Purposes," House Paper 102, L. D. 110 and its accompanying papers be indefinitely postponed. If you are in favor of this bill and 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; Anderson, Orono; Avery, Baker, Orrington; Baker, Winthrop; Baldic, Berman, Bernard, Berry, Binnette, Birt, Boissonneau, Bragdon, Brennan, Brewer, Buck, Burwell, Carroll, Carter, Champagne, Conley, Cottrell, Cressey, Curran, Cushing, D'Alfonso, Davis, Drigotas, Drouin, Dudley, Dumont, Dunn, Erwin, Eustis, Farrington, Gifford, Gilbert, Gillan, Glazier, Graham, Hammond, Hanson, Gardiner; Harri-man, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Hawes, Hawkes, Haynes, Healy, Huber, Hunter, Clinton; Hunter, Durham; Jalbert, Jewell, Jordan, Katz, Kennedy, Keyte,, Kilroy, Kittredge, Lane, Lang, Levesque, Lewis, Libhart, Lincoln, Littlefield, Lowery, Lund, Lycette, Martin, Meisner, Millay, Mills, Mitchell, Mosher, Norton, Pendergast, Pike, Pitts, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Roy, Ruby, Sahagian, Sawyer, Scott, Starbird, Storm, Sullivan, Truman, Waltz, Watts, Wheeler, White, Guilford; Whittier, Wright, Presque Isle; Wood, Wuori, Young..

NAY — Beane, Bedard, Benson, Mechanic Falls; Benson, Southwest Hbr.; Bourgoin, Bradstreet, Bussiere, Cote, Crommett, Dostie, Edwards, Faucher, Fecteau, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Knight, Laberge, Lebel, Lent, McKinnon, Nadeau, Palmer, Payson, Peaslee, Poulin, Searles, Susi.

ABSENT — Bishop, Blouin, Carswell, Cookson, Crosby, Danton, Dickinson, Doyle, Evans, Fortier, Hanson, Lebanon; Hoy, Stoutamyer, Ward.

Yes, 107; No, 29; Absent, 14.

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

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

Mr. ANDERSON: Mr. Speaker, I move that we reconsider our action and hope that you will vote against me.

The SPEAKER: The gentleman from Ellsworth, Mr. Anderson, moves that we reconsider our action whereby this bill was indefinitely postponed. All those in favor say aye; all those opposed say no.

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

Thereupon, by unanimous consent sent forthwith to the Senate.

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

Mr. CARROLL: Mr. Speaker, may I pose a question to the Chair. I hear so much talk on morality, will you tell me what you call *pari-mutuel* betting in the State of Maine?

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

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

Tabled — May 28, by Mr. Levesque of Madawaska.

Pending — Further consideration. (Vetoed by the Governor)

The SPEAKER: The question before the House is, shall this bill become a law notwithstanding the objections of the Governor? Is the House ready for the question? It is necessary for the vote to be taken by the yeas and nays.

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

Mr. PIKE: Mr. Speaker and Ladies and Gentlemen of the House: I feel very much embarrassed getting up here. It was my bill originally. It is a different bill now, but I am sort of as they say in loco parentis, the godfather of this child and I didn't know it would be born with so many defects as the Governor seems to find in it. I have been unable since I sent my Revised Statutes home last week, been unable to trace these things up, and I am committed in party caucus to vote to uphold the veto. I want to make that very clear. I, however, do feel that this is a reform the nature of which is very much overdue, that there should be more permanency in the office of Clerk and Secretary; that I think it is a great improvement over this business of the Clerk and Secretary going from employment onto unemployment security and back again three or four times during each two years. This may not be the way to do it. The Governor apparently thinks it isn't. But somehow or other this should be done.

The SPEAKER: If you are in favor of this bill becoming a law notwithstanding the objections of the Governor, when your name is called you will either answer yea or yes; if you are opposed to this bill becoming a law when your name is called you will either answer nay or no. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Orono; Baldic, Beane, Bedard, Benson, Mechanic Falls; Bernard, Blinnette, Bishop, Boissonneau, Bourgoin,

Bradstreet, Brennan, Bussiere, Carroll, Champagne, Childs, Conley, Cote, Cottrell, Crommett, Curran, D'Alfonso, Dostie, Drigotas, Drouin, Dudley, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gilbert, Gillan, Glazier, Graham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Healy, Hunter, Durham; Jalbert, Jordan, Keyte, Kilroy, Knight, Laberge, Lane, Lebel, Lent, Levesque, Lowery, Martin, McKinnon, Mills, Mitchell, Nadeau, Palmer, Pitts, Poulin, Roy, Ruby, Sawyer, Searles, Starbird, Sullivan, Truman, Wheeler, Whittier, Wuori.

NAY — Anderson, Ellsworth; Avery, Baker, Orrington; Baker, Winthrop; Benson, Southwest Harbor; Berman, Berry, Birt, Bragdon, Brewer, Buck, Burwell, Carter, Cressey, Cushing, Davis, Dunn, Erwin, Gifford, Hammond, Hanson, Gardiner; Harriman, Hawes, Hawkes, Haynes, Huber, Jewell, Katz, Kennedy, Kittredge, Lang, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, Meisner, Millay, Mosher, Norton, Payson, Peaslee, Pendergast, Pike, Rackliff, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Brownville; Sahagian, Scott, Storm, Susi, Waltz, Watts, White, Guilford; Wight, Presque Isle, Wood, Young.

ABSENT — Blouin, Carswell, Cookson, Crosby, Danton, Dickinson, Doyle, Evans, Farrington, Hanson, Lebanon; Hoy, Hunter, Clinton; Prince, Ross, Bath; Stoutamyer, Ward.

Yes, 75; No, 60; Absent, 16.

The SPEAKER: The Chair will announce the vote. Seventy-five having voted in the affirmative, sixty in the negative and sixteen being absent, seventy-five not being two-thirds of one hundred and thirty-five, the Governor's veto is sustained.

Order out of Order

Mr. Katz of Augusta presented the following Order out of order and moved its passage:

Whereas, June 19, 1965 marks the beginning of the 65th Season of the Lakewood Summer Theatre; and

Whereas, the Lakewood Theatre is the oldest summer theatre in the United States and is known and respected throughout the nation; and

Whereas, Lakewood, along with Maine's other great summer theatres, is one of our important attractions for tourists and also adds immeasurably to the enjoyment of Maine citizens of the summer season; now, therefore, be it

ORDERED, that this House extends sincere congratulations to the management and staff of the Lakewood Summer Theatre for almost two thirds of a century of service and excellence, with wishes for an even brighter future; and

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

The Order received passage.

The SPEAKER: The Chair at this time would like to recognize in the rear of the House the presence of Grant Mills, President of Lakewood Summer Theatre, Gordon Heyworth, Director of Public Relations, and Ernest Kyes, President of the Skowhegan Chamber of Commerce. On behalf of the House, the Chair welcomes these gentlemen. (Applause)

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

DIVIDED REPORT — Majority (9)—Committee on Labor on Bill, "An Act to Revise the Workmen's Compensation Law." (H. P. 894) (L. D. 1253) reporting same in New Draft (H. P. 1146) (L. D. 1570) under same title, and that it "Ought to pass"—Minority (1)—"Ought not to pass"

Tabled—May 28, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Levesque to accept Majority "Ought to pass" Report.

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

Mr. BENSON: Mr. Speaker, Members of the House: As a member of the Labor Committee, I would call your attention to sections 3 and 6 of this bill. In each section we find the phrase and I quote "the employer shall pay the injured employee a weekly compensation equal to two-thirds of his average weekly wage, earnings or salary, but not more than two-thirds of the average weekly wage in the State of Maine as computed by the Employment Security Commission." I seriously question the wisdom of this provision. The Workmen's Compensation Law is administered under the Department of Labor and Industry. The Employment Security Commission administers the unemployment insurance law or the Unemployment Compensation Law as it is sometimes known. These are two different and distinct departments, the Department of Labor and Industry being financed by the state and the Employment Security Commission being financed in large part by the Federal Government.

The Workmen's Compensation Law with the passage of this bill and its companion bill L. D. 1571, will cover most employees in the State of Maine. The Employment Security Law has a much narrower application. For one thing the Employment Security Law does not apply to employing units which employ less than four people. The majority of the Labor Committee feels that the Employment Security Commission is better able to compute the average weekly wage of persons covered by the Workmen's Compensation Act in the State of Maine than is the Department of Labor and Industry. It is true that the Employment Security Commission now makes regular determination of average weekly wages, but these are for the purposes of the Employment Security Law.

I feel that the business of computing the average weekly wage in the State of Maine for the purposes of the Workmen's Compensation Act properly belongs with the Department of Labor and Industry. They are the department

which will administer this law and it seems to me that they would be in a better position to make this computation of average weekly wages under the Workmen's Compensation than the Employment Security Commission is. I will not make any motion. I just read this into the record for your observation.

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

The SPEAKER: Is it the pleasure of the House that the rules be suspended and this bill be now given its third reading?

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

Mr. KITTREDGE: Mr. Speaker, before it's given its third reading, I would like to offer House Amendment "A" to L. D. 1570 and move for its adoption.

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

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

HOUSE AMENDMENT "A" to H. P. 1146, L. D. 1570, Bill, "An Act to Revise the Workmen's Compensation Law."

Amend said Bill by striking out all of the first and 3rd underlined sentences of the 2nd paragraph of section 3 and inserting in place thereof the following:

'While the incapacity for work resulting from the injury is total, the employer shall pay the injured employee a weekly compensation equal to 2/3 his average weekly wages, earnings or salary, but not more than \$50 nor less than \$20.'

'In the event of such permanent total incapacity, the employer shall pay the employee a weekly compensation equal to 2/3 his average weekly wage, earnings or salary but not more than \$50 nor less than \$20.'

Further amend said Bill by striking out all of section 5.

Further amend said Bill by striking out all of the first underlined paragraph of that part designated

"§ 58." of section 6 and inserting in place thereof the following:

'If death results from the injury, the employer shall pay the dependents of the employee, dependent upon his earnings for support at the time of his accident, a weekly payment equal to 2/3 his average weekly wages, earnings or salary, but not more than \$50 nor less than \$20, from the date of death, until such time as provided for in the following paragraph.'

Further amend said Bill in that part designated '§ 95.' of section 9 by inserting at the end of the 3rd sentence before the period the following: **'as determined by the Industrial Accident Commission'**

Further amend said Bill by renumbering sections 6 to 12 to be sections 5 to 11.

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

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: By the adopting of this amendment relatively the only thing that is added there is instead of using the average wages as computed by the Employment Security Commission, there is a maximum and a minimum included which reads \$50 as the maximum and \$20 as the minimum. It is my feeling that the amendment which I will present following this will be a good amendment because it puts all the paragraphs under the regulations or the tabulations of the Employment Security that is now being used by almost all the industries for varying reasons and the difference between the amendment or the bill itself and the amendment of the gentleman from Thomaston, Mr. Kittredge, is that there might be right now the weekly average as compiled by the Employment Security Commission is \$84 to \$86, so two-thirds of \$84 to \$86 would give you fifty some odd dollars, so it is only a matter of a few dollars. So, therefore, I move the indefinite postponement of this amendment.

The SPEAKER: The question before the House now is on the motion of the gentleman from Mada-

waska, Mr. Levesque, that House Amendment "A" be indefinitely postponed. The Chair recognizes the gentleman from South Thomaston, Mr. Kittredge.

Mr. KITTREDGE: Mr. Speaker, Members of the House: There is a little more to it than the gentleman from Madawaska, Mr. Levesque, indicated, although I think his point was well taken. As a member of the Labor Committee that signed the Majority Report on this bill, I would like to point out one of the things that was brought out at the hearing; and it was brought out by the Commissioner of Labor. Under section 3, where it says, "but not more than two-thirds of the average weekly wage in the State of Maine as computed by the Employment Security Commission." Now the words "average weekly wage in the State of Maine." What is this? And what effect is this going to have upon a worker getting his compensation check after an injury? He is going to have to wait until this is figured out for the entire state. So, this is the first reason that I put in this amendment so that it wouldn't hurt labor, because I believe in these Workmen Compensation Laws.

In the State of Maine they are elected. They are not compulsory. And there is no state funds. It is private enterprise. It is private insurance companies. Now, Section 3 would, the way it is presently written, would result in a variable base upon which to compute this compensation. And the reason I put the limits in, twenty to fifty, would be because this would put us in line with other states. Now, Unemployment Compensation today the limit is forty-two dollars. This would raise the limit to fifty dollars and we would be in line with twenty-four other states.

Now, in section 5 of this bill, if you look at it, you will see there is also double compensation, double payments. If there is a loss of a limb, the person would get a lump sum and they would also get the two-thirds of the weekly rate. And then in section 9, the third sentence, we see that the worker may file said petition within a reasonable time. What's a

reasonable time? How would this be determined? Who would determine it? Therefore, I put in, in my amendment, as determined by the Industrial Accident Commission.

Well, two of these things are for labor, two of these reasons that I wrote this amendment are for labor. The third one is for industry. If you have double compensation, what is going to happen to the cost of this insurance? It is going to go up anyway with these amendments, but what's going to happen under the double compensation? And you know the State of Maine lost nine thousand four hundred jobs in the last five years. Well, those are the reasons why I prepared this amendment and I hope you will vote against indefinite postponement.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, that House Amendment "A" be indefinitely postponed. The Chair will order a division. All those in favor of House Amendment "A" being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Mr. Levesque of Madawaska then offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1146, L. D. 1570, Bill, "An Act to Revise the Workmen's Compensation Law."

Amend said Bill by striking out all of section 4 and inserting in place thereof the following:

"Sec. 4. R. S., T. 39, §55, amended. Section 55 of Title 39 of the Revised Statutes is amended to read as follows: '§55. Compensation for partial incapacity

While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly

compensation equal to 2/3 the difference, due to said injury, between his average weekly wages, earnings or salary before the accident and the weekly wages, earnings or salary which he is able to earn thereafter, but not more than \$42 a week 2/3 of the average weekly wage in the State of Maine as computed by the Employment Security Commission; and in no case shall the period covered by such compensation be greater than 300 weeks from the date of the accident except for vocational rehabilitation services provided under sections 52 and 54.'"

House Amendment "B" was adopted.

On motion of Mr. Levesque of Madawaska, the rules were suspended and the Bill "An Act to Revise the Workmen's Compensation Law," House Paper 1146, L. D. 1570, was given its third reading and passed to be engrossed as amended by House Amendment "B".

The SPEAKER: Is there objection that this bill be sent forthwith to the Senate? The Chair hears objection. All those in favor of the rules being suspended and this bill being sent forthwith to the Senate will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon the Bill was sent forthwith to the Senate.

The Chair laid before the House item 2 under Senate Reports which was tabled earlier in today's session: Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws," Senate Paper 414, L. D. 1310, pending acceptance of the Committee "Ought to pass" Report in concurrence.

The SPEAKER: Is it now the pleasure of the House to accept the Committee Report?

Thereupon, the Committee Report was accepted in concurrence and the Bill read twice.

Mr. Levesque of Madawaska then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 414, L. D. 1310, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after the Title, the following:

'Emergency preamble. Whereas, Acts and resolves passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the said 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and institutions will become due and payable on or immediately after July 1, 1965; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend said Bill by adding at the end, the following:

'Emergency clause. In view of the emergency cited in the preamble, this Act, except as provided in section 30, shall take effect when approved.'

The SPEAKER: Is it now the pleasure of the House that House Amendment "A" be adopted?

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

Mr. BRAGDON: Mr. Speaker, Members of the House: From hastily glancing at this amendment, I would assume that there are appropriation measures within this L. D. I would inquire if this is correct?

The SPEAKER: The Chair will answer in the affirmative, there are appropriation matters in the omnibus bill.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Clerk will now read Committee Amendment "A."

Committee Amendment "A," being L. D. 1589, was read by the Clerk.

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

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S. P. 414, L. D. 1310, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Amendment by striking out all of that part designated "Sec. 19-A," and the paragraph immediately preceding and inserting in place thereof the following:

'Further amend said Bill by inserting after section 19, 2 new sections, as follows:'

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

Mr. COTE: Mr. Speaker, I move that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed.

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

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

Mr. COTE: Mr. Speaker and Members of the House: If we adopt this amendment it will hamper the liquor inspectors from doing their job. In other words, it would strike out where they can make arrests for intoxication. I feel it is part of their job of enforcement of the liquor questions that if they should come upon someone in some gathering which was intoxicated that they could arrest them, but under this amendment if adopted, the liquor inspectors would be stopped from making those arrests, and I think that would be wrong and would tend to relax our liquor laws and I feel that this thing should remain in the law.

The SPEAKER: The question before the House now is on the

motion of the gentleman from Lewiston, Mr. Cote, that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

Thereupon, Committee Amendment "A" was adopted without amendment thereto in non-concurrence.

The SPEAKER: The Clerk will read Senate Amendment "A."

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

SENATE AMENDMENT "A" to S. P. 414, L. D. 1310, Bill, "An Act to Correct Errors and Inconsistencies in the Public Law."

Amend said Bill by inserting after section 9, a new section, as follows:

"Sec. 9-A. R. S., T. 14, §157, additional. Title 14 of the Revised Statutes is amended by adding a new section 157 to read as follows: '§157. — Governmental agencies

The State of Maine or any political subdivision thereof or any quasi-municipal corporation or quasi-governmental agency, whether acting in its governmental or proprietary capacity, shall be considered to have waived its immunity from liability for damages arising out of its negligent operation of a motor vehicle during the period a policy of insurance is effective covering the liability of such governmental agency.

Each policy of insurance issued to such governmental agency shall contain a provision to the effect that the insurer shall be estopped from asserting, as a defense to any claim covered by said policy, that such governmental agency is immune from liability on the ground that it is a governmental agency. The amount of damages in any such case shall not exceed the limits of coverage specified in the policy, and the courts shall abate any verdict in any such action to the extent that it exceeds such policy limit.'"

Senate Amendment "A" was adopted in concurrence.

Thereupon, under suspension of the rules, the Bill was given its third reading, passed to be en-

grossed as amended by Committee Amendment "A", Senate Amendment "A" and House Amendment "A" in non-concurrence and by unanimous consent sent forthwith to the Senate.

The Chair laid before the House item three under Third Readers which was tabled earlier in today's session; Bill "An Act Revising the Minimum Wage Law," S. P. 526, L. D. 1504.

The SPEAKER: The pending question before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that Senate Amendment "A" to Senate Amendment "B" be indefinitely postponed.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: A division has been requested. All those in favor of the indefinite postponement of Senate Amendment "A" to Senate Amendment "B" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Senate Amendment "B" was then read by the Clerk.

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

Mr. KATZ: Mr. Speaker, a question through the Chair, maybe I'm a little thick, but this amendment and all these other amendments now appear to be referring to a bill that no longer exists, that we wiped out by our adoption of House Amendment "A" this morning, and all the quotes in regard to lines and paragraphs no longer exist. Am I in error here, sir?

The SPEAKER: Is the gentleman referring to House Amendment "B" which was adopted this morning? House Amendment "B" is the original bill which would have its own filing number, which would have no effect on other amendments.

Mr. KATZ: All right, so we are not getting into a hassle by refer-

ring to terminology that doesn't exist?

The SPEAKER: That is correct, we are not. Is it now the pleasure of the House that Senate Amendment "B" be adopted?

The motion prevailed.

The SPEAKER: The House may be at ease for a moment.

House at Ease

Called to order by the Speaker.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I now move we reconsider our action whereby we adopted House Amendment "B" this morning under filing number 370.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that we reconsider our action whereby we adopted House Amendment "B" this morning. Is this the pleasure of the House?

Mr. Katz of Augusta requested a division.

The SPEAKER: A division has been requested. All those in favor of reconsidering our action whereby we adopted House Amendment "B" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy having voted in the affirmative and fifty-three having voted in the negative, the motion did prevail.

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

Mr. LEVESQUE: Mr. Speaker, with the intention of this amendment, I now move that this amendment be indefinitely postponed.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque now moves that House Amendment "B" be indefinitely postponed. Is this the pleasure of the House?

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

Mr. BENSON: Mr. Speaker, I request a three minute recess so that I can have some material distributed please?

The SPEAKER: The House will be in recess until the sounding of the gong.

After Recess

Called to order by the Speaker.

The SPEAKER: The question before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that House Amendment "B" be indefinitely postponed.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: I am going to vote for the indefinite postponement of this amendment on the understanding that there will be an amendment added later in the process here retaining in our present statutes the exemption which our own boys and girls under nineteen have as they work in these summer hotels.

I am just going to be very brief but it is very close to my experience because I am one of those foreigners that came up here from another state, because my father was a school teacher in New York City and he was attracted by an advertisement in the New York Times in 1915 advertising a summer hotel up here in Maine for lease or sale, and that's how our family got up here and we have been here ever since and those two summer hotels that were started then are still in the family. I am no longer connected with them. But I do have experience with this summer business. Most of these summer resorts are short season things and they are usually run by families, a great majority of them, and you employ just like you do in your summer boys and girls camps, you employ young college people and high school people. You may have fifteen untrained waitresses that come up and they are well paid. They will average \$500 in tips and they work seven days a week naturally. You can't have two staffs in a summer hotel, you can't have a set of chefs in a summer hotel. They work seven days a week. The employers work twenty-four hours a day or they are susceptible to call twenty-fours a day.

Now this is going to mean a lot of bookkeeping for these resort people, and believe me they work and they work hard and they don't make money, they are there at risk. They make money, of course they make money, they have to stay in business, but it is a very risky business to make what you have to carry your overhead, pay your taxes and do it in six or eight weeks. Today, if you have a rainy spell your hotel can empty out and then they don't work at all, but the idea of making these resort owners who are overburdened with a lot of work and they don't have their own personnel staffs, payroll staffs and everything like that to make all this checking, it is going to hurt our resort business, and I want to be very vehement and sincere about that.

Now this idea has been brought to my attention that we have these people coming out of state here, of course we do. You couldn't have all these summer boys and girls camps getting boys and girls from Maine to fill the camps. You will have a teacher we will say from Ridgewood, New Jersey who is ambitious and he will start a camp and he will flood his camp with New Jersey people. Over here at Belgrade Lakes I think it was, you had a Mr. Friedman who for years, many years ran a camp and most of his boys and girls came from Pennsylvania, and he had a junior camp and a senior camp, and they become great lovers of the State of Maine, and they are a great source of future guests for the State of Maine, and I say in handling this resort business and putting on these things, extra duties when the people who work there are well paid, just creates problems. I am in hopes and looking for an amendment to be added to this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I don't want to sound facetious, but if I understood correctly the gentleman from Portland saying that the employers at these camps work twenty-four hours a day, if that's

the case, they must be terribly tired laughing their way to the bank in a Lincoln Continental.

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: This is the eleventh hour, but no bill we have voted on so far this session is more important to the young people of the state, so I urge you to pay attention to the issues.

It seems incredible to me that on the one hand we are knocking ourselves out trying to get federal aid to create jobs for high school kids in the summertime, and on the other hand, here we are taking a good firm step in the direction of drying up jobs for them, and believe me, killing this amendment is going to do exactly that. If any of you are parents of high school youngsters, ask yourselves do they have a summer job and how difficult was it. If any of you are retail—let's forget about industry and let's forget about summer camps for the moment. Think about one of the largest employers in the State of Maine, retailing. How difficult it is for a youngster to get an after school job, let alone a summer job. For the past fifteen years I have employed high school youngsters in my stores, and every one of them started at believe me lower than this proposed minimum wage and they have swept the floor and gradually stayed with the job, and every single one of them has used this money to go on to college, every single one. Now this is the type of job you are jeopardizing. If you think you are being a friend of labor, before you vote to indefinitely postpone this amendment, you reconsider and mark my word, you are drying up jobs. I believe this.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: It is certainly not my intent at this term or any other term of the Legislature to try to prevent these youngsters that are going to school to get a summer job or an after school job and not

necessarily get a dollar and a quarter an hour. This is the furthest thing in my mind and I will assure the Representative from Augusta, Mr. Katz, that this will be done, the protection of the vacation students to get some kind of summer work or after school work when this is all done.

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

Mr. PALMER: Mr. Speaker, I have to speak in behalf of the camp owners in my area and also those that work there. And without an exception there hasn't been one who has written me that hasn't asked me to try to do something to leave things as they are. Those that work there value their tips and they value their jobs. They do work long hours. They depend on things the way they are and they realize that if the person hiring them is forced to pay this minimum wage and do the bookkeeping that they might have to do, it is going to hurt the summer business in my area. This is the grownups as well as the college students also. I hope something can be done.

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

Mr. BENSON: Mr. Speaker and Members of the House: We started out in the Labor Committee with six minimum wage bills, L. D.s 443, 949, 1188, 1313, 1504, 1367. The good and the bad features of all of these bills are incorporated into 1504. I have on my desk, and I don't know how many I have missed, five amendments proposed in the House, five amendments proposed in the Senate. Some of these have been adopted, some have been indefinitely postponed, some have not been introduced at all. I think there are some of us who are in serious doubt as to just as exactly how the bill stands as it is before us now and I am sure there are many more of us who are in serious doubt as to just exactly what we are trying to accomplish with this minimum wage bill.

I asked you for a few minutes to distribute some material which in effect shows the effect that this

minimum wage bill would have on your hospitals. I say your hospitals because you and I are supporting these hospitals with our charitable dollars. The green sheet which was just recently put on your desk is the result of a campaign of the sixty-one non-profit charitable hospitals throughout the state for information as to how this minimum wage law as proposed would affect these hospitals. Thirty-eight of the sixty-one answered. It will not be necessary for me to read the figures to you because you have the sheet before you. You can see how the first year one dollar minimum wage would affect the hospitals in the three categories fifty beds or less, between fifty and ninety-nine beds, and over one hundred beds.

The total in the first year of all hospitals combined, and this is representing twenty-nine, is \$118,000. In the second year at \$1.15 minimum, the figure is now \$269,000. And in the third year at a \$1.25, the figure is \$364,000. Now when you raise the salary of one person, the person working next to that first individual certainly expects similar treatment. This is what we call the escalating effect upon other employees. And without reading all of those figures, I will refer only to the totals once again, in the first year \$391,000, second year \$557,000, and in the third year \$402,000. The total figure in this total column is \$2,105,000, and a good many of those dollars are dollars which we seek in our hospitals from contributions.

I think before we act—and I hesitate to use the word haste, we have had these minimum wage bills before us now for the entire session, but before we act finally on this minimum wage question, I think that maybe we should table this until tomorrow but anyone who has an amendment in mind which will take care of any of these areas, and I am certainly disturbed about the area which the gentleman from Augusta, Mr. Katz, just spoke on, I would hope that someone would table this until tomorrow so that we can iron it out in all our minds and come out

of this thing understanding at least what we are doing.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: Through the Chair I would like to ask the gentleman from Southwest Harbor, Mr. Benson, if this figure is based on the present bill with the time and a half provisions for all or is it based on strictly the minimum wage without the time and a half provision?

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

Mr. BENSON: Mr. Speaker, Members of the House: These figures are based on the increase to \$1.15 and \$1.25 without the time and a half provision.

The SPEAKER: The question before the House is on the motion of the gentleman from Madawaska, Mr. Levesque, that House Amendment "B" be indefinitely postponed.

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

Mr. POULIN: Mr. Speaker, I want this item to be tabled until tomorrow morning.

The SPEAKER: The gentleman from Skowhegan, Mr. Poulin, now moves this matter lie upon the table assigned for tomorrow pending the motion of the gentleman from Madawaska, Mr. Levesque, that House Amendment "B" be indefinitely postponed.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: Mr. Levesque of Madawaska requests a division on the tabling motion. 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.

Sixty-one having voted in the affirmative and sixty-five 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

Madawaska, Mr. Levesque, that House Amendment "B" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

On motion of Mr. Levesque of Madawaska, the House voted to reconsider its action whereby it adopted Senate Amendment "B".

Thereupon, Mr. Kennedy of Milbridge offered House Amendment "B" to Senate Amendment "B".

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

HOUSE AMENDMENT "B" to SENATE AMENDMENT "B" to S. P. 526, L. D. 1504, Bill, "An Act Revising the Minimum Wage Law."

Amend said Amendment by striking out all of the underlined 4th, 5th, 6th, 7th and 8th lines from the end and inserting in place thereof the following:

"a rate no less than \$1.25 per hour. The overtime provision of this section shall not apply to the canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of herring as sardines, of perishable foods, of agricultural produce, and meat and fish products, nor to the canning of perishable goods, nor to nursing homes and hospitals."

House Amendment "B" to Senate Amendment "B" was adopted.

Senate Amendment "B" as amended by House Amendment "B" thereto was adopted.

(Off Record Remarks)

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

The Chair laid before the House item 1 under Enactors, which was tabled earlier in today's session: An Act Relating to Relocation Assistance in State Highway Projects, House Paper 1139, L. D. 1559, pending the motion of Mr. Dudley of Enfield that this bill and its accompanying papers be indefinitely postponed.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: Speaking in opposition to the motion to indefinitely postpone this bill, I would like to trace for you very, very briefly its history. It was sponsored by the gentleman from Portland, Mr. D'Alfonso, it came before the Judiciary Committee, counsel for the Highway Commission appeared, permission was given him to make the necessary inquiries in Washington and elsewhere with respect to what needed to be done to a relocation assistance bill here in Maine in order to insure that we would comply with federal benefits. The counsel for the Highway Commission then returned with this bill. The motion to indefinitely postpone the bill this morning was tabled at my request after a suggestion had been made that there was some legal problem involved in a diversion of state funds.

The members of the Judiciary Committee with whom I have spoken agree with me that as presently amended the bill provides that the payments for relocation assistance shall be taken from the Highway Fund insofar as the revenue involved is not earmarked revenue. This is expressly indicated by the decision of our Supreme Judicial Court in 152 Me. 449. Now, I am not going to bore you with all the legal ramifications of the thing, but we believe after having examined this and I have spoken with the Deputy Attorney General George West, and I have spoken with Asa Richardson, counsel for the Highway Commission. We believe that with the present preamble to the bill, the bill as amended will be sustained if it is in fact ever challenged and that it represents an excellent step forward. We believe that relocation assistance in a very limited way to families and businesses that are forced to move by reason of our highway construction program should be compensated. Therefore I urge you to defeat the motion to indefinitely postpone this bill as amended since I believe that it accomplishes the

purpose that all of us are interested in having done.

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

Mr. ROSS: Mr. Speaker, I'm not fully aware of all the legal ramifications either, I just quoted the statement that I had here this morning. But one thing surprises me greatly, in fact I might even say it shocks me.

Here is the head of a department trying to save some money for his department and he gets chastised on the floor of the House for doing his job. From what I've seen here in this legislature and others before, that the heads of the departments aren't too crazy about saving money. Here we've got one that is trying to save some eighty some thousand dollars and I definitely support the indefinite postponement motion.

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

Mr. GILLAN: Mr. Speaker and Members of the House: The purpose of this bill of course, as you may probably know, in eminent domain proceedings damages by law are limited to the value of the land and or the buildings on it. Now to cite an example, suppose a man has a small grocery store on a corner and the state decides it wants to take it for enlargement of a highway or construction of a new highway. It's agreed upon by appraisers that the land and buildings are worth \$10,000. Under the law he can receive no damages for loss of good will in that location, nor for cost of moving. Now if he has to pay two or three thousand dollars to relocate his store, pay for electricians and plumbers removing the plumbing for the freezers and what have you, in effect he has been an unwilling seller of his land for three thousand dollars less than what it is worth. This bill is designed to correct this. It originated originally in slum urban renewal, slum clearance and it's a fair bill. Under the Federal Aid Highway Act of 1956 and subsequent amendments, in any Federal Aid High-

way, 90 percent generally is paid by the Federal Government, the state only pays 10 percent.

The private individual who becomes an unwilling seller of his land, he has to pay two or three hundred dollars to remove to another location that is two or three hundred dollars less than the value of his land which he didn't want to sell in the first place. So this bill is designed to correct that, to be fair and equitable as far as possible, and the state actually will not lose as much as is indicated because, as I say in the Federal Aid Highways, 90 percent and sometimes even fifty fifty is paid by the Federal Government. Thank you.

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

Mr. BERMAN: Mr. Speaker, while members of our Judiciary Committee may sometimes differ and differ strenuously, there are other times when this committee unanimously stands together for progress and this is one of those occasions; so I hope that you will go along with this bill and not kill it because it is an extremely worthwhile bill.

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

Mr. BERRY: Mr. Speaker and Members of the House: As president of the Lawyers Chowder and Marching Society I too would like to climb on the band wagon. This bill is primarily designed to help individuals, and businesses are included. And this affects every single community in the state, it is not just urban renewal proposals that will be helped here. Any place that the State Highway Commission goes in and relocates and forces the removal of either residences or businesses your constituents will be helped. I think primarily, it is the residents that will be helped that means the most in this bill. The limit is two hundred dollars. Many of you are familiar with the process the State Highway Commission follows when it relocates its highways. It comes in and it takes the property by eminent

domain and it tells the occupants to get out, it gives them no money, it offers them an abysmally low sum for their property. This bill will provide up to two hundred dollars to these people to help them relocate. It's a bill, I believe, for the little fellow and I urge you to pass it.

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

Mr. LANE: Mr. Speaker and Members of the House: I would like to ask any lawyer how much would the owner of the land have left after the lawyers get through with it out of the two hundred dollars?

The SPEAKER: The gentleman from Waterville, Mr. Lane, poses a question to any member who may answer if he so desires. The Chair recognizes the gentleman from Brewer, Mr. Libhart.

Mr. LIBHART: Mr. Speaker and Ladies and Gentlemen of the House: I'm one lawyer in this House who is sick to death of this kind of questioning. This profession that I'm in is a good one. I'd rather go lobster fishing and someday I will, but as long as I'm in it, I resent those remarks and other innuendoes that we've heard here all term. And I'm not going to ask they be stricken or anything else, I'm just going to remind the members of this House that you're supposed to be ladies and gentlemen and I'd like to have us act as such.

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

Mr. BERMAN: Mr. Speaker, I'd like to answer my friend from Waterville, Mr. Lane, very forthrightly and very directly. The amount allowed for relocation to a family would be two hundred dollars. So far as I would ever be concerned this would be statutory and the attorney would charge nothing, the family would get the full two hundred dollars.

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

Mr. ROSS: Mr. Speaker, I'd like to clear up one point. The gentleman from Cape Elizabeth, Mr. Berry says that they receive

a mere pittance for their land. If they're not satisfied they can appeal, they can go to the Land Damage Board and eventually they get satisfaction.

The SPEAKER: The question before the House is on the motion of the gentleman from Enfield, Mr. Dudley, that this bill and all of its accompanying papers be indefinitely postponed. The Chair will order 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.

Eleven having voted in the affirmative and one hundred four having voted in the negative, the motion did not prevail.

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. 122 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

The Chair laid before the House the fourth matter of Unfinished Business tabled earlier in the day, Resolve, Appropriating Moneys to Repair Runway of Rockland Airport, H. P. 120, L. D. 144.

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

Mr. JALBERT: Mr. Speaker, first I would like to thank the gentleman from Lewiston, Mr. Cote, for presenting this amendment for me which will make it possible for us to get matching funds from the Federal Government providing our area puts up a like amount to what the state is giving us, monies to pave our runways and install lights, wind cones and acquire clear zones for runways. Now my question, Mr. Speaker, as I see it, House Amendment "B" has been adopted by the House and this means the adoption of Senate Amendment "A" which cuts down the amounts from \$59,000 to \$20,000 at Rockland, is that correct?

The SPEAKER: Is the gentleman posing a question?

Mr. JALBERT: My question is, is now the question before the House the adoption of Senate Amendment "A"?

The SPEAKER: As amended by House Amendment "B". House Amendment "B" has been adopted.

Mr. JALBERT: I so move, Mr. Speaker.

The SPEAKER: The question before the House is the adoption of Senate Amendment "A" as amended by House Amendment "B". Is this the pleasure of the House?

The motion prevailed.

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

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

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

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

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

Funds for equipment, renovations and repairs at Presque Isle Airport. Resolved: That there is appropriated the sum of \$25,000 from the Unappropriated Surplus of the General Fund to the Maine Aeronautics Commission for the fiscal year ending June 30, 1966 for making necessary improvements and purchase of navigational equipment at the airport located at Presque Isle.'

The SPEAKER: The question before the House now is the adoption of House Amendment "A". All those in favor of House Amendment "A" being adopted will say aye; all those opposed will say no.

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

Mr. Bishop of Presque Isle requested a division.

The SPEAKER: The gentleman from Presque Isle, Mr. Bishop now moves that we reconsider our

action whereby House Amendment "A" was not adopted and he requests a division on this motion.

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

Mr. KATZ: Mr. Speaker, are the merits of the bill debatable?

The SPEAKER: It is, the merits of the amendment.

Mr. KATZ: Actually, what this House Amendment would do, unfortunately, Presque Isle happens to be in Aroostook County, I think that's what is licking it here, but Presque Isle is the northern-most of all the air carrier airports in the State of Maine. It is the end of the run. Right at the moment it has got the worst, the most difficult landing limitations of any. It is seven hundred feet and I think a mile and a half. To all intents and purposes when you have an airport that's not available except when the weather minimums exceed a seven hundred foot ceiling in a mile and a half, you don't have dependability. What this House Amendment would seek to do, would be to give them a navigational aid that they have needed for many, many years. It is a good worthwhile project. It is not a boondoggle and any pilot who is going in there for the next twenty years will bless you if you go along with this House Amendment. I think it is worthwhile.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I know that there was supposed to be a bill put in which would have taken care of Presque Isle and in that I am not from the garden spot of Maine, I have flown on many, many instances and skidded on many instances on ice at the airport at Presque Isle. Now, I think out of fairness, this amendment should be introduced. The monies for Rockland and Bar Harbor is in this bill. Monies now for the Auburn-Lewiston airport is in this measure which was left out of the big omnibus item for all repairs for the various airports throughout the state. This means twenty thousand dollars for the state's part, twenty thousand for the area in Presque Isle and forty

thousand dollars from the federal government and I hope that this amendment has passage.

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

Mr. ROY: Mr. Speaker, I would like to pose a question through the Chair. Seeing that Presque Isle was a military base, didn't they in turn have this type of equipment when it was abandoned?

The SPEAKER: The gentleman from Winslow, Mr. Roy, has posed a question to anybody who may answer if they so desire.

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

Mr. BISHOP: Mr. Speaker, Ladies and Gentlemen of the House: No. The military did not leave any instrument landing system operative when they phased out.

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

Mr. BERMAN: Mr. Speaker, Members of the House: Those of you who remember from the last session, I was rather strenuously opposed to a county appropriation for a terminal building, but this is a measure for safety and this time I am all for it.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Presque Isle, Mr. Bishop, that we reconsider our action whereby we did not adopt House Amendment "A". All those in favor of reconsidering our action whereby we did not adopt House Amendment "A" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred nine having voted in the affirmative and none having voted in the negative, the motion prevailed.

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

By unanimous consent it was sent forthwith to the Senate.

The Chair laid before the House item 1 under Tabled and Today Assigned Matters which was tabled earlier in today's session: Bill, "An Act Revising Laws relating to Search and Seizure," House Paper 1151, L. D. 1583.

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

Mr. BRENNAN: Mr. Speaker, I present House Amendment "A" which is reproduced under L. D. 1591 and move its adoption.

The SPEAKER: The gentleman from Portland, Mr. Brennan, now offers House Amendment and moves it be adopted. It is written up as a House Amendment, it will have to be introduced by the sponsor of the amendment.

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

Mr. DANTON: Mr. Speaker, I move that this amendment be adopted by the House.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, now offers House Amendment "A" and moves it be adopted.

House Amendment "A", being L. D. 1591, was read by the Clerk.

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

Mr. LUND: Mr. Speaker, Members of the House: I am not trying to be sticky, but some of us haven't got this amendment distributed yet as far as I know.

The CLERK: It was reproduced and distributed under Filing No. L. D. 1591.

Mr. LUND: Mr. Speaker, I don't have that L. D. yet.

The CLERK: The record will indicate it was distributed three days ago.

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

Mr. MILLS: Mr. Speaker, same complaint. I can't find mine.

On motion of Mr. Kennedy of Milbridge, tabled and assigned for later in today's session.

The Chair laid before the House item 2 under Tabled and Today Assigned which was tabled earlier

in today's session: Bill, "An Act relating to Time of Payments of Benefits Under Employment Security Law," House Paper 1092, L. D. 1488.

The SPEAKER: The pending motion is the motion of the gentleman from Southwest Harbor, Mr. Benson, on the adoption of House Amendment "A".

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

Mr. LEVESQUE: Mr. Speaker, I move that House Amendment "A" to House Paper 1092, L. D. 1488 Filing No. H-410 be indefinitely postponed.

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

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: It is very apparent since the labor bills were debated this morning as to what has happened. I am referring to the minimum wage amendment and also this amendment here. I am opposed to this bill in its present form as I told you this morning. This is another bill that will be incorporated in our Unemployment Security Law and I thought that the Unemployment Security Law that has been presented to us was a sound bill for the working man in the state. Forty-six states have a law now where there is a waiting period of one week before unemployment begins.

This takes away the incentive, as I said this morning, for a man to go to work or to go out and find a job. If he can stay unemployed for four weeks, he picks up that first week as a bonus.

Now, this amendment is like the Michigan law, which gives a man an incentive to look for a job. If he can go out and find employment within four weeks, then he is paid that week. I think we are doing business in the State of Maine a lot of damage in this session and it is about time someone laid it right on the barrel head. I expect that this amendment is

going down the drain, but I would hope that you would consider passing it. Thank you.

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

Mr. BENSON: Mr. Speaker and Members of the House: Just so there won't be any confusion, when you vote to indefinitely postpone this amendment, it belongs to the good gentleman from Mechanic Falls, Mr. Benson.

Mr. Brewer from Bath requested a division.

The SPEAKER: The gentleman from Bath, Mr. Brewer requests a division. All those in favor of indefinite postponement of House Amendment "A" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

Mr. BREWER: Mr. Speaker, to keep this statute the same as forty-six other states in the Union, I will now move indefinite postponement of the bill.

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

Mr. Levesque of Madawaska requested a division.

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

Mr. Benson of Southwest Harbor requested a roll call.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, requests that when the vote is taken that it be taken by the yeas and nays. Is the House ready for the question?

The question before the House is the motion of the gentleman from Bath, Mr. Brewer, that Bill "An Act relating to Time of Payments of Benefits Under Employment Security Law," House Paper 1092, L. D. 1488, be indefinitely post-

poned. For the Chair to order a roll call it must have an expressed 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 arise.

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 Bath, Mr. Brewer, that this bill be indefinitely postponed. If you are in favor of the indefinite postponement of this bill you will answer yes when your name is called; if you are opposed to the indefinite postponement of this bill you will answer no when your name is called. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Ellsworth; Avery, Baker, Orrington; Benson, Mechanic Falls; Benson, Southwest Harbor; Berman, Berry, Boissonneau, Bragdon, Brewer, Buck, Carter, Cressey, Davis, Dudley, Dunn, Erwin, Farrington, Hammond, Harriman, Hawes, Hawkes, Haynes, Huber, Jewell, Katz, Kennedy, Kittredge, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, Meisner, Millay, Mosher, Norton, Payson, Peaslee, Pendergast, Pike, Richardson, Cumberland; Richardson, Stonington; Roberts, Ross, Bath; Ross, Brownville; Storm, Susi, Waltz, Watts, White, Guilford; Wight, Presque Isle; Wood, Young.

NAY — Anderson, Orono; Baker, Winthrop; Baldic, Beane, Bedard, Bernard, Binnette, Birt, Bishop, Bourgoin, Brennan, Busiere, Carroll, Champagne, Conley, Cote, Cottrell, Crommett, Curran, Cushing, D'Alfonso, Danton, Doyle, Drigotas, Drouin, Dumont, Edwards, Eustis, Faucher, Fecteau, Fortier, Fraser Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gifford, Gillan, Glazier, Graham, Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Healy, Hunter, Durham; Jalbert, Jordan, Keyte, Kilroy, Knight, Laberge, Lane, Lebel, Levesque, Lowery, Martin, McKin-

non, Mills, Mitchell, Nadeau, Palmer, Pitts, Poulin, Roy, Ruby, Sawyer, Searles, Starbird, Sullivan, Truman, Wheeler, Whittier, Wuori.

ABSENT — Blouin, Bradstreet, Burwell, Carswell, Cookson, Crosby, Dickinson, Dostie, Evans, Gilbert, Hanson, Gardiner; Hanson, Lebanon; Hoy, Hunter, Clinton; Lang, Lent, Prince, Rackliff, Sahagian, Scott, Stoutamyer, Ward.

Yes, 55; No, 73; Absent, 22.

The **SPEAKER**: The Chair will announce the vote. Fifty-five having voted in the affirmative and seventy-three having voted in the negative and twenty-two being absent, the motion to indefinitely postpone does not prevail.

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

The Chair laid before the House the House item three under tabled and today assigned matters, which was tabled earlier in the day, Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate, S. P. 539, L. D. 1529, pending passage to be engrossed.

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

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

Mr. Speaker, may I approach the rostrum please?

The **SPEAKER**: The House will be at ease.

House at Ease

Called to order by the Speaker.

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

Mr. **LEVESQUE**: Mr. Speaker, I now move we reconsider our action whereby we adopted House Amendment "A" this morning.

The **SPEAKER**: The gentleman from Madawaska, Mr. Levesque, now moves that we reconsider our action whereby we adopted House Amendment "A." Is this the pleas-

ure of the House? The Chair will order a division. All those in favor of reconsidering our action whereby we adopted House Amendment "A" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy having voted in the affirmative and fifty-five having voted in the negative, the motion did prevail.

Thereupon, on motion of Mr. Levesque of Madawaska, House Amendment "A" was indefinitely postponed, the Bill passed to be engrossed and sent to the Senate.

On motion of Mr. Levesque of Madawaska,

Adjourned until nine-thirty o'clock tomorrow morning.