

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, March 30, 1971

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

Prayer by the Rev. Mr. Harrison Dubbs of Gorham.

The members stood at attention during the playing of the National Anthem by the Livermore Falls High School Band of Livermore Falls.

The journal of the previous session was read and approved.

Orders Out of Order

Mr. Mosher of Gorham presented the following Order and moved its passage:

ORDERED, that Shireen Shah-awy of Brooklyn Heights, New York, and John White of Guilford be appointed to serve as Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Kelleher of Bangor presented the following Order and moved its passage:

ORDERED, that Molly, Marie, and John Locke of Bangor be appointed to serve as Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Papers from the Senate

Bills from the Senate requiring reference were disposed of in concurrence.

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act relating to Amount of Aid for the Aged, Blind or Disabled" (S. P. 28) (L. D. 61)

Report of same Committee reporting same on Bill "An Act relating to Budgets of Recipients of Old Age Assistance" (S. P. 29) (L. D. 62)

In accordance with Joint Rule 17-A, were placed in the legislative files.

Leave to Withdraw

Report of the Committee on Agriculture on Bill "An Act relating to Boarding of Dogs" (S. P. 139) (L. D. 378) reporting Leave to Withdraw.

Report of the Committee on Education reporting same on Bill "An Act relating to Powers and Duties of School Directors" (S. P. 388) (L. D. 1143)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Labor on Bill "An Act Providing for Penalty for Failure to Pay Workmen's Compensation" (S. P. 27) (L. D. 60) reporting same in a new draft (S. P. 522) (L. D. 1420) under title of "An Act relating to Compensation Payments under Workmen's Compensation Law" and that it "Ought to pass"

Report of the Committee on State Government on Bill "An Act relating to Retirement Allowance for Former Governors" (S. P. 158) (L. D. 427) reporting same in a new draft (S. P. 521) (L. D. 1419) under same title and that it "Ought to pass"

Came from the Senate with the Reports read and accepted and the New Drafts passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the New Drafts read twice and tomorrow assigned.

Ought to Pass

Report of the Committee on State Government reporting "Ought to pass" on Resolution Proposing an Amendment to the Constitution to Change the Time for Filing an Initiative Petition (S. P. 382) (L. D. 1139)

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

In the House, the Report was read and accepted in concurrence, the Resolution read once and tomorrow assigned.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to pass" on Bill "An Act relating to Ice Fishing in

the Allagash Waterway" (S. P. 176) (L. D. 528)

Report was signed by the following members:

Messrs. HOFFSES of Knox
ANDERSON of Hancock
BERNARD
of Androscoggin
— of the Senate.

Messrs. PARKS of Presque Isle
KELLEY of Machias
BUNKER of Gouldsboro
LEWIS of Bristol
LEWIN of Augusta
CALL of Lewiston

— of the House.

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

Report was signed by the following members:

Messrs. PORTER of Lincoln
BOURGOIN of Fort Kent
MANCHESTER

of Mechanic Falls
KELLEY of Southport

— of the House.

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

In the House: Reports were read.

On motion of Mr. Manchester of Mechanic Falls, the Minority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Resolution Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council (H. P. 207) (L. D. 273) on which the House accepted the Majority "Ought to pass" Report of the Committee on State Government and passed the Resolution to be engrossed on March 19.

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

In the House:

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

Mr. BIRT: Mr. Speaker, I move that we insist and request a Committee of Conference.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that the House insist and ask for a Committee of Conference.

Whereupon, Mr. Donaghy of Lubec requested a division.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I move that we would recede and concur with the Senate and would speak to my motion.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin moves that the House recede and concur.

The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: If you take a look at L. D. 273, it would propose an amendment to the Constitution to provide for the election of members of the Executive Council. It would provide that those people that live within a certain area, the Executive Council, would choose that member.

Now supposedly this is to be an alternate way of arriving at the problem that we now face. But I would like to relate to you something that came to mind to me. It seems extremely obvious to me that we, under existing provisions in the Constitution of the State of Maine, could do this very thing, but apparently the Majority Party have never chosen to do so. And when I say Majority Party I am talking about the Democratic Party and the Republican Party, whichever happens to be in control at the time.

If the Majority Party, for example, would decide that they would let the people within a certain Executive Council area elect its representative, then the whole legislature could very well go along with that suggestion. However, it has always been custom that the Majority Party always gets all seven seats on the Executive Council.

I would hate to think of the possibilities of having — and I know that to the members of the Republican Party this is high treason, to think of having a Democratic House and a Democratic Senate and a Democratic Governor, then having a four to three Republican Council. Or the same thing could have happened when John Reed was Governor of Maine, and we

could have had a Republican House, a Republican Senate, and a Democratic four to three Council.

Now I don't know if that would have occurred that way because I haven't looked at it, but I am saying that the possibility is there and I am not willing to have another problem caused by an Executive Council.

And so for that reason I would hope that my motion to recede and concur would prevail. I think that this little gem has gone far enough, and in all due apologies to the gentleman from East Millinocket I think it is time to give it its final resting place now and forever.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: It gives me great pleasure to concur for the most part with the gentleman from Eagle Lake. Where he got the idea that all Republicans felt this way about the bill, I don't know, but at least we do concur that this little gem should be put to rest.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I am not in agreement that this should be put to rest. I believe that it is a reasonable solution to the handling of the Governor's Council. I think it is rather a naive thought that politics being the art that it is, if the decision on the makeup of the Council is left to the legislature it is going to be reflected by the Majority Party of the legislature, regardless of which party is in power. I am completely positive that this is the way it would always work.

I do believe, and I always have believed, that there is a reason for two parties serving on the Governor's Council and I think it would make it a more effective instrument. I have not, at the present time, made up my mind that the Council should be abolished. I think it is a worthwhile and ef-

fective instrument, at least until the day when we can come to the point of having annual sessions.

I think that there still is a need of a confirmation body and I know of no state in the Union that doesn't have some system for this. So far there has been no program developed and no system developed that would satisfy the members of the legislature to take the place of the Council.

It seems reasonable that if you have a Councillor District such as the one in which Androscoggin is in, and which is predominantly Democrat in this particular case, that the Council should reflect the position of that party. It never seemed exactly right to me, this year, in which you had a Councillor coming from Androscoggin County and they had to go outside of the county in order to determine who that Councillor would be.

I do believe this is a reasonable solution. It actually was the Minority Report of the State Government Committee two years ago. Many of the members on that committee at that time, at least some of them, felt that this was a reasonable solution. I personally believe that it is and I would hope that you would support this, to at least keep it alive until the disposition of the Council is determined.

Now there is a bill to abolish the Council before the legislature. If the Council is abolished, then certainly there would be no need for this bill. But until the final disposition of the Council is determined I would think it would be worthwhile to keep this bill alive.

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

Mr. MARTIN: Mr. Speaker and Members of the House: In making some remarks about the points made by the gentleman from East Millinocket, I would point out to the gentleman that if the people within the legislature had seen fit to let the fourteen members of the Androscoggin County delegation choose a person that is a Democrat to be a member of the Executive Council, that could have been done this year under the existing Constitution of the State of Maine.

The same thing could have been done by the Aroostook-Washington county delegation, which was made up of mostly Republicans in 1965.

What I am saying is, that this bill really doesn't do anything and I think it is time that we take care of it.

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

Mr. ROSS: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Eagle Lake, Mr. Martin. Did I understand in your opening remarks that you said the people in the district were going to elect the Councillors?

The SPEAKER: The gentleman from Bath, Mr. Ross poses a question through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question posed by the gentleman from Bath, it could be that I made that comment; that is not what I was implying. What I was saying was that they would be elected by the representatives within the area where the Executive Councillor would be from.

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

Mr. HEWES: Mr. Speaker and Members of the House: I support the gentleman from East Millinocket, Mr. Birt. I think a council or a cabinet or some body that aids and gives advice and consent to the Chief Executive is a very worthwhile body and this bill, as I understand it, would so provide. I also think that having these people come from seven separate geographic areas in the state is very worthwhile also. This system would allow the legislators from each district to vote for that particular district's representatives.

In answer to the gentleman from Eagle Lake's question or comment, presently as I understand it the entire legislature votes as a whole, including both this House and the other house; and they of course vote for the people that they want

to. Although they could vote for ones that they don't want to, to arrive at different Governor's Councillors, it seems to me that they should vote for the people that they think are best qualified and the ones that they have voted for in the past. In the future if we have this bill as law, then you will not have in all likelihood a Governor's Council made up entirely of members of one particular political party. I hope that you will vote against the pending motion.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: If there is anyone who should be opposed to this it should be me. But I am not opposed to it because I have always been opposed to the method that we now elect Councillors.

My district is a perfect example of the unfairness. We are comprised of Sagadahoc, Franklin and Androscoggin. Two years ago Androscoggin, it was their turn to have a Councillor, they had two Republicans and the Democrats had twelve. But because of the "winner take all" system in the legislature, we elected a Republican Councillor.

This year it was even worse. Androscoggin didn't have any Republicans and so I had to nominate a man from Androscoggin County, a man outside my county, and he now is serving in the Executive Council and is chairman of the Executive Council.

So, in my case, with Androscoggin and Franklin and Sagadahoc, we would never again probably have a Republican Councillor. But I am in favor of this way of doing it and I think it is much fairer than it is now, and I also am opposed to the motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Bath, Mr. Ross mentioned that he had to nominate a man from outside of Androscoggin County when Androscoggin County had the seat; and he made comment, as was stated also by the

gentleman from Eagle Lake, that the delegation of Androscoggin County was all Democratic. I would pose a question to the gentleman from Bath, Mr. Ross. What party enrollment was the man that he nominated?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert poses a question through the Chair to the gentleman from Bath, Mr. Ross, who may answer if he chooses.

Mr. ROSS: Mr. Speaker, I am sure that the gentleman from Lewiston, Mr. Jalbert knows that the man that I nominated was a Republican, because that is the system we are working under at the present time. This would change that system, and a Democrat would have been elected.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This item seems to be getting a considerable amount of debate and I think that the conclusion was pretty much resolved right at the very beginning. However, I think the solution of the problem depends upon what the individual legislator's concept is of the function of the Council. In my mind the function of the Executive Council has been to represent the wishes of the majority of the legislature, obviously when the legislature is not in session. And I might also add that I think that they probably, in my thinking, have the same function when the legislature is in session.

So if you use that kind of reasoning, we certainly cannot better the present method of electing the Executive Council, where they will represent obviously the majority thinking of the legislature.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to go along with the Representative from Eagle Lake, Mr. Martin, in moving to recede and concur, because I feel as though the present method is the proper one and we are getting good results.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin has moved that the House recede and concur relative to Resolution Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council, House Paper 207; L. D. 273. The Chair will order a vote. All those in favor of the motion to recede and concur will vote yes; those opposed will vote no.

A vote of the House was taken, 111 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

Petitions, Bills and Resolves Requiring Reference

The following Resolve, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, was received and referred to the following Committee:

County Government

Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-one and Nineteen Hundred and Seventy-two (H. P. 1233) (Presented by Mr. Wight of Presque Isle)
(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Smith of Dover-Foxcroft presented the following Order and moved its passage:

WHEREAS, marriage is a noble institution, demanding superior fortitude, wisdom, intelligence and courage; and

WHEREAS, members of this body are especially well qualified to enter into such a union; and

WHEREAS, one of our distinguished members, the Honorable Fredrick C. Herrick of Harmony, has taken this momentous step on March 28, 1971; now, therefore, be it

ORDERED, that the members of the House of Representatives of the 105th Legislature do congratulate Representative Herrick and his bride and bestow upon him our sincere best wishes; and be it further

ORDERED, that a duly attested copy of this Order be immediately transmitted by the Clerk of the House to Mr. and Mrs. Herrick,

in token of the sentiments expressed herein.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. SMITH: Mr. Speaker and Members of the House: In presenting this I would offer just one thought to the members of the House, and that is that in personal affairs as well as affairs of the state secrecy offers no advantages. (Applause)

The SPEAKER: The Chair will suggest that this Order receives passage by acclamation.

House Reports of Committees Ought Not to Pass

Mr. Gagnon from the Committee on Liquor Control reported "Ought not to pass" on Bill "An Act relating to Hours of Business of Liquor Licensees on Election Days" (H. P. 358) (L. D. 466)

Mr. Tanguay from same Committee reported same on Bill "An Act relating to Business Days and Hours for Sale of Liquors" (H. P. 817) (L. D. 1090)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

Leave to Withdraw

Mr. Tanguay from the Committee on Liquor Control on Bill "An Act relating to Entertainment for Class A Restaurants under Liquor Law" (H. P. 784) (L. D. 1060) reported Leave to Withdraw.

Mr. Farrington from the Committee on State Government reported same on Bill "An Act Exempting Certain Ferries from Pilot Fees for the Port of Portland" (H. P. 133) (L. D. 188)

Mr. Trask from the Committee on Taxation reported same on Bill "An Act Repealing the Poll Tax" (H. P. 123) (L. D. 167)

Same gentleman from same Committee reported same on Bill "An Act to Abolish the Poll Tax" (H. P. 161) (L. D. 215)

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bill

Mr. Millett from the Committee on Education reported "Ought to pass" on Bill "An Act relating to the Transportation of Students to

Technical and Vocational Centers" (H. P. 669) (L. D. 906)

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

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to pass" on Bill "An Act to Provide Free Hunting and Fishing Licenses to Maine Indians Excluded from Present Law" (H. P. 558) (L. D. 734)

Report was signed by the following members:

Messrs. ANDERSON of Hancock
BERNARD

— of Androscoggin
— of the Senate.
Messrs. LEWIN of Augusta
PARKS of Presque Isle
BOURGOIN of Fort Kent
LEWIS of Bristol
MANCHESTER

— of Mechanic Falls
— of the House.

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

Report was signed by the following members:

Mr. HOFFSES of Knox
— of the Senate.

Messrs. KELLEY of Machias
PORTER of Lincoln
KELLEY of Southport
BUNKER of Gouldsboro
CALL of Lewiston

— of the House.

Reports were read.

On motion of Mr. Lewin of Augusta, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings and tomorrow assigned.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to pass" on Bill "An Act relating to Permits for Kindling Out-of-door Fires" (H. P. 630) (L. D. 852)

Report was signed by the following members:

Messrs. HOFFSES of Knox
ANDERSON of Hancock

— of the Senate.
Messrs. MANCHESTER
— of Mechanic Falls
BUNKER of Gouldsboro

KELLEY of Southport
 LEWIS of Bristol
 BOURGOIN of Fort Kent
 PARKS of Presque Isle
 LEWIN of Augusta
 PORTER of Lincoln
 — of the House.

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

Report was signed by the following members:
 Mr. BERNARD

of Androscoggin
 — of the Senate.
 Messrs. KELLEY of Machias
 CALL of Lewiston
 — of the House.

Reports were read.

On motion of Mr. Parks of Presque Isle, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings and tomorrow assigned.

**Divided Report
 Tabled and Assigned**

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought not to pass" on Bill "An Act relating to Decision of Commissioner of Inland Fisheries and Game after Hearing for Construction and Repair of Fishways" (H. P. 739) (L. D. 1001)

Report was signed by the following members:

Messrs. HOFFSES of Knox
 ANDERSON of Hancock
 — of the Senate.

Messrs. LEWIN of Augusta
 PARKS of Presque Isle
 KELLEY of Machias
 MANCHESTER

of Mechanic Falls
 BUNKER of Gouldsboro
 KELLEY of Southport
 LEWIS of Bristol
 PORTER of Lincoln
 CALL of Lewiston
 — of the House.

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

Report was signed by the following members:

Mr. BERNARD
 of Androscoggin
 — of the Senate.
 Mr. BOURGOIN of Fort Kent
 — of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. PORTER.

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

Whereupon, on motion of Mr. Carter of Winslow, tabled pending the motion of Mr. Porter of Lincoln to accept the Majority Report and specially assigned for Thursday, April 1.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Accrued Sick Leave of State Employees" (H. P. 362) (L. D. 469)

Report was signed by the following members:

Messrs. JOHNSON of Somerset
 WYMAN of Washington
 Clifford of Androscoggin
 — of the Senate.

Messrs. DONAGHY of Lubec
 MARSTALLER

of Freeport
 STILLINGS of Berwick
 CURTIS of Orono
 HODGDON of Kittery
 — of the House.

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

Report was signed by the following members:

Mrs. GOODWIN of Bath
 Messrs. COONEY of Webster
 FARRINGTON
 of Old Orchard Beach
 STARBIRD

of Kingman Township
 — of the House.

Reports were read.

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

Mr. DONAGHY: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Alton, Mr. Barnes.

Mr. BARNES: Mr. Speaker and Members of the House: This happens to be my bill and I suppose

I should object to the acceptance of the Majority "Ought not to pass" Report. I would like to point out that this bill does not establish a precedent as it would require that accumulated sick leave at death should be paid to the estate of the deceased. It would also provide for payment at retirement of some of the accumulated sick leave.

There are already two states now who pay for accumulated sick leave at death. New Jersey pays up to 90 days and Rhode Island pays up to 120 days. There are two states that pay one fourth of each unused day of accumulated sick leave—Colorado and the State of Nebraska. Three states pay for one half of the accumulated sick leave—Delaware, Texas and Michigan.

Now as for retirement there are two states that pay for all of the accumulated sick leave at the time of retirement — they are Louisiana and Rhode Island. Three states pay for one fourth of their accumulated sick leave — Colorado and Nebraska. Three states pay for one half of the accumulated sick leave—Delaware and Wyoming. And there are two states also that allow for all unused sick leave to be paid toward retirement basis. One has a maximum limit of 165 days—the State of New York; and the other is North Carolina.

The Maine State Employees Association has 10,000 members who support L. D. 469. This benefit is for state employees when death or retirement takes place. The provisions of the act encourage state employees to use as little sick leave as possible as this would aid them considerably at the time of retirement or death. This is a fringe benefit which is very meaningful to the employee and his family. Generally speaking the longer the length of faithful service the greater the reward in terms of being able to receive unused sick leave credits. As a former state employee myself I am very well aware of the temptations of employees to take up their sick leave on the slightest pretext and I think that this bill—in fact I know that this bill will

have a tendency to eliminate this. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Accrued Sick Leave of State Employees," House Paper 362, L. D. 469. The Chair will order a vote. All in favor of accepting the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Providing Income Tax Deduction for Child Care Services Necessary to Allow a Parent to Be Gainfully Employed" (H. P. 614) (L. D. 825)

Report was signed by the following members.

Messrs. WYMAN of Washington
HICHENS of York
—of the Senate.

Messrs. FINEMORE
— of Bridgewater
TRASK of Milo
CYR of Madawaska
COTTRELL of Portland
MORRELL of Brunswick
COLLINS of Caribou
ROSS of Bath
DAM of Skowhegan
— of the House.

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

Report was signed by the following members:

Messrs. DRIGOTAS of Auburn
McCLOSKEY of Bangor
— of the House.

Reports were read.

On motion of Mr. Ross of Bath, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act relating to Voting by New Residents in Presidential Elections" (S. P. 330) (L. D. 985)

Bill "An Act to Allow Electric Utilities to Participate in the Con-

struction of Certain Utility Facilities" (S. P. 518) (L. D. 1403)

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

Bill "An Act Providing for Immunity to Licensed Ambulance Service Personnel in Emergency Cases" (H. P. 130) (L. D. 185)

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

Mr. Haskell of Houlton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-85) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 185 is an extension of the so-called Good Samaritan principle of which now applies in this state to physicians, also to licensed ambulance service personnel. The effect of the amendment which I have offered would be to extend this principle, in addition to licensed ambulance service personnel, also to firemen, policemen, members of volunteer rescue squads and to nurses.

Now the reason for the introduction of this legislation is quite simple, I believe. Throughout the state in organizing volunteer ambulance units, people interested in the organization of such units have, under the present situation, encountered very severe difficulty in recruiting personnel, and the basis of this difficulty is pretty largely because there is a fear, generally on the part of the people who are approached in this area, there is a fear of law suits arising out of the administration of emergency first aid. Now we find the same fear, whether it is a reasonable fear or not.

Also there was considerable testimony at the time of the hearing on this bill from members of the nursing profession, that their members were reluctant in many instances to stop at the scene of an accident to administer first aid because there have been in the past law suits against nurses who have administered first aid. So we do

have a situation in the state where first of all it has become increasingly difficult to recruit personnel for the volunteer ambulance services that have become increasingly necessary throughout the state.

The second factor is the fact that if municipalities are to provide the insurance coverage necessary for the members of the units of this type, it becomes a rather expensive proposition for the municipalities of the state.

The third fact, which I think perhaps is the most important, is that increasingly there is a reluctance on the part of people who are perfectly qualified to give emergency first aid to become involved in an accident situation because of the fear of law suits. And there have been well documented cases where perfectly competent people have not given emergency first aid because of this fear. So it would seem that it would be a reasonable thing to do to extend this Good Samaritan principle, so-called, into this field, and it would seem logical further that this bill before us should be amended to include the additional categories that I have mentioned.

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

Mr. HEWES: Mr. Speaker and Members of the House: A little background on the basic law here. Basically everyone is accountable for his or her acts. If a person is negligent, then they are accountable for their acts. And that is the general law of the state with one exception anyway, the ski patrol members involved in helping someone on a mountain who has been hurt.

Now the original bill, L. D. 185, which is sponsored by the gentleman from Orland, Mr. Churchill, provides immunity for rescue unit members. I would like to discuss with you the words immunity and indemnity. Immunity means to hold off or shield someone from liability. And then we have the other end of the compass, indemnity, which would be a situation whereby, say, a town or a state would indemnify or make good or pay the damages that a

negligent person owes—would pay the liability of someone else.

Now the original bill submitted by the gentleman from Orland, Mr. Churchill, proposes immunity, a shield that is for rescue unit members. And the amendment proposed by the gentleman from Houlton, Mr. Haskell, proposes a shield or immunity for firemen, policemen—Good Samaritans so to speak at the scene of an accident.

I think we lawyers become beclouded in our thinking because of legal precedent, and I think this is something that the lay people could decide better what is right or what is wrong. It was proposed at the hearing that perhaps indemnity, that is payment by the state or city or some geographic district would be fairer. In that situation, unfortunately, you run into a case of, supposing it is a rescue unit from one town, it is doing service in another community. Which community would pay the amount?

So the way the present bill, 185, stands, it was a Minority Report that it pass. I was one who voted for this "Ought to pass" Bill, because I feel that the dedicated rescue unit members do so much good. They are a relatively new group in the state. I understand the first official one in Maine was in 1957, only 14 years ago. There are now rescue units in many communities. We have a very fine one in Cape Elizabeth. They do work in South Portland and Scarborough; and conversely the fine units in Scarborough and South Portland have come into Cape Elizabeth. And I think they will be growing in number as the years go on.

I personally very much favor the original bill submitted by the gentleman from Orland, Mr. Churchill. I wanted to discuss with you the contents of the amendment as to whether or not firemen, policemen, and others helping at accident scenes, Good Samaritans, should also receive immunity. I thank you.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I rise in opposition to the bill. Somehow or

other last Friday when this came up, for some reason or other I thought that the House Chairman had signed the "Ought not to pass" Report, so I didn't say anything about it. And yet to find out that I had signed the "Ought not to pass" Report, and he signed the "Ought to pass" Report. So actually we were confused—I was anyway—and it came that it passed last Friday, or it was tabled until today.

Now the reason why I oppose the bill, I realize that the ambulance people do need some protection. And I suggest, and I will support a bill which we have in committee to indemnify that the cities and towns may indemnify these people if they want to. To actually give them full immunity, I am against such a bill.

Now the proposed amendment, the bill itself was limited to ambulance service personnel. Now the proposed amendment covers, as has been said before, firemen, policemen, other members and nurses. Now the concept of this, which I actually am against, is the fact that you are relieving these people from any liability due to any wrongful acts that they might make. In other words, they don't have to apply the reasonable care standard that you usually have to under all circumstances. It says willfully, wantonly. Well, there are some lawyers in this House here, and to prove anything that is willfully done or wantonly done, is almost impossible.

I suggest, or I did the last time in the last session when this bill came up first to create the ambulance service, I was very much against it due to the fact that it created a lot of problems. It would create a lot of problems, and we have the problems now. And this is why on this particular subject I have been consistent in holding my position that the ambulance service, that those who have it, to leave it up to their city itself.

I believe very strongly in home rule, to leave it up to the cities or towns to provide indemnity for them, and I think that this would solve the problem. So I am against the passage of both the amendment and the bill, and I

will vote as I did in committee, "Ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: In behalf of my original bill, L.D. 185, days of the privately owned ambulance services throughout the state are numbered. Changes in state and federal laws are driving these privately owned services out of business.

When federal regulations for privately operated ambulance service went into effect this was a break many funeral directors had been waiting for, to unload a risky and low profit business.

It is the intent of L.D. 185 to offer the ambulance attendant some protection against liability and encourage more people to participate in volunteer ambulance services, without the expectation of monetary compensation from the person aided. There are a great many more elderly people using ambulance service than ever before, because of Medicare and Medicaid, thus causing a tremendous increase in ambulance calls.

So let's not frighten the possible volunteer attendants away from offering their services. Let's give them some protection. I urge the passage of L.D. 185, and give consideration to the amendment.

Also at the present time there is a total of 151 ambulance services throughout the state. And of these, 45 are volunteer rescue or ambulance service organizations. Thank you.

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

Mrs. DOYLE: Mr. Speaker and Members of the House: I rise to oppose this bill as a registered nurse for the following reasons. People who are trained in health professions, including those who have passed these Red Cross first aid courses, are liable for their own actions under any other circumstances; so why should there be special exception when they are involved in ambulance service?

If I render treatment in an emergency ward of a hospital, for ex-

ample, or in someone's home, I am responsible for my own acts. And I pay for liability insurance for just this reason. And I think that this is a discriminatory type of legislation, to protect certain people performing certain acts. It does not apply overall.

If you start with something like this, then you would be asking for immunity for health trained people in a variety of circumstances. I think someone who has been trained to render first aid ought to be responsible for his or her own acts in the process of rendering such first aid. Thank you.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: This is a somewhat complicated and confusing situation, and I am going to try to explain what the Committee on Judiciary was considering and what it had in mind with this legislation, and what other legislation is pending before the committee.

The difficulty in this area results partly from the fact that we have a principle called governmental immunity. For instance, a town is immune from certain acts which it causes to be done. Certain other acts, it is not immune. The classifications are called governmental acts and proprietary acts, and the immunity extends to governmental acts.

Therefore, if a policeman is directing traffic and he makes a mistake and tells two cars to come through the intersection at the same time, that is a governmental act, and the town cannot be sued for the results of the collision. But the police officer may be.

The committee is considering other legislation, and I anticipate that the House will have an opportunity later on to decide whether or not a community should reimburse or indemnify a police officer or a fireman for damage that results from his negligent act. In a case of a policeman or a fireman, it is relatively easy to see that there may be a single community that may be respon-

sible for his acts, and therefore indemnification may be the best avenue to provide relief to a person who is injured by the negligence. However, in the case of ambulance drivers, they may first of all not be sponsored or financed by any single governmental unit; they may cover a large area, and it is rather difficult to say just who should provide them with indemnity if they are to have it.

And it is for that reason that I voted "Ought to pass" on this bill in its original form, which provides for immunity for licensed ambulance personnel only. I am opposed to the amendment being offered by Mr. Haskell for the reason that it seems to me that a community may well properly be called upon to provide indemnity to a fireman or a policeman who injures somebody through his own negligence.

In addition, it seems to me that conditioning the immunity upon completing an advanced Red Cross course may not be especially sound as a test of whether or not immunity should be granted. This is not to make light of the effectiveness of a Red Cross course, but I think we can all consider many situations a person may have had superior training in military service, or through some other source of training which might even be superior, and yet if he hadn't completed the Red Cross course this amendment would not grant him immunity.

I do believe the House will have an additional opportunity to vote on the question of how they want to provide for protection or immunity in the case of firemen and policemen at a later date. I would hope that for this reason the House would vote to indefinitely postpone this amendment, and I would move the indefinite postponement of House Amendment "A."

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Lund, that House Amendment "A" be indefinitely postponed.

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

Mr. McTEAGUE: Mr. Speaker, I would address a question to the sponsor of the amendment through the Chair. The amendment provides that the immunity shall occur when the service is gratuitously rendered. My limited understanding of rescue services and ambulance services is that, at least in our area, they go out and they are picked up in our case, I believe, by an ambulance service run by the fire department, and subsequently they are billed — I think in the main for the trip to the hospital — at about \$15. But I assume that that \$15 also related to payment for whatever emergency care was rendered at the scene. And how would you know at the time the fireman or volunteer rescue worker was treating the injured person whether or not the service was being gratuitously rendered or whether it was being rendered for the \$15?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentleman from Houlton, Mr. Haskell, and the Chair recognizes that gentleman.

Mr. HASKELL: Mr. Speaker and Members of the House: It is my understanding that normally emergency first aid as rendered by these various groups, there is no billing for this service. It is done on a gratuitous basis. Now there may be a charge for transportation, but it is my understanding and was the testimony at the hearing that there was not a charge for this type of service.

I would like to pick up one point that was made by Mrs. Doyle, the Representative from Bangor. I think perhaps she may not be aware of the fact that the Nurses Association very strongly supports this for the reason that the normal coverage that a nurse has in this area does, as she very properly points out, apply only in the hospital or in a home. It does not apply to emergency first aid given, for example, at the scene of an accident, and for this reason a good many nurses do testify that they are extremely reluctant to become involved in an emergency situation of this type because their normal insurance coverage does

not take care of it; they are afraid of law suits. And for this reason in a great many cases people who are perfectly competent to give emergency first aid withhold their treatment because of the fear of a suit.

Now there have been extremely few suits in this field. And when we start to talk in terms of the municipality providing insurance coverage for these groups, I think you should realize that you are starting to talk in terms of fairly substantial insurance premiums.

The ambulance service in my community informed me that to the best of their knowledge, to provide the coverage that they felt was adequate and necessary for the members of the unit would involve an annual expenditure of somewhere in the vicinity of \$400 a year. You multiply this by the number of units around the state and you begin to get into a very substantial insurance figure that it seems to me is totally unnecessary, since in the history of the state the suits of this type are extremely rare.

I think the important thing to bear in mind is that if we continue the present situation, we might personally be involved in an accident where we could lie pinned under the car very quietly and bleed to death, while our rights to sue are intact but where people who are perfectly competent to give emergency first aid refuse to get involved in an accident situation because of a fear of a law suit which may be totally unreasonable. But, however, this fear of suit is a real fact. It makes it extremely difficult to recruit volunteers for these services and it does result in situations where people who are perfectly qualified to give first aid treatment withhold it rather than to get involved in a situation that might result in a law suit.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I would commend these people in the volunteer ambulance corps, but I would join with the Representative from Augusta, Mr.

Lund, in asking for the indefinite postponement of this amendment. I think if this amendment is passed we will be throwing open the doors for the eager, partially trained person to do what he sees fit in his judgment, which may not be to the best interest of the public, and I think that we are here to protect the public, not the volunteers who are working in these ambulance corps. These people in the ambulance corps can be protected through indemnity contracts.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I support the motion for indefinite postponement for two reasons. One, we are all responsible for the acts we commit, whether we are driving a car or in almost all acts that we perform. And should those acts be negligent and cause damage and injury to other people, then quite often we insure ourselves to protect ourselves against this situation.

All of us here are potential victims of some of the actions that this bill is directed towards. And I suspect that most of us here, if we are victims of a negligence and we also receive the resulting damages and injuries, that we would not want to be prevented from proper relief.

Secondly, I would point out that most of us, as is human nature, if we are not responsible for our actions either through a suit or some form of financial redress, then quite often we lower our standard of care that we maintain towards other people. For these reasons I support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I regret that I must oppose this amendment also. I was signer of the "ought not to pass" on the original bill, and as the House has become aware this is possibly the first debate of one of the lawyers bills out of the Judiciary Committee.

I feel that we must do something, but I still favor indemnify-

ing. I feel that there seems to be an erroneous assumption on the cost to communities of insuring under indemnity. If there are no reports of suits relative to this sort of thing, why should the insurance against such suits be so expensive? So far we have had no knowledge of any such suits.

Now I am not an attorney, but I do not like to open the door to giving immunity to anyone or any group. I think that it possibly establishes a dangerous precedent. And so I would still like to have the committee in a position to produce another bill on indemnifying so that those areas that have these volunteer groups can more or less back up their own commitments. I don't feel that we must at the state level assume all of the responsibilities for everyone in the State of Maine. I think that that can be done locally. It is done locally through indemnity with employees of communities, cities, and so on; why can it not be done for volunteers at the local level?

We have a group at home that is used in one of the towns, and several other towns do not use such a group. So I feel that that area can set up its own indemnification and protect its people.

If I didn't feel that we could arrive at some other more acceptable bill to assure these people, these volunteers, that they themselves would not have themselves sued out of home in case of a little accident, I would accept this amendment, but I feel that we can do better. And consequently I shall vote for indefinite postponement on this amendment.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker and Members of the House: Under the hunting laws of today, if you see a person hurt aside of the road, whether he is wounded or ill and you do not help him, you can lose your license and be arrested. Now under this law, if you don't you can be arrested. So you are going to get arrested both ways. So I think it better be indefinitely postponed.

The SPEAKER: The Chair will order a vote. All in favor of in-

definite postponement of House Amendment "A" to Bill "An Act Providing for Immunity to Licensed Ambulance Service Personnel in Emergency Cases," House Paper 130, L. D. 185, will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

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

Bill "An Act Increasing Tax on Commercial Fertilizers" (H. P. 279) (L. D. 368)

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

Third Reader Tabled and Assigned

Bill "An Act relating to Riding in Trailers" (H. P. 471) (L. D. 599)

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

Mr. Simpson of Standish offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-76) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Members of the House: I don't know if this answers all the questions in the committee or not; it eliminates some of mine surely. I would hope that somebody would table this for a couple of days so that we could study this amendment.

(On motion of Mr. Kelley of Machias, tabled pending the adoption of House Amendment "B" and specially assigned for Thursday, April 1.)

Bill "An Act relating to Definition of Dental Hygienist and Dental Auxiliaries" (H. P. 563) (L. D. 739)

Bill "An Act relating to Out-of-state Ambulance Services and Eliminating Fees for Ambulance Personnel" (H. P. 592) (L. D. 787)

Bill "An Act to Enable the Town of Cape Elizabeth to Establish

Sewer Service Charges" (H. P. 632) (L. D. 862)

Bill "An Act relating to Cancellation, Nonrenewal and Certain Changes of Automobile Insurance Because of Age" (H. P. 664) (L. D. 893)

Bill "An Act to Revise the Laws Relating to Authority for Granting Degrees and to Approval of Degree-granting Institutions" (H. P. 706) (L. D. 949)

Bill "An Act Authorizing Savings Banks to Issue Mortgage-backed Securities Guaranteed by the United States" (H. P. 733) (L. D. 995)

Bill "An Act relating to Compensation of Trustees of the Rumford Water District" (H. P. 750) (L. D. 1019)

Bill "An Act to Authorize a Food Stamp Program in Kennebec County" (H. P. 767) (L. D. 1033)

Resolve Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction (H. P. 89) (L. D. 133)

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

Amended Bills

Bill "An Act relating to Geographically Isolated Small High Schools" (S. P. 257) (L. D. 763)

Bill "An Act to Clarify the Laws Relating to Milk and Milk Products" (H. P. 377) (L. D. 492)

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

Bill "An Act to Establish a Boundary Line between the Towns of Wayne and Leeds" (H. P. 1057) (L. D. 1162)

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

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: There is no controversy surrounding this piece of legislation since the municipal officers and the representa-

tives of the towns involved are in agreement with it. But I would like to explain briefly to you the need for its early enactment.

It is an emergency measure, first because this boundary line crosses a body of water and it will be easier for the local municipalities to survey the line while the water is still ice locked. Secondly, in order for property owners to maintain the right to appeal their assessments, they must file a list of their real and personal properties on April 1, and therefore we would hope to get this enacted prior to Thursday. Thank you.

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

By unanimous consent, was ordered sent forthwith to the Senate.

Engrossed in Non-Concurrence

Bill "An Act Concerning Minimum Salaries for Teachers" (S. P. 516) (L. D. 1401)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act to Establish a Boundary Line between the Towns of Wayne and Leeds (H. P. 1057) (L. D. 1162)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 141 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

Emergency Measure

An Act relating to Interest Limitations in Community School Districts (H. P. 701) (L. D. 944)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being neces-

sary, a total was taken. 129 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Exempting Kents Hill School from the Maine State Retirement System (S. P. 244) (L. D. 705)

An Act to Limit the Taking of Smelts in the Eastern River in the Town of Dresden to Hook and Line (H. P. 413) (L. D. 540)

An Act Upgrading the Classification of Certain Waters of the State (H. P. 500) (L. D. 646)

An Act relating to Transfer of Liquor License When There Is a Change in Minority Ownership (H. P. 747) (L. D. 1008)

An Act relating to Trustees and Executive Committee of Lincoln Academy (H. P. 803) (L. D. 1076)

An Act Increasing Indebtedness of Boothbay Harbor Sewer District (H. P. 1214) (L. D. 1332)

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

Orders of the Day

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

Bill "An Act relating to Age of Compulsory Education" (H. P. 1219) (L. D. 1410)

Tabled — March 25, by Mr. Mills of Eastport.

Pending — Passage to be engrossed.

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

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

HOUSE DIVIDED REPORT — Majority (9) "Ought not to pass" — Minority (3) "Ought to pass" — Committee on State Government on Bill "An Act Providing Longevity Provisions for State Employees" (H. P. 660) (L. D. 890)

Tabled — March 26, by Mr. Starbird of Kingman Township.

Pending — Motion of Mr. Donaghy of Lubec to accept Majority Report.

Thereupon, the pending motion prevailed, the Majority Report was accepted and sent up for concurrence.

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

Bill "An Act relating to the Control of Dogs" (H. P. 270) (L. D. 359) — In House, passed to be engrossed as amended by House Amendment "A" (H-49) — In Senate, passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" (S-41) in non-concurrence.

Tabled — March 26, by Mr. Curtis of Bowdoinham.

Pending — Further Consideration.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: If, before this session, someone had asked me to give them a good example of the kind of legislation that would be a direct violation of home rule, I would have thought myself very clever if I could have cited a state-wide leash law as a very obvious instance.

Today with just such a bill before us, I would be tempted to try an impassioned plea on behalf of man's best friend, and cite for you the number of dogs owned by families, and especially by children, who harm no one and no animal, and whose owners see that they do not. But I have seen this House unmoved by such tear-jerking tactics.

Instead, I would urge my colleagues in the House to consider how utterly unenforceable a state-wide law as promulgated by L. D. 359 would be. I would suggest that whenever we pass a law that cannot be enforced we not only create a dilemma for our towns and cities, but even more important we only serve to widen an ever growing skepticism of the law and lawmakers. We would only encourage citizens who would

never consider breaking the law to do so.

If this bill is supported out of frustration because of the relatively small percentage of dogs who kill our deer, then I suggest we are entertaining a very poor solution and one that smacks of hypocrisy.

It seems to me that we should be seeking to pass a bill that is enforceable and that addresses itself more directly to the particular dilemma that prompted this poor bill in the first place. Let's leave the passage of leash laws to the towns and cities where such laws should rightfully be passed and where, ultimately, such laws will have to be enforced.

Mr. Speaker, I move for the indefinite postponement of L. D. 359 and its accompanying papers.

The SPEAKER: The Chair would advise the gentleman and the Members of the House, this being a non-concurrent matter, the only motions that will be entertained will be to recede and concur, insist and adhere.

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

Mr. LEWIN: Mr. Speaker and Members of the House: I would like to bring up another point that hasn't been covered here regarding the bill on the dog control. I talked a few days ago with a veterinarian. He stated that he and many others in the profession were greatly worried and distressed over the increasing cases of rabies in the State of Maine. He felt, and they felt, that something should be done about it. He said there is a great danger from uncontrolled dogs roaming at large, and many of them without a license.

Now I have been told that 70 percent of the dogs in New Hampshire are registered, about 50 percent in Maine. However, in Massachusetts, 90 percent; and in Massachusetts they are having no trouble.

This morning I received a report from the Health and Welfare lab, rabies cases, the percentage of positive cases; and it lists the fox, dog, cat; yes, the coon also; the cattle and others. As far as the fox is concerned, 92 percent of the cases were found positive; the dog,

28 percent. I think it is high time that we do something to help in the rabies case through the dog control bill. Thank you.

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

Mr. SMITH: Mr. Speaker, I would move that we adhere.

The SPEAKER: The gentleman from Waterville, Mr. Smith, moves that the House adhere to its former action.

The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Members of the House: When we are in a desperate situation sometimes we have to take drastic action. And I think we are in a desperate situation today pertaining to the deer herd. I just heard a minute ago that there was a small number of deer killed by dogs. I take issue with that statement. One week ago today I received a report of the deer kill by dogs in the state, and I found that one week ago today the wardens had picked up 536 deer killed by dogs.

I also learned that the wardens are only able to find about one out of four or one out of five of the dog kills. That means we have had over 2,000 deer killed already this year, and we are moving into April, the most dangerous month of the year. I am still disturbed about the "small" number of deer killed by dogs.

I have here before me an intensive study that was conducted on our managing of the deer herd in the years 1954 and '57. During those four years a great deal of work went into the managing of the deer herd, and they found one figure that intrigues me. On the average, during those four years dogs killed 11,190 deer. Do you call that a small number? I think it is time we tied up these dogs to get rid of the rabies and to save our deer.

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

Mr. ROSS: Mr. Speaker, I move that we recede from our former action and concur with the Senate.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the House recede and concur.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: At this time I support the motion of the gentleman from Waterville, Mr. Smith. I think he really brought the real item involved in this bill to light. Presently we supposedly have home rule, and a lot of towns and cities already have this enacted.

Now I see it this way. The town I live in, and the towns I represent, even if we pass this bill it will not be enforced; and for those places that are, it will only help to clutter up the courts which can't handle the cases now. I would say too that this bill before it is passed in its final analysis, if it does in this House, should be made to include cats, because they carry more rabies than do dogs.

Now I am one of those that recognize something should be done about the dogs, but I don't think this bill does it. Now let me tell you that if we pass this bill there will still be deer killed by dogs, 500 to 1,000, even with this bill in effect. So all this bill will do is make each town have to hire a dog catcher, and these towns are overburdened now with people on the payroll. And then it will help to maybe clutter up the courts. But the dogs are going to go on and on killing deer. They did ever since I was a boy. They were killing deer then; they are killing deer now; and I don't believe this bill will correct it, it will just make more problems.

And so I support the gentleman from Waterville, Mr. Smith, and I hope that we do not recede and concur.

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

Mr. CALL: Mr. Speaker and Members of the House: I agree with the gentleman from Waterville, Mr. Smith, this is a local problem. I have had a lot of mail on this matter, and I only had one letter from somebody who was opposed to my feelings, and it was obviously from someone who does not care for dogs.

Most of these people have stated that what they don't like for the

most part is the fact that this should be handled by the municipalities.

Now there has been too much stress put on the matter of killing of deer by dogs. I stated before, and others have stated, that it is a policing problem. If a strong attempt is made to lie in wait for dogs who chase deer, the matter can be taken care of.

Now we have got this timely matter; timely in favor of the people who want this dog control bill passed. And it is this matter of rabies. And that, like the deer killing, is overstressed.

Now I don't know of a better time for me to read this beautiful poem about dogs. I have looked through many poems about dogs, and they were all very very good. If you will bear with me I will read this one by Hally Carrington Brent.

“Though prejudice perhaps my
mind befores,
I think I know no finer things than
dogs;
The young ones, they of gay and
bounding heart,
Who lure us to their games to take
a part,
Who with mock tragedy their an-
tics cloak
And from their wild eyes' tail, ad-
mit the joke;
The old ones, with their wistful,
fading eyes,
They who desire no further para-
dise
Than the warm comfort of a smile
and hand,
Who tune their moods to ours and
understand
Each word and gesture; they who
lie and wait
To welcome us—with no rebuke if
late
Sublime the love they bear; but
ask to live
Close to our feet, unrecompensed
to give;
Beside which many men seem very
logs—
I think I know no finer things than
dogs.”

I wonder how many people as-
sembled in this chamber today are
aware of the fact that, in the 1920's
the flag on the dome of this very
capital flew at half mast—for a
dog. The late Percival P. Baxter,

Governor of the State of Maine in the middle 1920's, remarked, when criticized unfavorably relative to such a display for a lowly animal, qualified his position by declaring that a dog is loyal, that he does not betray one on occasion as does another person. He was right.

I think it is only fitting and proper that I should relate two personal experiences that demonstrate only too clearly the loyalty and devotion that a dog displays toward his master. My first dog, a German shepherd, whose grandfather had served meritoriously as a member of the Berlin Germany police force, used to sleep in the kitchen by the radiator. In the winter, my mittens used to rest on that radiator. In the morning, those mittens would be down on the bed with my dog. I don't have to explain.

My second dog was an Airedale, which was a gift from a friend as a result of my extreme grief when my German sheperd was laid to rest. At the time of the incident I shall relate, the dog was in the back seat of the car and I was in the front seat, while my late father, a physician and surgeon, was visiting his patients at Central Maine General Hospital. Somehow, I struck my funnybone on the upright which separates the ventilating window from the window proper on the passenger side of the auto. I fainted dead away and the first sounds that came to me were from my father who was instructing the dog to get back into the back seat. He pleaded with him, successfully, because he did not want to grab him and shove him into the back seat because he wanted him to know he had done nothing wrong. When I flopped, the dog had jumped from the back seat to the front and was down on the floor next to me.

That is all I have to say for now, and thank you.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I don't know, I feel kind of meek after listening to this oratory, but I would like to present a few

thoughts, possibly from the viewpoint of the dog.

In my district the majority of families keep a dog. In my district the dog is a dog and leads a dog's life—hopefully a happy one. He may be of any breed or a combination of such, he may be large or small, black, white or colored, but he is more or less treated as a member of the family. He plays with the children and gives the alarm if they get into trouble. He helps get the cows, chases hawks away from the chickens and gives notice by frantic barks when a stranger comes. And when he wants some fun in his spare time, he digs out woodchucks, chases crows, buries his bone in the flower bed and catches rides on trucks and cars.

A lot of the time he is an unmitigated nuisance. He is always on the wrong side of the kitchen door. He has to sleep on the floor in the middle of the room where he can be walked around but where he can keep an eye out for an open door or a handout in his feed dish under the stove. At night he patrols the place looking out for coons in the corn, skunks in the henhouse and keeps the visiting tom cats under control. Sometimes he takes a few days off to visit girl friends over the ridge. When he gets back he looks sheepish while being scolded, promises good behavior and does it all over again the next chance he gets. If he doesn't get back soon the family gets a new pooch.

Now since I have been a member of the Agricultural Committee, I have learned a lot about dogs. Around here he seems to be a different animal altogether. He is of some aristocratic breed and comes from a kennel. He has a pedigree that would make a daughter of the American Revolution blush with envy. He eats dog chow, takes vitamin pills, wears a rubber coat when it rains and a wool jacket on cold days. He is bought and sold and cared for in pet shops. He goes to the veterinarian when indisposed, has the Society for the Prevention of Cruelty to Animals looking after his welfare, and in his spare time he attends dog training classes in a dog school.

In spite of all that attention, and in the interest of a little recreation, he sometimes sneaks away to the other side of town to visit his girl friend. This is no doubt very charming from his point of view, but it creates other problems. He gets picked up for being AWOL and gets taken to a dog shelter where the state pays \$1.50 a day for his room and board. He gets his name in the local papers and eventually returns home a sadder and hopefully a wiser pup, but having had a wonderful vacation.

Now I would submit to you that a dog with all this going for him deserves a better fate than to be tied by the neck in the back doorway.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am a dog owner, a dog lover, I have had dogs all my life. But I also recognize the problems that we have with our dogs, and they are mostly people problems.

We have proven that the existing conditions prove that the town control or local control does not work. And we do need state laws so that when these dogs are out raising mischief that they can be picked up by state officers.

The type of thing that happens, in a nearby town there was a woman who loved dogs. She started collecting all the strays, and last fall when she died she had over forty dogs, none of which were licensed, none of which had been vaccinated for rabies. Since she has died there has been nobody to take care of them and they have run wild all over the country. There aren't as many of them as there were, but we need adequate laws to take care of a situation like this.

I hope the motion before the House prevails.

The SPEAKER: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: I arise once more to defend my position on L. D. 359. I am amazed to learn that many people do not know what this bill contains. They

don't know the amendments and what it does. It has been amended so that the harsh part of the bill has gone out of it.

When anyone mentions a dog control law, some people envision a dog with a forty pound weight around his neck struggling to walk down the street, or tied up somewhere by his neck with a four foot rope which turns him into a snarling, vicious animal.

If you ever see a personality change in a dog, you should see a dog running in packs. A nice friendly German shepherd or beagle dog that you pat on the head in a well run community or home, in a gang he can really be a snarling, red-eyed monster.

My experience with dogs, as I related to the committee at the hearing, was when a gang of dogs tore my flock of sheep to pieces, and when I was attacked within a half mile of my home by three dogs. Only my expertise with a fire arm, acquired over many years in the field and stream — not too much in the stream as the field — saved me from a bad mauling or worse. I cannot understand the dual personality of people who can get so emotional over the proposal to partially control vicious and stray dogs, and can walk by or can read about the destruction and slaughter of a herd of sheep or two or three hundred deer, and not turn a hair.

I will not read an emotional passage from some dog book - I have read most of them and I am sure you have too. I don't have to be told what a joy and comfort dogs are, I know from first hand experience. I have had dogs all my life, and when my little dog Buff trotted up to me last year and died in my arms, it brought tears to my eyes. An old man crying over a dead dog cannot be the hard-boiled ogre that some people think I am for sponsoring a bill of this nature.

But these are not the dogs that we are talking about, as I have stated before. The dogs we are talking about are the dogs running at large, no tax paid, no rabies inoculation, chasing deer and messing up other people's property and spreading disease throughout

the State of Maine. I notice no emotional upheaval by the dog-baiters when they put out poison bait over the state to kill foxes in an effort to stop the rabies epidemic. And a fox is just as pretty an animal as a dog. Why then should there be such a hue and cry when we try to control the very dogs that have free run to go and come from the rabid infected areas and capable of carrying the disease to every person and every animal in the State of Maine? Just look at the reports from the Department of Agriculture. I have reports here of the last year anywhere from one to seven or eight cases of rabies a week. And if you have read the papers in the last few days you will see that it is now of real epidemic proportions.

The time has come, when for the protection of our people we have to be practical. The only reason that the dog control law in many places is not enforced is that the officers are a little reluctant to ask their neighbor to control his dog. If this bill is passed, they can pass the buck saying that this is a state law and they have no choice but to enforce it.

This bill is not a cure all, and probably cannot be enforced as well as some people think it should be. But if we can save one child in the State of Maine from rabies, we will have helped a little bit.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to read you a little piece out of the Presque Isle News. It was in the Bangor Daily News last Friday; probably many of you read it. It goes on to say, "We heard from a local dog constable this week that there is a pack of dogs, about 25 strong, running in a section between Skyline Trailer Park in between the Parsons and State Roads."

I also received a call from a drug store clerk in Mars Hill saying that last Friday around two

different schools there were fifteen or more dogs that were bunched up and running over town and molesting the children. Is that what we want to keep going on? If it is we will vote in favor of postponing this bill. If not, we will vote for receding and concurring.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: Under the current law that we have now, all dogs must be tied up during the spring months when the deer are pregnant because they cannot carry their young and they would be killed.

And furthermore, probably you know that last year a little girl fell into the Kennebec River up near where I live and a mongrel dog swam out and brought her to shore, and he barked until help came to save her life. You saw the piece in the paper. If these dogs had all been on leashes this little girl would be dead today. So dogs do do good.

And speaking about rabies. I have been fighting here for a week or two to get free clinics to have these inoculated and no one wants to come forth. I think we should spend a little money to have these.

And when they tell about the pack of dogs chasing deer and everything else, this same pack of dogs that are not licensed, they are going to do the same thing. I thank you.

The SPEAKER: The pending question is to recede and concur. All in favor of receding and concurring on Bill "An Act relating to the Control of Dogs," House Paper 270, L. D. 359, will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

On motion of Mr. Bustin of Augusta,

Adjourned until nine - thirty o'clock tomorrow morning.