

# 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, April 13, 1971

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

Prayer by the Rev. Mr. Roland Patenaude of Sanford.

The members stood at attention during the singing of the National Anthem by a choral group from Morse High School in Bath.

The journal of the previous session was read and approved.

**Order Out of Order**

Mr. Ault of Wayne presented the following Order and moved its passage:

ORDERED, that Malanie Lantot of Readfield be appointed to serve as Honorary Page for today.

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

**Papers from the Senate**

From the Senate: The following Communication: (S. P. 542)

**MAINE STATE ARCHIVES**

April 6, 1971

Honorable Kenneth M. Curtis  
Governor of State of Maine  
Members of the One Hundred  
Fifth Legislature of Maine  
Gentlemen:

In compliance with Maine Revised Statutes Annotated, Title 27, Section 278, subsection 6, I have the honor to submit the accompanying report relating to the work and needs of the Office of State Archivist.

Respectfully,

(Signed)

SAMUEL S. SILSBY, Jr.  
State Archivist

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

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

From the Senate: Bill "An Act relating to the Size Limit on Herring" (S. P. 540) (L. D. 1645)

Came from the Senate referred to the Committee on Fisheries and Wildlife.

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

**Reports of Committees  
Leave to Withdraw**

Report of the Committee on Taxation on Bill "An Act relating to Current Use in the Assessment of Real Estate Taxation" (S. P. 146) (L. D. 385) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

**Ought to Pass**

Report of the Committee on County Government reporting "Ought to pass" on Bill "An Act to Authorize Cumberland County to Raise Money for a Bridge at Harpswell" (S. P. 172) (L. D. 524)

Report of same Committee reporting same on Bill "An Act Creating the Cumberland County Recreation Center" (S. P. 404) (L. D. 1221)

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

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

**Non-Concurrent Matter**

Bill "An Act relating to the Color of School Buses no Longer Used for School Purposes" (S. P. 210) (L. D. 643) which was passed to be engrossed as amended by Committee Amendment "A" in non-concurrence in the House on April 8.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto, and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. JOHNSON of Somerset  
GREELEY of Waldo  
KELLAM of Cumberland

In the House: On motion of Mr. Lebel of Van Buren, the House voted to adhere.

**Non-Concurrent Matter**

Bill "An Act Providing for Mandatory Retirement for Teachers" (S. P. 305) (L. D. 899) on which the House voted to insist

on April 7 on its former action whereby the Bill was indefinitely postponed in non-concurrence on April 2.

Came from the Senate with that body voting to further insist on its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A", and asking for a Committee of Conference with the following Conferencees appointed on its part: Messrs. KATZ of Kennebec

MINKOWSKY

of Androscoggin

CHICK of Kennebec

In the House:

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: I don't think I will make a motion on this, but I would just like to call to your attention that this is a bill which we debated at length about two weeks ago. We were in non-concurrence by accepting the "Ought not to pass" Report. We later moved to insist and not join in a Committee of Conference.

If I felt that a Committee of Conference would do any good on this issue I would certainly move to insist and ask for a Committee of Conference to join with the other body. However, I seriously doubt that it would accomplish anything and I would leave the motion to those who feel more strongly about this issue than I do.

Whereupon, on motion of Mr. Jalbert of Lewiston, the House voted to adhere.

#### Non-Concurrent Matter

Bill "An Act Authorizing Emergency Closing of Financial Institutions" (H. P. 1239) (L. D. 1525) which was passed to be engrossed in the House on April 1.

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.

#### Messages and Documents

The following Communication:

THE SENATE OF MAINE

Augusta, Maine  
April 9, 1971

Honorable Bertha W. Johnson  
Clerk of the House  
105th Legislature  
Dear Madam Clerk:

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Reimbursements for Professional Credits of Teachers" (H. P. 1220) (L. D. 1411):

KATZ of Kennebec

CHICK of Kennebec

MINKOWSKY

of Androscoggin

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

#### Petitions, Bills and Resolves Requiring Reference

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

#### Health and Institutional Services

Bill "An Act relating to Testing of Private Water Supplies by Department of Health and Welfare (H. P. 1264) (Presented by Mr. Millett of Dixmont)

(Ordered Printed)

Sent up for concurrence.

#### Orders

Mr. Donaghy of Lubec presented the following Joint Order and moved its passage:

WHEREAS, the State of Maine depends greatly upon the activity and movement of its maritime industry;

WHEREAS, the laws governing the movement of vessels along the Maine coastline do not reflect the many developments and changes in our maritime industry; and

WHEREAS, in the case of Casco Bay alone, the volume of traffic has increased at the rate of 15 per cent per year; and

WHEREAS, the entire Maine coastline is becoming increasingly exposed to the movement of large tankers, freighters and other vessels; and

WHEREAS, the laws relating to the movement of such vessels in the coastal waters, bays, harbors and ports of the State of Maine must be related to the preservation of our environment; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study and review the maritime laws of this State with a view toward making such revisions and amendments as they deem necessary for greater environmental protection. Such study shall also include, but not be limited to, reviewing the private and special laws of 1917, chapter 192, as amended, and the laws relating to the Board of Harbor Commissioners for the Port of Portland, the Maine Port Authority and other maritime and traffic associations along the Maine Coast and their authority, duties and jurisdiction; and be it further

ORDERED, that the Department of Sea and Shore Fisheries, the Maine Port Authority, the Board of Harbor Commissioners for the Harbor of Portland and the Environmental Improvement Commission be directed to provide the committee with such technical advice and other assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the committee report the result of such study, together with its recommendations and any necessary legislation, to the next regular session of the Legislature; and be it further

ORDERED, upon final passage of this Joint Order, that copies be distributed to the said Department of Sea and Shore Fisheries, Maine Port Authority, Board of Harbor Commissioners for the Harbor of Portland and Environmental Improvement Commission, as notice of the pending study. (H. P. 1266)

The Joint Order received passage and was sent up for concurrence.

Mr. Stillings of Berwick moved that the House reconsider its action of Friday, April 9, whereby the House voted to adhere on Bill "An Act relating to Age Limit for Motor Vehicle Operator Licenses." (S. P. 4) (L. D. 18).

The SPEAKER: The gentleman from Berwick, Mr. Stillings moves that the House reconsider its action of April 9 whereby it voted to adhere. Is this the pleasure of the House?

(Cry of "No")

The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 38 having voted in the negative, the motion did prevail.

Whereupon, on further motion of Mr. Stillings of Berwick, the House voted to insist and join the Committee of Conference.

#### House Reports of Committees Ought Not to Pass

Mr. Bunker from the Committee on Fisheries and Wildlife reported "Ought not to pass" on Bill "An Act to Limit the Number of Boats for Lobster and Crab License" (H. P. 845) (L. D. 1156)

Mr. Ault from the Committee on Natural Resources reported same on Bill "An Act Redefining Development under the Environmental Improvement Commission" (H. P. 718) (L. D. 963)

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

#### Leave to Withdraw

Mr. Bunker from the Committee on Fisheries and Wildlife on Bill "An Act relating to the Taking of Shrimp in Frenchmans Bay" (H. P. 556) (L. D. 732) reported Leave to Withdraw.

Mr. Lewin from same Committee reported same on Bill "An Act relating to Licenses for Hunting Deer with Bow and Arrow" (H. P. 986) (L. D. 1348)

Mr. Norris from the Committee on Legal Affairs reported same on Bill "An Act to Repeal the Birch Point Village Corporation" (H. P. 969) (L. D. 1329)

Mr. Hardy from the Committee on Natural Resources reported same on Bill "An Act Reclassifying Prestile Stream" (H. P. 77) (L. D. 117)

Mrs. Kilroy from same Committee reported same on Bill "An

Act to Regulate Deposit of Forest Products in Waters of the State" (H. P. 430) (L. D. 564)

Mr. Porter from the Committee on Fisheries and Wildlife on Bill "An Act relating to the Wearing of Fluorescent Clothing When Hunting" (H. P. 1) (L. D. 1) reported Leave to Withdraw as covered by other legislation.

Reports were read and accepted and sent up for concurrence.

#### **Referred to the 106th Legislature Tabled and Assigned**

Mr. Kelley from the Committee on Labor on Bill "An Act Creating the Maine Health Care Facilities Labor Relations Act" (H. P. 746) (L. D. 967) reported that it be referred to the 106th Legislature.

Report was read.

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

Mr. KELLEY: Mr. Speaker, the joint resolution is being prepared relative to this item and I would appreciate it if someone would table it for one legislative day.

Whereupon, on motion of Mr. Ross of Bath, tabled pending acceptance of Report and specially assigned for Thursday, April 15.

#### **Ought to Pass in New Draft New Draft Printed**

Mr. Marsh from the Committee on Public Utilities on Bill "An Act to Create the Orono-Veazie Water District" (H. P. 823) (L. D. 1097) reported same in a new draft (H. P. 1265) (L. D. 1665) under same title and that it "Ought to pass"

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

#### **Ought to Pass Printed Bills**

Mr. Lynch from the Committee on Education reported "Ought to pass" on Bill "An Act Increasing the Debt Limit of the Town of Wiscasset School District" (H. P. 1221) (L. D. 1434)

Mr. Kelley from the Committee on Fisheries and Wildlife reported same on Bill "An Act Prohibiting Use of Motor Vehicles on Frozen Surface of Part of Sasanoa River" (H. P. 843) (L. D. 1155)

Mr. Crosby from the Committee on Legal Affairs reported same on Bill "An Act relating to the Change of Name of the Old Cemetery Association" (H. P. 999) (L. D. 1361)

Mr. Curtis from same Committee reported same on Bill "An Act to Amend the Birch Point Village Corporation" (H. P. 942) (L. D. 1301)

Mr. Fecteau from same Committee reported same on Resolve to Reimburse Donald H. Young of Portland for Damage to Property by Escapee from Boys Training Center (H. P. 1032) (L. D. 1423)

Reports were read and accepted, the Bills read twice, Resolve read once, and tomorrow assigned.

#### **Ought to Pass with Committee Amendment**

Mrs. Cummings from the Committee on Health and Institutional Services on Bill "An Act relating to Regional Facility for Mentally Retarded Children in Aroostook County" (H. P. 487) (L. D. 628) reported "Ought to pass" as amended by Committee Amendment "A" (H-129) submitted therewith.

Mr. Lebel from the Committee on Transportation on Bill "An Act relating to Elderly Persons' Examinations for Motor Vehicle Operators' Licenses" (H. P. 442) (L. D. 577) reported "Ought to pass" as amended by Committee Amendment "A" (H-130) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

#### **Divided Report**

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Exemptions from Taxation of Institutions and Organizations" (H. P. 950) (L. D. 1309)

Report was signed by the following members:

Messrs. WYMAN of Washington  
HICHENS of York  
FORTIER of Oxford  
— of the Senate.  
Messrs. ROSS of Bath

**FINEMORE**

of Bridgewater  
**MORRELL** of Brunswick  
**COLLINS** of Caribou  
**TRASK** of Milo  
**CYR** of Madawaska  
**DRIGOTAS** of Auburn  
**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. **COTTRELL** of Portland  
**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 Appropriating Funds for Comprehensive State-wide Planning and Services for the Developmentally Disabled" (H. P. 564) (L. D. 740)

Bill "An Act relating to Appeals on Questions of Law in Criminal Cases" (H. P. 885) (L. D. 1206)

Bill "An Act relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit" (H. P. 887) (L. D. 1208)

Bill "An Act Increasing Compensation for Members of the State Board of Barbers" (H. P. 907) (L. D. 1251)

Bill "An Act relating to Educational Programs for Optometrists" (H. P. 936) (L. D. 1290)

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

**Amended Bill**

Bill "An Act to Clarify the Sea and Shore Fisheries Laws" (H. P. 147) (L. D. 202)

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

**Passed to Be Enacted  
Emergency Measure**

An Act Making Additional Appropriations for the Expenditures

of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1971 (H. P. 1217) (L. D. 1408)

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. 126 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.

**Finally Passed  
Constitutional Amendment**

Resolution Proposing an Amendment to the Constitution to Provide a Shorter Time for Establishing Voting Residence (H. P. 525) (L. D. 687)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 104 voted in favor of same and 10 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act Increasing Compensation of Members of the Maine Insurance Advisory Board (S. P. 131) (L. D. 343)

An Act to Create the Maine Historic Preservation Commission (S. P. 159) (L. D. 428)

An Act Increasing Fees of Witnesses in the Courts and Relating to Expert Witness Fees as Court Costs (S. P. 228) (L. D. 674)

An Act relating to Proof of Financial Responsibility under Financial Responsibility Law (S. P. 402) (L. D. 1176)

An Act relating to Return of Deposit for Security under Financial Responsibility Law (S. P. 403) (L. D. 1177)

An Act relating to Disturbing Schools (S. P. 530) (L. D. 1547)

An Act to Allow Electric Utilities to Participate in the Construction of Certain Utility Facilities (S. P. 518) (L. D. 1403)

An Act relating to Criminal Trespass in Buildings and on Premises (S. P. 532) (L. D. 1568)

An Act relating to Open Season on Fisher (S. P. 535) (L. D. 1579)

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

An Act Removing Tolls from Bangor-Brewer Bridge (H. P. 16) (L. D. 25)

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

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

Mr. McNALLY: Mr. Speaker and Members of the House: I attended a hearing whereby a bill was submitted to dip into the dedicated revenue of the Highway Commission and in the explanation of the bill I sort of felt that the sponsor of it took us to due because we don't discuss the deeds of the Highways like we discuss the needs of the schools, the needs of Health and Welfare, and all the other departments that come under the General Fund.

Now I have noticed in reading the papers over the weekend that there are many many people in the State of Maine that don't realize that Highway revenue does not come out of the General Fund. There was a letter in a paper just over the weekend where it said, "and monies for highways would increase the taxes" and so forth; and the gentleman when he wrote it I know felt that it didn't come out of use taxes, it didn't come out of the people who used the roads, and there are many others that you will see in it.

Now I just want to call to the attention of the Legislature of what you are going to see more and more in the future. This last Monday, which was yesterday, the Transportation Committee made a visit to Perry, Maine on a road which is the magnificent length of forty-nine hundredths of a mile long. And the bid on it, the lowest bid is \$357,000 approximately. That

is a little over half a million dollars a mile for a little piece of road on Route 1.

Now in that you see, as well as the road that has just been awarded up toward Woodland, you will see prices such as \$1.80 for borrow, which is just plain dirt fill taken from the nearest location possible. It was only a short while ago that it was preposterous to even get up to a dollar, but they bid \$1.80 on this particular job. You see \$3.50 excavation prices and you see \$4.50 in the one farther north from it that has just been awarded. You see excavation of structures, which is generally for a culvert, \$20.00 a yard.

Now those are prices that would more nearly go along with some building project instead of out in the road where you can blast indiscriminately at times, because there would be nobody around to bother you with the loading that you needed on your ledge. And by the way, speaking of the ledge, you have a price of \$8.50 a yard to remove it. Back when they first started the turnpikes and the other toll roads and the roads that we have, the interstates, you had unclassified excavation at \$2.70, and that was an enormous price. Now you are getting \$8.50.

I am not going to make any motion against the tolls of this bridge. I just simply want to open it up so that you folks can say that at least one member of the Legislature is trying to show to you folks that you can't take away from the dedicated revenue, which is being paid for by the users of the roads and the bridges, and expect to have as much roads or as much bridges by the way that prices are rapidly rising, and having to be quoted astronomically a price in order to do the work.

Every time that you cut out something, whether it be a toll on a bridge or whether it be eliminating any taxes that are use taxes, in the gasoline line or anywhere else, you are just cutting down the amount of roads you are going to have. It is the only way that we have to transport most all of our freight. It is the only way that we have to transport passengers except by the air.



I hope that you folks will think this over as bills come in to you for the highway, because prices are way high and I am afraid the day is coming when my antiquated thinking of going into tolls is going to have to come.

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

Mrs. BAKER: Mr. Speaker and Members of the House: This is not an appropriate time to add to the burden of the debt retirement and interest payments on the Bangor-Brewer bridge, adding it to the highway financing problem. Approximately \$157,000 would be required during the 1972 and '73 biennium alone to meet these obligations. Over \$2,200,000 of General Highway Fund revenues would be required to meet the total bond retirement and interest obligations during the next several years if the tolls are removed.

By voting for removal of the tolls I feel you would be voting in effect for a two cent increase in the gasoline tax, and I move the indefinite postponement of the bill.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I don't know where Mrs. Baker got those figures this morning but I certainly don't agree with them. About \$157,000 for the next two years, I don't believe that is correct. And I can't see where if we remove the tolls that we would be asking for another two cents on the gas tax, which generates millions of dollars, in essence, of very few thousands of dollars. There was 109 of you people in this House a couple of weeks ago who voted with me; I hope you stick with me this morning.

The committee report on Highways came out ten to three that this should pass. As I said before and I hate to belabor the issue, I think the people of my area more or less have met their obligations on this bridge; they have been paying them for 18 years, and I am not unaware that the fund, the Highway money, it doesn't come out of the General

Fund. It comes out of dedicated revenue. I am well aware of that, and I am quite sure that most of the people of the State of Maine are well aware of it.

Mr. McNally talked about building roads; well, we are not talking about roads this morning, we are talking about a bridge, and a bridge that has been in existence since 1954. There have been a number of bridges that have had tolls on them and they have had them removed with a substantial amount of monies owed on them, and we have continually built bridges with no tolls on them.

So are we any different in the Bangor-Brewer area of Penobscot County than anywhere else in the state? We certainly are not. I hope that you people will just stay with me this morning on this particular issue. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: I am one of those who voted "ought not to pass." This bridge is bringing a lot of money in. If we pass this bill this means that we will have to find money to pay \$50,000 every year for the next 34 years from some other sources, and to pay \$30,000 interest this year, and last year the revenue that we had out of it paid for the bond for \$50,000, \$40,000 back to the state that we had already borrowed, and 30 and some odd thousand in interest.

I do hope that this bill does not pass and when the vote is taken I would ask for a roll call.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: That piece of road that Representative McNally talked to you about is in my district. I spent eight years trying to get that death trap on Route 1 rebuilt. Now as far as that is concerned I don't know how this enters into the Bangor-Brewer bridge district, and as far as the Bangor-Brewer district is concerned on that bridge we of the eastern end of the state are the ones that are paying the

biggest part of the toll going across there.

At the present time, checking up in my own territory in Eastport since the fire, I have a total of 33% unemployed in a population of 1987 in Eastport alone. I think that the eastern end of this state is entitled to some relief and I am opposed to the indefinite postponement of this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House; I hope that we don't belabor this too long. We have already discussed the issue in favor of the bridge, the toll being taken off. I want to say that I was one of ten men that signed it "ought to pass." I disagree with the statement made that it is making money, because this bridge isn't making money. This is one of the reasons why I thought that the toll should be taken off. As a matter of fact, the toll when the bridge was built was agreed at ten cents, and it wouldn't break even hardly at ten cents so just recently they had to raise the toll to fifteen cents to make the bridge break even.

This doesn't create any great strain on the Highway Department because it is a small bond that they pay off each year and it will be dragged over some time and will hardly be noticed in the 80 million or so dollars that they take in, and this will probably amount to 30 to 40 thousand dollars to pay off the bond, and I don't think it will be anything that will bother a great deal and I don't think that we need the distinction in Penobscot County of having the only toll bridge in the state. I don't think it is right, unless we are going into the concept of tolls, to have just one; if we are going to have tolls we should have many of them, not just one.

I think that these people have met their obligation there in the area. They have paid a good part of it and they didn't anticipate the toll being raised, some of these things; so I hope that we go along this morning as we have in the

past and pass this bill to be enacted.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: To clear up a couple of points which I think have been made here and I think should be corrected, the comment was made as to the cost of payments on the Bangor-Brewer bridge in the next biennium; and this point was doubted. To take the financial report, put out by the State Controller, it indicates a cost of amortization of \$50,000 each year with an interest figure of \$31,000 in 1969 and \$30,000 in 1970, which gives you a cost of slightly in excess of \$160,000, and the interest costs will be coming down. The figure that is quoted is I would say absolutely right.

I think the other point that does come to my mind is why were the tolls taken off the other two bridges in the State of Maine. Jonesport bridge, the tolls were taken off because it was never self-sustaining from the time it was started. I think that it should have been recognized by the legislature at that time that the possibility of building this bridge and funding it through tolls was impossible because the traffic count was not high enough.

The Augusta bridge was pretty near paid for at the time the tolls were taken off, and the point that happened there is that when the interstate was built on the west side of the Kennebec River, coming down the west side of the Kennebec River, it stopped all the tolls from people travelling across state. Traffic was reduced on the bridge so that it reached the point of diminishing returns, so it phased itself out as far as income was concerned.

Now the Highway Department is faced with the obligation of contributing to the cost of any bond amortization if the revenue from the toll bridge does not come up to sustaining it. In the case of the Augusta bridge this was what was happening, that the Highway Department was having to come up

with the balance of the revenue to take care of the costs of maintaining and paying off the bridge. So it was felt at that time that it would be a much wiser decision to remove the tolls rather than to subject the Highway Commission to additional cost.

As far as the Bangor-Brewer bridge is concerned, it is well self-sustaining. The local people travelling over it are still using it, still paying the same cost in that they are still being able to purchase strips of tickets and at the same cost, as I remember, from what it started at. The fee has gone up for the single person and these are the people who are not travelling a great deal of the time over there; in other words, as a general rule they are not the local people.

It doesn't seem practical at this time, with all the impact on the Highway Fund, to subject them to another \$80,000 or \$85,000 a year of additional costs; and I would hope that the motion for indefinite postponement does prevail.

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

Mr. NORRIS: Mr. Speaker and Members of the House: As Brody said before he jumped, I am not going to belabor this much longer. But our good friend from East Millinocket I am sure is in favor of bridges across Lincoln and bridges in South Portland and bridges in Lewiston, and bridges all over. Our people are tired of paying the tolls. Now the people that work there have made a valiant fight. The contractors in the state have made a valiant fight, representing the Highway Department, because naturally they don't want any monies to be taken away when they can use it to spend to build more roads.

So I hope that you stick with us this morning, vote against the indefinite postponement, and help us enact this bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker and Members of the House: I have here a copy of all the money that was taken since the bridge was built and the money that was

spent, and if somebody would like to table this for two more days I will have a copy of this put on all your desks, if you want to check on it. Thank you.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that An Act Removing Tolls from Bangor-Brewer Bridge, House Paper 16, L. D. 25, be indefinitely postponed.

The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that this Bill be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Birt, Bragdon, Brown, Crosby, Dam, Gauthier, Hardy, Hewes, Lawry, Lebel, Lee, Lincoln, Marsh, McCormick, McNally, Mosher, Page, Payson, Porter, Ross, Scott, Shaw, Smith, E. H.; Susi, White, Williams, Woodbury.

NAY — Albert, Ault, Bedard, Bernier, Berube, Binnette, Bither, Boudreau, Bourgoin, Brawn, Bunker, Bustin, Call, Carey, Carrier, Churchill, Clark, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Doyle, Drigotas, Dudley, Emery, D. F.; Emery, E. M.; Evans, Farrington, Fecteau, Finemore, Fraser, Gagnon, Genest, Gill, Good, Goodwin, Hall, Hancock, Haskell, Hawkins, Hayes, Henley, Herrick, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lessard, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Ma-

hany, Manchester, Marsteller, Martin, McKinnon, McTeague, Millett, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Parks, Pontbriand, Pratt, Rand, Rochelneau, Rollins, Santoro, Shute, Simpson, L. E.; Simpson, T. R.; Slane, Stillings, Tanguay, Theriault, Tynedale, Vincent, Webber, Wheeler, Whitson, Wight, Wood, M. W.; Wood, M. E.

ABSENT—Carter, Dyar, Faucher, Hanson, Kelley, K. F.; McCloskey, Sheltra, Silverman, Smith, D. M.; Starbird, Trask.

Yes, 33; No, 106; Absent, 11.

The SPEAKER: Thirty-three having voted in the affirmative and one hundred six in the negative, with eleven being absent, the motion does not prevail.

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

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

Mr. NORRIS: Mr. Speaker, I now move that we reconsider our action whereby we passed this bill to be enacted and I hope you will all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris moves that the House reconsider its action whereby this Bill was passed to be enacted. All in favor will say aye; those opposed no.

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

An Act Prohibiting Discrimination for Testifying or Asserting Claim under Workmen's Compensation Law (H. P. 234) (L. D. 316)

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

An Act relating to Length of Combination of Motor Vehicles and Semitrailers Transporting Motor Vehicles (H. P. 372) (L. D. 478)

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I have

written a speech about ten pages, but I will cut it down some as I go along on this. This is one piece of truck legislation which has been introduced in previous sessions of the legislature. It has been here so often now they call it the "smelt bill," because it runs every session. I know of no special interest group which has come more often to the legislature, made more demands upon us, and been more generously rewarded than the trucking industry.

Let me review for you their demands over the past few sessions and the legislation that has been passed for them. You can, if you wish, look for yourselves at the various Registers of Bills and Resolves, from which my information comes, to verify what I am about to say.

In 1955, I was a member of that session and disregarding anything before that time, 23 truck bills were introduced and 10 received passage. In 1957, of 12 bills introduced with respect to the trucking industry, 9 received passage. One of these increasing the legal length of trucks was the same as the bill before you this morning, or somewhere near that.

The 1959 session was a quiet one for truck legislation. Only two of 12 bills introduced received passage. The number of bills passed at that session of the legislature, however, is not indicative of the tolerance of the legislature toward the trucking interests, for many of the bills which were killed at that session were ones which would have regulated trucks to the dislike of the trucking industry.

In 1963, 11 truck bills were introduced, of which 8 received passage. In the 1965 session, 20 truck bills were introduced, of which 10 received passage. One not receiving passage proposed to increase length by five feet. In 1967, 9 truck bills were introduced. One of the four receiving passage broadened weight tolerances and another effectively decreased penalties for violations of truck laws.

In this session 11 truck bills have been introduced. One of them is the old double-bottoms bill, dressed in camouflaged clothing. One of them makes additional provisions for pulpwood trucks, which I ought to

be in favor of but I don't know as I am yet. I might say here that I am a trucker. I would further broaden the weight tolerance law. Another one with respect to forest products and ore modestly asks us to change the axle weight provisions.

Before saying anything more about the bill before us, there is something else I would like to say. If I have spoken longer than usual, it is only because of the great amount of legislation introduced and the great amount of legislation which has been enacted for the benefit of the truck owners and operators.

The bill as introduced — and I hope you bear this in mind, these are facts, not figures, it is something that hasn't been passed to me and over, just thrown it at you. The bill as introduced contains no definitions and no limitations as to the amount of overhang to be allowed for automobiles being transported on trailers. To read the bill quickly you might think the limit was 55 feet, but there is an exclusion of the usual or ordinary bumper overhang of the transported vehicle. From anything contained in the bill this overhang could be 10 feet, or even more. There is no definition of the term "usual or ordinary bumper overhang." From a police officer's standpoint, the law to all practical intents and purposes is unenforceable.

Judging by past experience, if we pass this bill at this session we can expect next session to be told that an overhang is dangerous, all loads should be kept within the body of the trailer; therefore we should make the overall length 60 feet. The following session we will be told it is unfair for one class of trucks to be 60 feet long and we will be asked to make 60 feet the legal length of all trucks. The following session there will be another bill asking for an additional overhang.

If you don't believe this, look at the record of the 1957 session when the legal length was increased and the overhang became illegal. And look at the succeeding sessions to see how long it was before legisla-

tion was again introduced to allow an overhang.

I want to vote to represent the best interests of the public and I want to vote to represent the best interests of those who did elect me. I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore now moves the indefinite postponement of L. D. 478.

The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: It isn't going to take a very large book for me to go through to explain this bill a little more thoroughly than what it has been explained. I want to tell you what these trucks do that haul these cars. They go out into other states and they load these cars and they legally transport them to the Maine border. There is nothing we are going to do, there is no law that we are going to pass here today, that will change the length of these loads. They come through the other states, they are now coming into Maine and delivering their load by getting a permit.

Mr. Finemore would say that there is no limit set in this bill, but they can't come into Maine with any load that they can't come through the State of New Hampshire with. And that is exactly what they are doing now. They come in through New Hampshire and they come into our border with these loads and they are going to continue to, whether we make it legal in Maine or not.

It is a terrible inconvenience to come here at certain times of the week and have to stop in New Hampshire and get permit to transport them in here. It costs \$2.00 to get the permit along with those inconveniences, and everybody in this state that buys a new car is paying for it. You are paying the \$2.00 for the permit, you pay for the delays and inconveniences; and the state makes no money out of it.

I talked yesterday with one member of the State Police that has a lot to do with escorting these loads into the state and he says

it is an awful nuisance and the state should do away with a whole lot more of them. And I believe that is so.

These automobiles that set on top of these trucks cannot extend beyond the wheels; they have to set the wheels on the truck and there is no fifteen feet beyond the wheels on any car. And it is preposterous to think that the overhang—you would have to overhang the top of the vehicle to put those wheels out any further. It isn't being realistic to think that we would ask for those changes. The fact of the whole matter is that we are not going to change it at all one way or the other and we are going to allow it to be legal now the same as the other states are.

You people supported this the other day for those reasons and I hope that you will today.

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

Mr. McNALLY: Mr. Speaker and Members of the House: Mr. Barnes and I were the ones that signed the minority report and we didn't sign it "ought not to pass." We signed it with the idea that it should have an amendment on it.

Now what this says, it says "a combination of motor vehicle and semitrailer exclusively engaged in the transportation of motor vehicles shall be allowed to attain a maximum length of 55 feet." Now that is the motor vehicle and semitrailer that can be 55 feet long. Then there is a comma, it says "excluding the usual or ordinary bumper overhang of the transported vehicles." Which means that, it doesn't say how much they are going to go outside of the bumpers because they exclude that. Now they can go out on the front bumper and they can go out on the rear bumper.

Now I felt along with Mr. Barnes that if you limited it to five feet over the rear bumper or five feet over the front bumper, or both as they will do anyway, that you were not hurting the bill, that they still could come through New Hampshire and come into Maine without a \$2.00 permit. But I did feel that as it is written that you have

got a bill that they can extend considerably more than five feet out over.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I was one of eleven members of this committee that signed this bill "ought to pass," and I did it for one or two reasons which I think you should know. I gave some thought to what Representative McNally is saying, but on my second thought I thought if they can haul these cars from Detroit, Michigan to the Maine border and clear all these other states, that it must be all right and let them finish the other few miles and unload the vehicle.

But my main reason for signing this bill "ought to pass" was the fact that for many years they have sent a wire by Western Union to the State House here and paid \$2.00 and got a permit to come into the state; and now Western Union has done away with this service and it makes it very inconvenient and they are sometimes tied up for days. And these drivers are union people that get pretty high pay. The cost of delivering these cars is added on to the cost of the motor vehicle when you buy it. So it is just costing Maine people a lot more to buy a new car, and it seems unreasonable and unnecessary.

This House went along with this bill the other day and I hope they do this morning. Thank you.

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

Mr. BARNES: Mr. Speaker and Members of the House: I also have my name on that other report and my main reason for signing it was that I didn't like the way it was worded, the usual bumper overhang. I took the liberty of measuring the usual bumper overhang on my own car and I find that from the center of the rear wheels to the back bumper is five feet, and from the center of the front wheel to the front bumper is nearly four feet. So that is leaving too much leeway. And our amendment simply would have limited the overhang, the bumper overhang to five feet.

I don't see why there is any objection to this because they admit that that is the limit in New Hampshire, so they can come through New Hampshire, that is all, so why not have that limitation on it here. I hope that you will go along with the gentleman Mr. Finemore and support his motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: For the benefit of some here I would like to read — and especially for Mr. Wood, I would like to read this bill, as mentioned in the Maine Truckers Magazine, printed by the Honorable Edward G. Hough.

It says, "The MTOA has put into the legislature a bill to allow automobile transporters to increase their length by overhanging the front and rear vehicles from the axle out." That is what he writes, it should be in the bill. Then they come out with the L. D. 478 and it says the "usual bumper overhang," which is opposite to what they seem to want.

I would also like to inform those here who have done all the checking up, that there is only \$1375 income from this — we are not fighting for the income from this — because there are only six groups that haul automobiles in here that use it. All the rest of the groups haul the legal amount of automobiles. In other words, you are placing one full length automobile on top of that load that is going to overhang. If that automobile has a 122 inch wheel base, it is going to overhang half of that on each end of that truck, and I don't think that it is a safety measure for the State of Maine on our roads, especially on 95 where you have a two-way traffic. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that An Act relating to Length of Combination of Motor Vehicles and Semitrailers Transporting Motor Vehicles," House Paper 372, L. D. 478, be indefinitely postponed. The Chair will order a vote. All in favor of indefinite post-

ponement will vote yes; those opposed will vote no.

A vote of the House was taken. 56 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

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

An Act relating to Maintenance of Paupers by Certain Plantations (H. P. 399) (L. D. 511)

An Act relating to Injury or Incapacity of Certain State Employees (H. P. 506) (L. D. 652)

An Act relating to Stating Purposes of Bond Issues Referred to the People (H. P. 788) (L. D. 1064)

An Act relating to Condonation as a Defense to an Action for Divorce (H. P. 809) (L. D. 1082)

An Act relating to Recrimination as a Defense in an Action for Divorce (H. P. 810) (L. D. 1083)

An Act relating to School Administrative District Elections (H. P. 1237) (L. D. 1523)

An Act relating to Precautions at Railroad Crossings (H. P. 1240) (L. D. 1527)

An Act Providing Funds for Certain High School Equivalency Examinations (H. P. 1248) (L. D. 1569)

An Act relating to Meals and Housing Expense for Members of the Legislature and Compensation at Special Sessions (H. P. 1251) (L. D. 1572)

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:

HOUSE REPORT — Leave to Withdraw — Committee on Election Laws on Bill "An Act relating to the Number of Signatures Required on Nomination Papers" (S. P. 32) (L. D. 65) — In Senate, Report accepted. — In House, Report accepted in concurrence.

Tabled—April 8, by Mr. Bunker of Gouldsboro.

Pending — His motion to reconsider acceptance of Report.

Mr. Bunker of Gouldsboro withdrew his motion for reconsideration.

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

**HOUSE DIVIDED REPORT** — Majority (10) "Ought not to pass" — Minority (3) "Ought to pass" with Committee Amendment "A" (H-115) — Committee on Judiciary on Bill "An Act Providing for Records of Sales of Used Merchandise" (H. P. 490) (L. D. 631)

Tabled — April 8, by Mr. Carter of Winslow.

Pending — Motion of Mr. Hewes of Cape Elizabeth to accept Majority Report.

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

Mr. **CARTER**: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion to accept the Majority "Ought not to pass" Report, I sponsored this piece of legislation because I think it is high time that we tried to do something to prevent a lot of the burglaries and looting that go on in individual homes and summer camps, because there is a wide open market for sale of the loot. I think that this particular bill would put a damper on the sales and sort of restrict the market. In other words, make it more difficult for them to get rid of their loot.

This bill has really a two-barrel approach. First of all I think it would serve as a deterrent because the sales of any used property would have to be, under the terms of this bill, have to be recorded and logged in a book and the seller would have to identify himself. And should the seller offer false identity there is a fine in the bill for it.

Secondly, I think — and this would serve as a very useful tool for law enforcement officers. As the law presently stands now many law enforcement officers will find stolen property in certain shops or places, but they can't trace the buyer. But if they have to identify themselves and be so recorded in a log, then they would be able

to trace the merchandise and persons who sold it.

Now we had a very good hearing on this bill. There wasn't too much opposition to it. The only opposition that came up was from a coin collector and a stamp collector. It was supported by the Criminal Division of the Attorney General's office and the objections that were raised at the hearing were excluded in the amendment under filing H-115, which excludes coin collectors, stamp collectors, scrap materials and bulk purchases from estates.

As the bill presently reads now, this would apply only to individual sales. Dealer to dealer sales are also excluded.

I would hope that you would go along with me and defeat the motion to accept the Majority "Ought not to pass" Report, and I ask for a division.

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

Mr. **HEWES**: Mr. Speaker and Members of the House: I believe the reason that the majority of the Judiciary Committee feel this ought not to pass, this bill would provide for substantial more governmental and bureaucratic red tape. If you look at the bill you will see that every dealer dealing in used personal property, any kind of used personal property, except coins and stamps, would have to keep a record of this sale, and if you have been in any of these second-hand shops or shops where people do sell and buy used merchandise you would realize the amount of paper work that would be involved. The dealers and their employees would be overburdened with this paperwork.

Further, the bill would provide that the records of the second-hand store would be open to the inspection of any law enforcement officer or prosecuting attorney. There are not the constitutional safeguards, it seems to me, that are necessary to enforce such an inspection. And I feel that this is just another bill that would not be of any assistance to the law enforcement people, but would be



a burden to the second-hand dealers.

I hope that you will go along with the majority of the committee, which is "ought not to pass."

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

Mr. LUND: Mr. Speaker and Ladies and Gentleman of the House: I would like to explain for a moment the thinking that the signers of the "Ought to pass" Report were following in taking their position on this legislation. We have a growing serious problem in the state. It stems from the fact that we have a great many homes, especially seasonal homes either on the coast or inland summer camps or what have you, a great many pieces of real estate which are very difficult to protect.

Now there is always a lot of enthusiasm about mandatory sentences and this sort of thing, but the fact of the matter is that if somebody breaks into your summer camp or your coastal place, or even in any rural homes — it has been people's experience to be gone for a few hours and to learn that a truck has backed up and cleaned the house out. I believe one member of this House, not a sponsor of this bill, had the experience of having someone back up and clean their house out — just a few hours' notice.

Now this is a result of the sparse population that we have. It is a fact that in many areas we don't have neighbors who are close by to call the police if they see a strange looking truck looting something from your house. If somebody successfully cleans out your house or your camp, you report it to the police; and I think without being critical of what the police have carried out in their efforts, it is relatively rare that we are able to succeed in recovering much of the merchandise.

The reason is that we have no provision in this state to provide for any records of the purchase or sale of used merchandise. So if the person who has cleaned out your seasonal place drives to one of the many second-hand stores or antique stores and unloads it,

there is no guaranty even if the police go there and identify it, there is no assurance that that dealer is going to be able to tell the police from whom he bought that particular piece of stolen property.

I do think that we do have a serious problem of this breaking into homes in the state and it is very difficult to approach the problem in any way other than the one which the signers of the "Ought to pass" Report took to follow. And as was pointed out by Mr. Carter, an effort was made through the amendment which you will find under filing number H-115 to minimize the burden by providing for an exemption for sales between dealers for sales from estates in bulk, and for coins and stamps.

I think to suggest that this is not going to impose a burden on the dealer of used merchandise would be misleading; it is going to impose a burden on him. But it seemed to us that it was a fair burden and one which would, for the modest amount of effort involved, provide a substantial safeguard for people whose homes are vulnerable to this kind of approach.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I noted in the discussion by the gentleman from Augusta, Mr. Lund, no mention was made of a situation as presently exists with used cars. Because he didn't mention used cars I assume that probably such requirements are now required of used car dealers. I did read the papers over the weekend, and I was amazed to see that Maine has become a refuge for stolen car dealers, not only junk cars but the very best ones and so forth. I wonder if presently, we will say, used car dealers are— I would put this as a question to Mr. Lund if he would care to answer, if they are properly taken care of in his opinion or if something could be inserted in this bill that would help this situation?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses

a question through the Chair to the gentleman from Augusta, Mr. Lund, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: As I recall, the bill is not written so that used cars would be excluded; that is to say, used cars would be included. But I don't really think that that is going to provide any great remedy in the problem of used cars, because my impression is that used car dealers already have to keep some track of the persons from whom they purchase cars. I am not certain of that.

But this bill was not aimed particularly at the used car market because we do have, after all, a transfer of registrations and the like, but I think it was aimed especially at the other area where we do have very little record keeping and that of the contents of many of our homes.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: In answer to Mr. Bragdon's question, you do have to keep records, the used car dealers, where they buy their cars. We passed that two years ago in my bill. But this year we have another bill to take it out. So I think this bill passed two years ago was very good. And now you see they have to keep a record. When this bill comes on the floor to pass a bill to take the record off, so they won't be able to keep the record, I will let you know, and I hope we do kill that bill.

The SPEAKER: All in favor of the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Providing for Records of Sales of Used Merchandise," House Paper 490, L. D. 631, will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 78 having voted in the

negative, the motion did not prevail.

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

Committee Amendment (H-115) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought not to pass" Minority (4) "Ought to pass" with Committee Amendment "A" (H-116)—Committee on Judiciary on Bill "An Act Providing for Law Research Clerks for the Judiciary" (H. P. 768) (L. D. 1034)

Tabled—April 8, by Mr. Martin of Eagle Lake.

Pending—Motion of Mrs. Baker of Orrington to accept Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McCloskey.

Mr. McCLOSKEY: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that I submitted, and I am against the motion to accept the Majority "Ought not to pass" Report. What this bill does is it provides law clerks for Supreme Court Justices. The State of Maine at this time is one of five states in the United States that does not now provide Supreme Court Justices with law clerks.

Also, the Institute of Judicial Administration in Washington, D. C. has done a study of the Supreme Judicial Court and the Superior Court of the State of Maine, and one of the recommendations that they made was that the Supreme Court be provided with law clerks.

So I would hope that you would not go along with the motion to accept the Majority "Ought not to pass" Report so that you can accept the motion to accept the Minority Report that will provide law clerks for Supreme Court Justices.

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

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: There did not seem to be

very much support for this bill in the committee. None of the justices appeared, and as far as we could find out they have never asked for these clerks, therefore the motion ought not to pass.

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

Mr. ORESTIS: Mr. Speaker and Members of the House: As a signer of the Minority Report, I would just like to make a couple of comments. While it is true that none of the Justices of the Supreme Judicial Court appeared in favor of this bill, that is certainly not an unusual occurrence. The judiciary does not ordinarily appear before a committee on bills. They certainly do not take any strong position on a bill that is introduced by a member. However, I can assure the House that they are in favor of this bill.

They have set up certain priorities for the reformation of the court system, and this is in their list of priorities. Of course the first priority is the addition of two additional Superior Court Justices. However, the provision of law clerks for the Supreme Court follows closely on the list of priorities.

I would think that it would be a good thing for this House to do, to pass this bill and let the Appropriations Committee put the bill on the table. There are some funds involved, of course, because these would be salaried positions.

However, the concept itself is an important one. Our Supreme Court Justices are now very very busy and could use the research assistance. There are Supreme Court Judges now who still have not been able to start in on their February cases, and they are already getting ready for the May term. So the research assistance is needed and the concept is sound.

I commend Mr. McCloskey for introducing this bill, as it was a recommendation of the study of the courts, and he didn't even know that this recommendation was going to come forward.

The House should carefully consider providing these clerks, because even if it cannot be funded this session the precedent will

be set. Perhaps the next time around we will be able to get the necessary funds to provide clerks for the judiciary.

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

Mr. HENLEY: Mr. Speaker and Members of the House: As a signer of the Majority "Ought not to pass," I felt as several of the others did that of course the theory is sound and it would be wonderful, just the same as a good many departments would like to expand, and possibly it would be a great advantage. But number one, the idea, except for having been written up in the report as a fine feature, was mostly in the mind of the writer of the bill, Mr. McCloskey. It was a wonderful idea, but I don't think we can afford it and I think the rest of us felt so. It is expensive at this time; it runs over \$50,000 a year. So considering the fact that there hadn't been very much of a drive for it, we just considered that we would have to do without it.

And as far as passing a bill and sending it on to the Appropriations table, I feel that the poor gentlemen and ladies that are going to have to work with that Appropriations table are going to have plenty of problems if we settle some of them right here first.

So I hope you will go along with the Majority "Ought not to pass."

The SPEAKER: The Chair will order a vote. All in favor of the pending motion, the acceptance of the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" — Minority (6) "Ought to pass" with Committee Amendment "A" (H-119) — Committee on Labor on Bill "An Act relating to Size and Construction of Railroad Caboose Cars" (H. P. 348) (L. D. 457)

Tabled — April 8, by Mr. Good of Westfield.

Pending — Acceptance of either Report.

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

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

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

Mr. GENEST: Mr. Speaker, I move that this matter lie on the table for two legislative days.

Whereupon, Mr. Finemore of Bridgewater requested a division on the motion.

The SPEAKER: A vote has been requested. All in favor of tabling until Thursday, April 15, will vote yes; those opposed will vote no.

A vote of the House was taken. 62 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that the House accept the Majority "Ought not to pass" Report.

Thereupon, Mr. Genest of Waterville requested a roll call on the motion.

The SPEAKER: For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that before we take a vote on this this morning that someone would explain the bill, and I would direct that question to perhaps the sponsor or to the members of the Labor Committee.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair

to the sponsor or member of the committee.

The Chair recognizes the gentleman from Waterville, Mr. Genest.

Mr. GENEST: Mr. Speaker, Ladies and Gentlemen of the House: This is merely a safety measure. The Legislature in its wisdom in 1913 saw fit to pass a law relating to the size and construction of railroad cabooses cars. What this bill would do is merely update the law to conform with modern day standards.

If any of you ever observe when a freight train passes by, you will observe that the pulpwood, the potatoes, paper products, are all being hauled in steel constructed freight cars. What we would like to do is have the people also be hauled in steel constructed freight cars.

We are not asking to buy new cabooses, we are merely asking that they be of steel construction. And they can do a pretty good job of rebuilding their present cabooses. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think I am confused, as well as some other members of the House. It is my understanding that there is some information that would indicate that this measure has not been explained fully and that probably other members would like to think the situation over. I would like to ask somebody if they would table this thing for a couple of days.

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

Mr. McTEAGUE: Mr. Speaker, I move that this item be tabled for three legislative days.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, moves that L. D. 457 be tabled and specially assigned for Friday, April 16, pending the motion of the gentleman from Westfield, Mr. Good that the House accept the Majority "Ought not to pass" Report. A roll call has been ordered.

Mr. Susi of Pittsfield requested a division.

The SPEAKER: A division has been requested on the tabling mo-

tion. The gentleman may not withdraw his motion. The Chair recognizes the gentleman from Brunswick, Mr. McTeague, who may debate the time of tabling.

Mr. McTEAGUE: Mr. Speaker, I would inquire of the Chair whether a tabling motion for a shorter period of time is in order?

The SPEAKER: The pending question is for three legislative days, which would be Friday; and this has priority over a shorter time.

Mr. McTEAGUE: Mr. Speaker, may I withdraw the motion to table for three legislative days?

The SPEAKER: Under the circumstances, the Chair will allow it.

Thereupon, on motion of the same gentleman, retabled pending the motion of Mr. Good of Westfield to accept the Majority Report and specially assigned for Thursday, April 15.

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

Bill "An Act relating to the Rendering of Treatment and Services to Minors for Drug Abuse Without Parental Consent" (H. P. 391) (L. D. 506)

Tabled — April 8, by Mr. Hancock of Casco.

Pending — Motion of Mrs. McCormick of Union to indefinitely postpone.

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

Mr. SANTORO: Mr. Speaker and Ladies and Gentlemen of the House: I spent a good part of Good Friday working with Mr. Perry of the Attorney General's office, and we ran into some legal loopholes that had to be cleared before putting two new amendments to this bill.

I am glad to say this morning that the loopholes have been cleared, and the two amendments will be ready sometime today. I humbly ask the House to allow me one more day to present them and I will ask someone to table for one day.

Thereupon, on motion of Mr. Gill of South Portland, retabled pending the motion of Mrs. Mc-

Cormick of Union to indefinitely postpone and specially assigned for Thursday, April 15.

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

Bill "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County" (H. P. 606) (L. D. 808)

Tabled — April 8, by Mr. Jalbert of Lewiston.

Pending — Adoption of House Amendment "A" (H-122).

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

Mr. JALBERT: Mr. Speaker and Members of the House: The House Amendment "A" would put an amendment on this bill concerning itself with Lake Auburn and Little Wilson Pond. And it was presented by the good gentleman from Portland, Mr. Vincent. I think we are right back now where we were on Mr. Rollins's measure concerning 219.

I would be more than happy to support a bill if it would be presented through the proper channels, by going to the leadership, because I feel this is a new concept of a bill that may have some related ties, but in my opinion very flimsy.

I know that the good gentleman from Auburn, my colleague and personal friend, Mr. Emery, has had an amendment reproduced that would concern itself with another area of Androscoggin County. And I would regretfully take the same position I do, as I regretfully take the position I do concerning Mr. Vincent's purported amendment.

I would also support that amendment should it go through the proper channels of the leadership. I think that these measures should have, rightfully so, for the proponents or opponents, by the public, the proponents and the opponents within the public their day in court. And these two amendments would not have had their day in court.

And for that reason, Mr. Speaker, I move the indefinite postponement of House Amendment "A."

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that House Amendment "A" to L. D. 808 be indefinitely postponed.

The Chair recognizes the gentleman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: I rise to oppose this amendment. In supporting the reclassification of Lake Auburn that upgraded the water we were considering the usage and the fact. These are the reasons why the Natural Resources Committee gave a unanimous report.

Lake Auburn is the water supply for the Lewiston-Auburn area, population of 65,000 people. Lake Auburn water can meet the Class A standards. The Auburn Water District owns approximately 70% of the shore line.

Class A classification will enhance the primary usage of the drinking water for Lewiston and Auburn. A public hearing was conducted. There was sufficient time to evaluate the proposal.

In asking you to vote against the amendment for the Presumpscot River, I will give you these reasons. The primary usage of these waters is not a water supply for a municipality. There are a large number of owners living on the shore line. A river of this type should be classified for multiple uses.

Placing waters in Class A is a major classification and should not be done without in depth studies. There has been no public hearing by any government body. We do not know for sure if there are any existing discharges into this section of the river. Our experience indicates that a body of water of this type cannot meet Class A standards.

Therefore, I ask you to vote for the indefinite postponement of the amendment.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: I rise in support of House Amendment "A". We have heard arguments this morning that maybe some of these amendments ought to go on another

L.D. Well, I have got a stack of L.D. books in front of me, and they are getting pretty thick. Now it costs the state money to print L.D.'s, and it costs the state money to print the little black covers that we are all short of.

Now this is a harmless amendment, and it will do some good, because it will reclassify a body of water and I do believe in protecting our rivers and streams. And I think that we ought to pass the amendment and then pass the bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: I would also say that Mr. Emery, I think, should go to the Environmental Improvement Commission, who is definitely against this, before he makes a statement that it is perfectly easy to have this reclassified.

The SPEAKER: The Chair will order a vote. The pending question is the indefinite postponement of House Amendment "A". All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

114 having voted in the affirmative and 16 in the negative, the motion did prevail.

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

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

An Act Continuing the Maine Cultural Building Authority (S. P. 348) (L. D. 1016)

Tabled — April 8, by Mr. Birt of East Millinocket.

Pending — Motion of Mr. Curtis of Bowdoinham to reconsider failure of passage to be enacted.

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

Mr. BIRT: Mr. Speaker and Members of the House: This has been tabled several times to allow George West, who has been out sick, to do some additional research on it. And I believe before we make any further move that

we should find out the information that Mr. West is working on. And I would hope it would be tabled for a couple more days.

Thereupon, on motion of Mr. Bragdon of Perham, retabled pending the motion of Mr. Curtis of Bowdoinham to reconsider failure of passage to be enacted and specially assigned for Thursday, April 15.

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

Bill "An Act relating to Compensation Under Workmen's Compensation Law for Total Incapacity, Partial Incapacity and Death" (H. P. 1249) (L. D. 1570)

Tabled — April 8, by Mrs. Lincoln of Bethel.

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 ninth tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass in new draft — Minority (5) "Ought not to pass" — Committee on Judiciary on Bill "An Act Prohibiting Personal Liability of School Board Members" (H. P. 6) (L. D. 6) — New Draft (H. P. 1252) (L. D. 1578) under new title "An Act to Indemnify Public Officials and Employees of the State of Maine"

Tabled — April 8, by Mr. Page of Fryeburg.

Pending — Motion of Mr. Orestis of Lewiston to accept Majority Report.

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

Mr. HEWES: Mr. Speaker and Members of the House: I am opposed to this bill. The original L. D. applied only to SAD directors, and this revised bill, which is L. D. 1578, would give immunity to all employees, directors or officers of any public body created by the State of Maine.

Now it is my understanding there are about 5,300 municipal

employees, plus perhaps 11,500 teachers in the public schools, plus perhaps 12,000 state employees, or a total of perhaps 28,000-plus people we are talking about indemnifying here.

It seems to me that if someone, some employee knows that he will be indemnified for his acts then he might not use the same standard of care that he would use if he knew that he himself would have to be financially responsible for an act that he had performed.

In fact, you might have a stubborn employee who might just bulldoze ahead doing something, not wilfully, but doing something that others with whom he is associated might feel he should not do, and he might do it because he knows that his employer, namely the state or the public body for whom he is employed, or she is employed, would have to pick up the tab for his actions.

I submit that this is not a good bill. At the present time, as you probably know, we have sovereign immunity for proprietary acts, that is that the government itself is not liable. And I don't think we should make the government liable indirectly through the acts of its employees.

Two years ago we did have a public hearing on a bill to remove sovereign immunity, and Dr. Schumacher pointed out that because of the numbers of people confined in the Augusta State Hospital and Bangor State Hospital, that the expense to the state might be substantial. I submit that the same applies today under L. D. 1578.

Actually we have had no hearing on the general purport of this particular L. D. because the original L. D., L. D. 6, merely provided for immunity for SAD directors, which would mean just a few hundred people rather than the 28,000 that we are talking now.

I hope you will vote against the Majority Report which was "Ought to pass." I thank you.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: This re-draft number 1578 is a redraft of

my initial bill, L. D. 6. Now my bill, as Mr. Hewes pointed out, was originally designed to cover members of school boards and school directors.

Now let me digress for a moment and explain some of my reasoning. First of all, as you may remember, in various parts of the state last fall we had many problems with bomb threats in high schools. Now the particular situation in my area was such that the members of the school board or a majority of the board, I think it was 11 out of the 13, indicated that they were afraid to take any positive action in order to curtail some of these bomb threats, because they believed that they might be liable under state law for any damages that might occur if someone did plant a bomb and it did go off, and they could be accused maybe of negligence for not having postponed school for the entire day, or for not having searched thoroughly enough to locate the bomb.

Well, of course, there have been no bombs found, and it was never the intent of the students in my opinion at any rate ever to plant a bomb, but only to get out of school. Well, now it got to quite a point last fall where the bomb situation had caused cancellation of school for some 15 or 16 days in Rockland. Only one day out of the scheduled exam week for the first quarter was held, and it got to quite a situation. Well, my reasoning behind the initial bill, L. D. 6, would have been to permit the members of School Administrative Districts to take action, or to make a decision such as to remove the students from the schools, put them outside in the parking lot for an hour or so while an investigation of the building or a search of the building was carried out, and put them back in. And if anything did happen, they couldn't be held personally liable.

Now not being a lawyer, and not understanding some of the ramifications of immunity versus indemnity, and not knowing of some of the court cases that have come before various state courts in the past few years, I assumed that the logical course of action was to pro-

vide for immunity of school board members. And if you read L. D. 6, you will see that this is what the bill would do.

Well, at the public hearing that was held quite some time ago on L. D. 6 before Judiciary, there were several competent lawyers who explained the various problems associated with this legislation. Now it seems that two or three court cases had evidently set a precedent that members of school districts or school boards being part of the public body, a political — or rather an organization which was established in this case indirectly by the legislature, were immune to public action. However, they could be taken to court, they could be liable for court costs involved.

Now it seems a little unfair to me that public officials such as elected members of the school district, or members of the legislature, or any other people who are directly responsible for public policy should be personally liable, have their personal property put in jeopardy for decisions that they make in good faith, that they believe are for the good of the community.

Now it came out in the public hearing, and through several communications that I had with the Attorney General's office and other lawyers who were interested in this problem, that the proper road to take was to indemnify the public officials; in other words, the individuals who may wish to take action against any public official — I will use the example of school boards, because that is what I was primarily interested in — would take the action, although through the indemnification process they would be insured by the school district or by whatever body was directly responsible against the court costs, and against the final judgment.

Now it was not my intention to include all state employees. It was my initial intention to protect just the school districts. Now the bill came out of Judiciary as L. D. 1578, the redraft, as indemnification, as you can see, and did include all state employees. I am not specifically in opposition to in-



cluding all state employees. I would not be upset if some of these individuals would be amended out of this coverage. But I do think that we ought to consider very strongly protecting some state employees, and all public officials, because they shouldn't be liable. Their own personal property shouldn't be liable in my opinion to decisions made in good faith.

Now it is not my intention either to protect individuals who act wantonly, maliciously, or carelessly. This was another point that was brought up in the public hearing. Was it my intention to protect everyone right across the board regardless of their intentions? And as far as the school districts themselves are concerned, I claim it is very difficult to corrupt a majority of any group of elected officials, a school district or a legislature. Maybe one or two individuals, but I find it very hard to believe that a majority of a board, and a board does act as a unit, not as individual members — any decision they would make would be made as a unit.

So I think the argument that this would cover, the particular action of individuals acting against the public interest, wantonly and maliciously, is not really a valid argument. But I bring this out because I believe it is only fair to bring the point out that these people acting as members of the board would be covered under this particular item too.

But I do think that we ought to give the redraft of 1578 some serious thought. I do think that this fills a gap that has been left open in the State of Maine for quite a while. Because I don't feel that it is fair to handcuff state employees, or rather state public officials, from doing the job to the best of their ability and making sound judgments, for fear that their personal property and their personal livelihood is on the line. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Page.

Mr. PAGE: Mr. Speaker and Members of the House: I tabled this last Friday for one reason only, and that was the fact that

there was dissension amongst the legal profession as to whether or not this would melt away the immunity that the state has, consequently the government immunity that municipalities have also.

And I would say at this point that there is an agreement that I have to believe that this would do this very thing. Therefore, I hope you would vote not to accept the Majority Report. Thank you.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: I was a signer of the Majority "Ought to pass" Report on this redraft, and I think you might be interested in a brief background of our discussion of this bill.

It originally came before us as an immunity bill, and a majority of the committee was against the concept of immunity. We feel that immunity is that which creates the recklessness in the employee and not indemnification.

In looking closely at this redraft you will notice that the officer, employee or director is only indemnified when he acts in good faith. He is specifically exempted from being indemnified for bad faith, misconduct in the performance of his duty. So that I think this creates a sufficient protection for the public body against bad faith acts of the employee or officer.

It does not seem to me fair when a state has sovereign immunity that the employee or officer is putting his personal estate on the line when he is performing in good faith for the benefit of the State of Maine. If a person was working in private industry as an agent of the employer and in good faith caused some damage, the employer, because he was a private concern, could be sued as the principal of the employee agent.

Now this is a legal concept which does not extend to the state employee because of the state's sovereign immunity. Therefore it creates a prejudice against the state employee. Every time he acts for the state he is putting his personal estate on the line, his personal fortune on the line, his live-

lihood, his home, his savings. This does not seem to me fair for someone who is devoting his life to public service and working for the state to have to put his personal assets on the line every time he, in good faith, does something for the State of Maine.

This would create a built-in insurance policy for the public official when he acts in good faith. I don't think there is anything wrong with that, and I would disagree with the contention of Mr. Page that this does anything to the sovereign immunity of the State of Maine. I don't think that it in any way cracks the barrier of sovereign immunity which this Legislature saw fit to uphold in previous action last week.

Therefore, I urge that you support the majority motion, and give the state employee a fair shake, and put him on equal footing with those employees in private industry.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: I made some inquiry into this bill and what it does, and it seems to me there is a great deal of confusion about it. There is no agreement that it will solve problems or really protect anyone. And I feel at this time I would like to move that we indefinitely postpone this bill and all accompanying papers.

The SPEAKER: The gentleman from Freeport, Mr. Marstaller, now moves that both Reports and Bill be indefinitely postponed.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would like to reply to the comments of the gentleman from Rockland, Mr. Emery, and the gentleman from Lewiston, Mr. Orestis.

In reply to Mr. Emery, as I understand the law, SAD directors are not presently liable. You all, I assume, recall the Maine Maritime Academy affair with Frank Rodway, and you recall that his employment there was terminated. And he brought suit against several

of the trustees of the Maine Maritime Academy within the last five or six years. And our Supreme Court in the case of Rodway versus Wiswall, 267 Atlantic 2nd, 374, ruled that the trustees of the Maine Maritime Academy are not liable personally. So that has already been decided.

That upheld an earlier case of Richards versus Ellis, which resulted from a person in York who wanted to get a victualers license, and he was denied that. And he felt that he had a personal action against some of the town fathers. So in reply to Mr. Emery, there is no personal liability now for the elected officials of SAD's.

Now in reply to Mr. Orestis, in which he indicates he doesn't feel that employees should be accountable for their own personal belongings for their acts, I submit that he is in error. I think people should be accountable for their acts. They shouldn't have immunity, basically, except in a rare rare exception. And I feel they should be accountable.

I also wish to point out that there will be an appropriation necessary, because there are several thousand state employees, and you are not going to have them indemnified without some appropriation. And of course municipalities and counties and SAD's will also be subject possibly to payment of certain monies just as the Town of Fort Kent was subject to the payment of \$34,757 recently. So I submit that there will be an appropriation necessary.

I hope you will support the motion of the gentleman from Freeport, Mr. Marstaller, to indefinitely postpone this. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, in reference to his statement that under the case of Rodway versus Wiswall, school directors are not liable. Are they in fact, though, responsible for paying their own court costs? And as a further comment, I would also like to add that regardless of the liability, whether or not individuals are liable in the

State of Maine, it is true that regardless of any state law, if action was taken through a federal court, any state liability would have no effect whatsoever.

There have been many cases that have come down from our federal courts, especially in school cases. I will bring this up because it is a good example as to racial imbalance, or even cases of the length of individual's hair in school. It has been challenged through school boards, and children and their parents have taken it to higher courts. And very often the rulings of state courts have been overturned. And it is very conceivable that although an individual might be immune and not liable in a state court, the federal court would still be able to hand down a judgment, and he would be liable and would be expected to pay whatever judgment might be required.

But the indemnification that L. D. 1578 would provide would still give him the protection under the law that is evidently missing in the state courts at the present time. So the indemnification is a double protection both in state courts and in federal courts, whereas immunity would only have effect at the state level.

The SPEAKER: The Chair would interrupt debate for a moment and ask the Representative from Lewiston, Mr. Jalbert, to escort the Rev. John Meisner to the rostrum to join the Speaker.

Thereupon, Reverend Meisner was escorted to the rostrum by the gentleman from Lewiston, Mr. Jalbert, amid the applause of the House, the members rising.

The SPEAKER: This young man seemed to be weary standing up back. It is not very often the Speaker exercises his prerogative under the rules to request someone to join him on the rostrum. It is usually a former Speaker or a former Governor. But this gentleman here is beloved by every member here who served with him, regardless of the controversy. And those who do not know him, I want to introduce the former Representative, the Reverend John Meisner of Dover-Foxcroft,

to the young members who don't know him. (Applause)

Rev. MEISNER: Mr. Speaker, I appreciate this honor very much, and thank you all for the courtesy extended to me.

I am very glad to be back here again where I had such a wonderful time for four sessions. Thank you very much. (Applause)

The SPEAKER: The gentleman from Rockland, Mr. Emery, poses a question through the Chair to any member who may answer if they choose. And I think the question was posed to the gentleman from Cape Elizabeth, Mr. Hewes, and the Chair recognizes that gentleman.

Mr. HEWES: Mr. Speaker and Members of the House: In response to the gentleman from Rockland, Mr. Emery's question, I believe there is a federal act for which the directors—federal act—could be liable in federal court.

In reply to the question relative to costs of court. Yes, under the present law, anybody sued, if he loses he has to pay the cost of court. Even if he wins he has to pay counsel, presumably. And I wish to point out that in L. D. 1578, in the next to the last sentence, it indicates that the governing body will only pay attorneys' fees if they have been given prior consent, that is if they have approved prior to the being asked to pay that amount.

So under the present system I have defended a fireman in the City of Portland. Actually the City of Portland did pay his attorneys' fees, they paid the judgment, and I think the general practice is now that municipalities often do indemnify or pay judgments for employees. I thank you.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank Mr. Hewes for his very fine explanation. I would like to join him in going along with Mr. Marsteller's indefinite postponement. This is a very poorly thought out bill.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take exception to what the previous gentlemen have stated. I do not think the bill lacks merit. I think the original bill was very finely intended and it was well thought of.

The reason for my reasoning on the thing, the first bill I could not go along with because it asked for definite immunity to a specific small group. First, I am a little afraid of giving statutory immunity anyway, even though I am not an attorney. So I refused to go along with that bill.

Now this amendment, I felt, was a partial answer. When I was asked why I would not go along with the original, I stated that first it was merely for a small group and it would open up the door and then every other group that decided they might be prosecuted would want to have immunity. There were a lot of employees of government, and I didn't see why if we gave either immunity or indemnity to any group, it should include all governmental employees and officials.

Now the amendment, or the rewrite was produced. It was produced along the lines of indemnifying rather than straight immunity. Consequently, the protection would be purchased.

Now whether the cost of this would be all out of reason is something else again, or whether it conflicts with sovereign immunity, I do not know. I understand that the Attorney General's Department has ruled on it and there are several statements on it.

I merely went along with this bill. I approved this section of it and was hoping that there would be debate on the floor, and I still feel that if there is not sovereign immunity that employees of the state should have some sort of indemnifying protection for errors that they may make when they think they are doing their duty and might be sued.

So that is the reason why I went along with the "Ought to pass" Report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I looked at this bill and I noticed that no attempt has been made by the committee, or I believe no attempt has been made, to arrive at any, or even make a guess at what the cost of such a bill as this would be. I don't know if this was done intentionally. I believe a bill that is going to cost the state money is supposed to have an appropriation act attached to it. I noticed that this does not have that. I don't know if there is any explanation for that or not. It obviously, probably, would be a very difficult thing to arrive at, and I would question whether we should pass such a bill as this not having some knowledge of what it might eventually cost.

The SPEAKER: The pending question is on the motion of the gentleman from Freeport, Mr. Marstaller, that both Reports and Bill "An Act Prohibiting Personal Liability of School Board Members," House Paper 6, L.D. 6, be indefinitely postponed. All in favor will vote yes, those opposed will vote no.

A vote of the House was taken. 115 having voted in the affirmative and 19 having voted in the negative, the motion did prevail. Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (10) Ought to pass in new draft" — Minority (2) "Ought not to pass" — Committee on State Government on Resolution Proposing an Amendment to the Constitution for Apportionment of the House of Representatives into Single Member Districts (H. P. 208) (L. D. 274) — New Draft (H. P. 1238) (L. D. 1524) under same title.

Tabled — April 8, by Mr. Susi of Pittsfield.

Pending — Motion of Mrs. Goodwin of Bath to indefinitely postpone Reports and Resolution.

On motion of Mr. Susi of Pittsfield, retabled pending the motion of Mrs. Goodwin of Bath to indefinitely postpone both Reports and Resolution and specially assigned for Thursday, April 15.

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

HOUSE DIVIDED REPORT — Majority (11) "Ought not to pass" — Minority (2) "Ought to pass" — Committee on Education on Bill "An Act to Create a School Administrative District for the Town of Orono" (H. P. 804) (L. D. 1077)

Tabled — April 8, by Mr. Curtis of Orono.

Pending — Acceptance of either Report.

On motion of Mr. Susi of Pittsfield, retabled pending acceptance of either Report and specially assigned for Thursday, April 15.

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

Bill "An Act relating to Retail Sale of Fortified Wine" (H. P. 656) (L. D. 897)

Tabled — April 9, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Ross of Bath to insist.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

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

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, moves that the House recede and concur.

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

Mr. LIZOTTE: Mr. Speaker and Members of the House: I hope that we do not go along to recede and concur, and I would hope that we would go along with the motion of Mr. Ross to insist and I would ask for a division.

The SPEAKER: A vote has been requested. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken. 59 having voted in the affirmative and 72 having voted in the

negative, the motion did not prevail.

Thereupon, the House voted to insist.

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

An Act relating to a Transfer of Municipalities from One School Administrative District to Another (H. P. 1235) (L. D. 1521)

Tabled — April 9, By Mr. Dam of Skowhegan.

Pending — Passage to be enacted.

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

Mr. DAM: Mr. Speaker and Members of the House: I had had this bill tabled because I was having an amendment prepared, or so I was under the impression that an amendment was going to be prepared. And after making several trips to the Attorney General's office and working on the amendment, this morning I was told that the Attorney General's office is so busy that they can't prepare any amendments. So seeing that they are so overworked, as one of our state agencies, or maybe from pressure being applied from some other state agency that would not want the bill amended, I therefore move that it be passed to be enacted.

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

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

HOUSE DIVIDED REPORT — Majority (9) "Ought not to pass" — Minority (4) "Ought to pass" — Committee on Liquor Control on Bill "An Act relating to Sale of Liquor Not to be Consumed on the Premises" (H. P. 426) (L. D. 560)

Tabled — April 9, by Mr. Jalbert of Lewiston.

Pending — His motion to reconsider acceptance of Majority Report.

The SPEAKER: Is it the pleasure of the House to reconsider the acceptance of the Majority Re-

port? All in favor say aye; those opposed say no.

A viva voce vote was doubted by the Chair.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Am I in order to speak on the motion?

The SPEAKER: The gentleman may continue. The pending question is reconsideration.

Mr. JALBERT: Mr. Speaker and Members of the House: I would give you several reasons why I am making a motion to reconsider, although there must be some levity to everything. Mr. Speaker, you mentioned after I brought down the good gentleman from Dover-Foxcroft, Mr. Meisner, down the aisle, that he adjusts himself to all situations, I mean I presume he would adjust himself to this one. This is the second time in about ten years that I am up on a bill that would involve itself with more revenue in liquor in the State of Maine.

Another reason I have is that when I voted, and I have a right to make a motion to reconsider because I was on the prevailing side, and I really heard about the fact that I was on the prevailing side two seconds after I did it. I waltzed down the aisle in a hurry as I do oftentimes and pressed the button in the wrong direction, and I was immediately relegated from the ranks of major to the ranks of buck private by my colleague and good friend from Lewiston, Mr. Cote, whose measure this is.

Seriously, I feel quite strongly about this measure. This program exists now, but the State of Maine does actually gain no revenue from it.

If this law went into effect it would mean that after hours, as has been explained to you, it would mean that after hours people could buy in hotels, motels, restaurants and clubs the liquor to take out at a 20 per cent hike in the price of the product.

Now those who would take advantage of this privilege would have to pay an additional fee in

their license, and this means an additional \$50,000 to the coffers of the State of Maine for revenue.

Now this actually exists now, and we gain nothing from it. Actually right now I could check into any hotel or motel in the State of Maine, and upon checking in, with or without luggage, I could call for some two or three bottles or two or three cases of liquor to be distributed to my room, at top prices incidentally. Regardless of the price, I could check in and ask for these liquors to be brought to me, and when they are brought to my room I could immediately leave and go elsewhere if I cared to.

Now certainly this doesn't mean anything to me as far as the area of enjoying the pleasantries of a small libation because it has been nigh onto seven years since I have enjoyed the privilege.

It is not necessarily my custom to get up and speak on these matters. In any event, this would mean more revenue. It would mean a service, seriously, oftentimes to our tourists, and they are entitled to having these privileges if they want to. And certainly this is my reasoning for moving reconsideration, so that the report "ought to pass" would be accepted. I sure hope the motion to reconsider, Mr. Speaker, will prevail.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The gentleman from Lewiston brings up a question which I would like to pose to him at this time. I don't have any doubt as to what he says that he can check into any hotel or motel in the State of Maine and have liquor sent to his room. Does he wish to imply — he mentioned a matter in this new bill of 20 per cent added costs. Does he wish to imply that every hotel and every motel in the State of Maine would allow him to check in and sell him a case of liquor and immediately allow him to go out without paying the ten or fifteen dollars that they normally would charge me to check into a hotel?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses

a question through the Chair to the gentleman from Lewiston, Mr. Jalbert, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. JALBERT: Mr. Speaker and Members of the House: In answer to Mr. Bragdon, I have a twofold answer. Number one, I think he is being influenced by Mr. Meisner's stare; number two, the answer certainly is obviously in the negative, and he knows that.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I do feel that I should make some little comment on this. I think we thoroughly understand what this bill does. It seems to me of all the bills relative to the sale of liquor that have come before this Legislature, in my opinion this probably is the worst one in the whole group. It strictly does put all restaurants into the ability to sell liquor. I think that it has a great many ramifications. I hope the reconsideration motion does not pass.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: This is a two-pronged affair. If you wish to keep the bootlegger in business and if you wish to throw away a quarter of a million dollars which we badly need, then vote not to reconsider.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from East Millinocket, Mr. Birt, makes a mention that this is the worst liquor bill that has been presented of all of them before this session of the Legislature. Being an authority on the subject, would he please give me what the best bill is?

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I meant to say a little more after I got my answer from Mr. Jalbert.

I will attempt to do so at this time. If I correctly understand this bill, and I am sure if I don't I will be corrected. If I understand this bill, this now allows every hotel and every motel in the State of Maine that has a liquor license to sell to any person who wishes — they don't have to register — sell to any person who wishes to purchase liquor at any time — it says after hours, I believe in the bill, but to me this would mean any time of the latter part of the day and all the night. To me it is almost equal to putting the liquor into every little store in the State of Maine if we go this far. I believe I am correct in this assumption that no one would have to register at a hotel or motel. It simply makes a hotel and a motel a liquor retail outlet, which I definitely oppose.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker, I think there probably is a rule that you should quit when you're behind, but regardless of that fact, I am going to give Mr. Cote, the gentleman from Lewiston, Mr. Cote's bill an honest requiem if I am going to give it to it.

The gentleman from Perham, Mr. Bragdon, I am positive is not hard of hearing. Now very definitely he states that it was of his opinion, one, that every little store in the state would be able to — the gentleman from Perham, Mr. Bragdon, made the statement that every little store in the state would be able to procure a bottle of liquor. Those were his words. The fact of the matter is that this does not pertain to any store whatever. Number two, in the present law now you certainly have to, in order to procure a bottle of liquor in a motel, you naturally have to be a registered, paying guest, and that states so in the measure.

It might be suggested sometimes that the way we get ourselves involved, and I knew I was going to get myself involved in this thing because of my commitment to my friend, Mr. Cote. So I read the bill. I also called the Liquor Commission who has no objection to this bill. I called the Chief of the State

Highway Police who told me that people should be allowed to do what they want to do, and they had no objection on the enforcement issue to this bill.

The law says presently that you can go to any motel, register, check in, and buy any amount of liquor that you want and it is delivered to you. Usually, it is sometimes double the price. This would bring it down to 20 percent. It would help a great many people. It would make \$50,000 more available for the emergency measures of my good friend from Perham, Mr. Bragdon, up in Aroostook.

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

Mr. GAGNON: Mr. Speaker and Members of the House: I won't belabor the point. As I stated before, this allows anyone to come into — as it states right here in the bill — hotels, class "A" restaurants and clubs to buy liquor in original packages to be consumed elsewhere other than on the premises. Now this means that anyone can come into these establishments after hours, buy the liquor and take it out and drink it wherever they wish. As I stated before, this is again getting away from state controlled stores. I don't see any reason for revenue for any reason, and the majority of the committee didn't feel this way. Therefore, I would hope that we would uphold this measure as we did the last time.

Mr. Bragdon of Perham was granted permission to speak a third time.

Mr. BRAGDON: Mr. Speaker and Members of the House: Either the gentleman from Lewiston misunderstood my statement, or deliberately misinterpreted my statement with regard — what I said was with regard to hotels selling liquor. I didn't say that it allowed as he interpreted it, that it allowed every little store to be a retail outlet. I definitely did not say that. I said it was just as bad as that.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I

would like to correct one statement that was made. It says "after hours." After hours of the liquor stores closing; not after hours for the legal time of selling liquor in this state. In other words, if it is midnight, they stop at midnight. If it is quarter of one, they stop at quarter of one. They don't sell all night like it has been implied here.

Mr. Curtis of Bowdoinham requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider acceptance of the Majority Report on Bill "An Act relating to Sale of Liquor Not to be Consumed on the Premises," House Paper 426, L. D. 560. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA—Bedard, Berube, Binnette, Boudreau, Bourgoin, Carey, Carter, Clemente, Conley, Cote, Cottrill, Dow, Doyle, Drigotas, Faucher, Fecteau, Gauthier, Genest, Gill, Goodwin, Hancock, Jalbert, Jutras, Kelleher, Kelley, R. P.; Kilroy, Lebel, Lessard, Lizotte, Lynch, Manchester, Marsh, Martin, McCloskey, McKinnon, Mills, Murray, Norris, O'Brien, Orestis, Pontbriand, Rand, Rocheleau, Ross, Santoro, Sheltra, Slane, Smith, E. H.; Tanguay, Theriault, Vincent, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carrier, Churchill, Clark, Collins, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Dudley, Dyar, Emery, D. F.; Evans, Farrington, Finemore, Fraser, Gagnon, Good, Hall, Hardy, Haskell, Hawkens,



Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, P. S.; Keyte, Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lucas, Lund, MacLeod, Maddox, Mahany, Marstaller, McCormick, McNally, McTeague, Millett, Morrell, Mosher, Page, Parks, Payson, Porter, Pratt, Rollins, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Starbird, Stillings, Susi, Trask, Tyndale, Weber, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT—Albert, Cooney, Dam, Emery, E. M.; Hanson, Silverman.

Yes, 53; No, 91; Absent, 6.

The SPEAKER: Fifty-three having voted in the affirmative and ninety-one in the negative, with six being absent, the motion does not prevail.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" — Minority (5) "Ought to pass" with Committee Amendment "A" (H-124) — Committee on Agriculture on Bill "An Act Establishing the Maine Apple Fund and Maine Apple Commission" (H. P. 253) (L. D. 335)

Tabled—April 9, by Mr. Williams of Hodgdon.

Pending — Motion of Mr. Evans of Freedom to accept Minority Report.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: I have received a letter from a number of people that support this legislation, and because of our early convening this morning I have to apologize, I was not able to get it into your mail boxes.

This is a controversial piece of legislation. I believe that these people have as much right to tell you how they feel as other people have, and I would appreciate it if someone would table this for two legislative days. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, I would like to table this for two days.

The SPEAKER: The gentleman from Freedom, Mr. Evans, moves that L. D. 335 be tabled and specially assigned for Thursday, April 15, pending his motion to accept the Minority Report.

Mr. Pratt of Parsonsfield requested a division.

The SPEAKER: A division has been requested on the tabling motion. All in favor of this matter being tabled and specially assigned will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

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

Bill "An Act relating to Fees for Inspection of Motor Vehicles" (H. P. 281) (L. D. 370)

Tabled — April 9, by Mr. Emery of Auburn.

Pending — Adoption of House Amendment "A" (H-127)

House Amendment "A" was adopted.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think a lot of members of the House probably don't understand what this means. This actually means increasing this sort of a tax by a hundred percent, which is seldom done here in this House. We generally give it to them a little more gradually. And the state isn't going to benefit a great deal from this. Presently they got ten cents from one of these stickers on your windshield, and if this bill passes they are going to get the whole sum of twenty cents.

Now let me tell you what this inspection was for originally. I think some of you may know, but there may be some that don't know what this inspection is for. But actually this inspection is to make your car safer for the drive on the highways of the State of Maine and other states.

Now the original sticker that we had on the windshield some time ago cost fifty cents. But the intent was to get your car fixed, to get you in there and have the car repaired so it was safe for the highway. So the mechanic, which I consider myself somewhat of, had to get the car in order and charge for the same. That's where he got his pay.

Now if we pass this type of bill, the honest operator is going to be penalized, because the honest operator wants your car safe on the highway. He wants you to have good brakes, good tires, and all the other necessary things to make your car safe on the highway. If this bill passes the people that are intent on only dollar bills, or they can see only dollar bills before their eyes, will tend to make the others also "licker lappers," because then they can make money just lapping stickers and sticking them on the windshield, they don't have to fix your car.

So we get away from the intent of what the bill was for in the first place. In the first place, this legislation was to make your car safer on the road. And now if we are going to try to make it a tax to improve the highway revenue or make the garage man richer, then we are getting away from the intent of the bill.

So for these reasons, I would think that this bill, and I move that this bill be indefinitely postponed. It is hard to do that, because it would put a lot of dollars in my pockets, but I don't feel like just lapping stickers. I feel as though the people in my area are entitled to having their car properly looked after and safe for the highway. Thank you.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, now moves that L. D. 370 be indefinitely postponed.

The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, a point of information, please. I would like to ask Mr. Stillings, he put an amendment on L. D. 370, and when the bill came in the committee, L. D. 370, we made a redraft of number 1576, and he put his amendment on the first

bill. If he wants to put an amendment, I think he should put it on the redraft.

The SPEAKER: The Chair would advise the gentleman that the gentleman sponsoring the bill substituted the original bill for the new draft. An amendment is pertinent to the original bill.

The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: We have seen the gas tax rise in the last few years; we have seen the excise taxes go up; we have seen all kinds of other taxes added to the cost of operating vehicles. And this fee raise here will be another cost.

I wonder how many more costs we can add to the operation of the vehicle and still expect people to use them. The use of vehicles today is a necessity, not a luxury any more. Thank you.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am going to be consistent. I wasn't for the sticker lappers in the hearing, and I am not for the sticker lappers now.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Just one thing I forgot to mention, and that is that this was one of those few unanimous committee reports that this should remain at a dollar, and we filed a redraft here that was substituted for this report. And there were some other things in the bill that we could bring the other bill back before us, I am sure. But it was a unanimous committee report that the inspection on your windshield would stay one dollar.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: As always, I appreciate the humor with which Mr. Dudley approaches some of the legislation before this House. And I am sure

that most of you do too. I enjoy listening to him; I don't particularly relish the thought of debating him.

But I think this is a very serious matter. We are talking about a highway safety measure. We want good thorough safety inspections in this state, or at least I think this Legislature as a matter of record is concerned, deeply concerned with highway safety.

The gentleman from Enfield, Mr. Dudley, mentioned the other day that some station owners didn't know how to charge. I don't believe that this argument is material. Existing law says that the fee for inspecting a vehicle is one dollar, and if there is nothing wrong with the vehicle then there is no way that station owner can charge more than that one dollar under the law.

What we are asking for here essentially is a realistic fee of two dollars for inspection. Simply to allow the station owner, not to make money, but not to lose money in inspecting motor vehicles. And we would hope certainly that the inspection would be a very thorough safety inspection.

Station owners have had no increase in this statutory fee for inspecting vehicles for 20 years. The fee was increased from fifty cents to one dollar in 1951. And I would like to make this point very clear, it is a safety inspection which I am sure we all want to see done properly. I want to make sure that my car gets a thorough inspection when I take it to the inspection station, and I certainly would like to be assured that other vehicles on the road with which I must contend occasionally have also had a thorough, adequate safety inspection.

If the sticker lickens or sticker lappers, whatever you prefer to call them which Mr. Dudley has mentioned, do exist — and I am sure that they do — I would guess that if they are reported to the Motor Vehicle Inspection Bureau of the State Police they would not be in the sticker licking business very long.

These inspection stations are performing a very important public

service in the interest of highway safety. I don't believe that most of them are interested in making a huge profit on a motor vehicle inspection. They simply, as I said before, would like to be able to do it without losing money.

Under this bill as amended, or I believe the amendment has been adopted, the station will realize a gross profit of \$1.70 for about 20 to 30 minutes work. And I think that we can all realize that this is not very much profit; and it is gross profit. And of course, the station owner still has a considerable amount of paper work to do in complying with the inspection reporting regulations.

And I certainly would hope that this House won't overlook the fact that the bill produces an additional \$400,000 in revenue. And I think we all agree that revenue is sorely needed. And it doesn't come from the person whose car is being inspected, it comes from the increase in the cost of the stickers to the inspection station. They would be increased under this bill from ten cents to thirty cents apiece.

We are talking more than revenue, however. We are talking more than fees for inspection. If this bill as amended is adopted, then it would increase the fee for the inspection of school buses from two to four dollars, and all station owners agree that it takes about twice as long to inspect a school bus as it does a car.

This bill would establish a procedure whereby stations would be licensed once every three years rather than annually now, and this would free up more troopers from the Motor Vehicle Inspection Division to get out and get after the sticker lickens. It would exempt road construction equipment, which the committee has suggested, from inspection requirements. It would, as I have said, increase the cost of the sticker to the station owner from ten cents to thirty cents. It would provide for the stations to receive refunds on unused stickers, something they cannot do under existing law unless their license is suspended or revoked. And it does increase the cost of the inspection to the ve-

hicle owner from one dollar to two dollars. Certainly I think we could agree that two dollars at today's prices and wages is not out of the question.

I would again like to remind you of the revenue producing feature of the bill and that the money comes from the station owner, not from the motor vehicle operator. And I certainly would hope that you would vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I cannot imagine anyone rising on the floor of this House worrying about garage owners going under. Any garage owner that I know is doing a pretty good business at this one dollar level that we have now. I have paid in the past for labor in garages at the rate of \$13.00 an hour and I am not in my position worrying very much but what these people can do the job they have been doing, doing a good job, for the dollar an hour inspection sticker that we have at the present time. Thank you.

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

Mr. BRAUN: Mr. Speaker and Members of the House: My telephone has been very hot the last few days in regards to this issue and I hope that after I have spoken that there will be a roll call so they can see just how I did vote on this. You go into these stations, they don't give you anything—only a sticker for this money. Anything extra, if you have a light out, this is extra; you pay, they make a profit on selling to you and they also make a profit on their labor.

When we go up, this amount right here—I have three cars myself, and this will go up triple on me; and this is \$3.00 every half, \$6.00 for the year, and I could use that \$6.00 better. The other day I took my car into a garage, just to have bearings done. I thought it was going to cost me thirty or forty dollars; I paid \$163.40 before I left in just six

hours. So I think the garages are making enough and I ask you to keep this thing where it was, and I go along with indefinite postponement.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: In order to vote more intelligently on this matter, I surveyed as many garages this weekend as I had time to. One of the questions that I put to the garage owners was the following. Will the driver get a more thorough inspection for \$2.00? All the garage owners answered in the negative. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that Bill "An Act relating to Fees for Inspection of Motor Vehicles," House Paper 281, L. D. 370, be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 54 having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

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

Bill "An Act relating to the Right of Access by Landlords" (H. P. 1253) (L. D. 1573)

Tabled—April 9, by Mr. Kelleher of Bangor.

Pending — Passage to be engrossed.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I would like at this time to speak in opposition to this bill. We are getting involved with this bill today into a matter of a tenant-landlord relationship, which will require on your part and my part much discussion and much time. If you want to spend that time I will spend mine to try to give you some of the facts involving

this legislation, this particular legislation 1573.

First and foremost I am opposed to the bill because the bill tries to give away my rights as a property owner. And also this bill—this bill is a new draft, as you will notice 1573 is a new draft of the bill L. D. 250. I opposed this bill on another principle and that is the principle that this bill has departed a great percentage from the original bill. This bill, at the hearing for L. D. 250, we had about seventy people against L. D. 250 at the hearing, and we had about six tenants and a few remarkable lawyers from the Pine Tree Legal Association for the bill.

In the first place this bill and at least four other of the bills which have been presented have been the works of the Attorney General's office in regards to investigations on their rent profiteering in the cities of Portland, Lewiston and Bangor. I will strictly make my remarks as to the Portland investigations because I am not familiar with what happened in the other places. I wish to state to you some facts which at first might not seem to be germane to this legislation, but I think you will see that it is.

On complaint the Attorney General's office did have some investigation and one of the first steps to remedy the situation, or they thought the situation, was that they would form a committee apparently which was supposed to be divided equally for good representation from the tenants' ideas and also the property owners' ideas.

Well I can say to you ladies and gentlemen that this committee of fourteen people, out of fourteen people there were six tenants, there was one representative from the House, and there were three or four lawyers from the Pine Tree Legal Association which I wish to quote to you they don't work in your interests; and there was on the committee of fourteen, four landlords, and one of these landlords was on there because he put the pressure on to be on that committee. He wasn't put on there voluntarily.

So I submit to you on a committee of fourteen, with ten of them representing one party, I don't think this is very fair. I asked the same question in committee to the Attorney General and of course you get the answer that they weren't aware of this; but I can assure you that they were because they were told many times about it.

Secondly, at the hearing on L. D. 250, which was attended by a roomful and most of them against this proposal, actually the ones that spoke against it — and I didn't know it at that time, but some of them that spoke let's say for it, actually some of them were evicted due to the fact that they evicted before because they were owed rent and they had been evicted because of that situation.

There is no doubt that the wishes of the landlord at that hearing were clear; they did not want any part of this legislation. I don't think that they want any part of the proposed legislation because this is actually like I say brand new legislation. There was no hearing that was ever held on this present bill and for that reason I don't believe — I know that they do not want this.

The proponents to my knowledge do not intend and do not at this time have any rentable property that they own. I suggest to you that the greatest do-gooders for this type of legislation are the ones that are willing to spend your money and your equity in the property that you now own. And whether you own any rentable property or not, let me state to you that if you own even your single house, a situation such as death and other things can happen that you will want to rent your house, and if you do you would come under these laws as proposed.

We have about fourteen of these bills that will come up in this session involving this type of relationship. I can say much more but I think this is enough for a starter. We can expand and will expand if you opponents want to. I thought that you realized that such a bill is a threat to your privacy as an

individual and as a homeowner. The legal authorities agree that the statute under which the hearings were held is unconstitutional. Rent profiteering section would not stand under an appeal because it is too vague. I am told that some of the officers of the Tenants Union were evicted because of non-payment of rent. I was not only told but I have facts and I can have their statements as far as that is concerned.

I submit to you that this legislation would also affect the elderly because as it is now the landlords are reluctant to rent to a lot of people, and there are many places in Portland, let's say a four-family unit, they rent two units just enough so they will have enough money to pay for the repairs, to pay for their taxes; and actually don't get involved in getting some people that will destruct their property. I submit to you this is not a good bill and I cannot support it at this time.

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

Mr. CALL: Mr. Speaker and Members of the House: I believe there are laws which cover this situation now. All this law would do, if passed, would cause unnecessarily a bad relationship between tenants and landlords. Bills, such as this one, which obviously would create trouble, should not be passed.

I know from personal experience that the provisions set forth in Section 6021 of this proposed legislation are utterly ridiculous. I have tenants who depend upon me to put their various checks in their rooms because the mail comes when most of them are working or otherwise out of their living quarters. Also I have tenants who when they go away, we will say for three weeks, ask me to look into their living quarters at least once a week to see that everything is in order.

Legislation as proposed in this bill would cause people who have always trusted property owners to believe that perhaps they were wrong in their belief and that they should adopt the attitude that the

landlord is automatically a scoundrel.

Bills like this one are decidedly dangerous and they never should become law. If a landlord has the reputation of being a prowler, a snooper or a thief, the man on the street will know it and the landlord will have trouble obtaining tenants. Also, by the same token, if someone moves into a lodging place and learns that the proprietor is given to distasteful practices, there is nothing to prevent him from moving out. Thank you.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I signed the Minority "Ought not to pass" Report on this bill and also the original one. I am neither a landlord nor a tenant. But I am concerned with a lot of legislation being asked for which is interfering with what should be normal good relations. I feel that this bill is too demanding, it is too restrictive, and that if landlords and tenants have the relationship which a good many of them have, and in a good many cases they do, they need no law like this; and in a good many cases if they have why, as Mr. Call just stated, they would not get tenants for very long.

Now it seems to me I have a good many times in my earlier life rented property. I have had little problems of course and everyone has with getting this and that and the other fixed, but I never had any great problems with landlords. I don't see any reason for it now. And I see even less reason for us to legislate every little problem that individuals have and minority groups have, that they feel that the Great Father here in Augusta should make it right for them.

This not only applies to this one but, as Mr. Carrier says, there are several others that are along the same line. They seem to feel that we have got to build a cotton padded fence around every individual and protect him from everything that he does to get himself into a bit of trouble. Now a good many times if a tenant has prob-

lems it is his own fault, and if he can't get along with the landlord a good many times that is his own fault. Because the landlord is a businessman, and like all businessmen their livelihood depends upon good relations with the people that are paying them their livelihood.

So I certainly do not agree with this bill and I hope that it does not pass.

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

Mr. COTE: Mr. Speaker and Members of the House: I am battling for a thousand this morning, the other way. Again this is my bill, and I am going to speak in opposition to it. I was on that landlord - tenants committee named by Jim Erwin, the Attorney General's Office, and I accepted at the time because I felt I was coming in here for the Research Committee anyway and many of the meetings were on the same day, so I killed two birds with one stone. I was not recompensed to be on that committee. It was a free job, and I also came many times at my own expense to serve on this committee. I attended all the hearings except one. I didn't see anything really in the committee that was prejudiced against the tenant or against the landlord. Everyone serving on this committee tried to do the job the best they could.

I am not talking about the lawyers now, I am talking about the laymen that were on that committee. We worked hard, and we had many many pieces of legislation and finally we came out with four bills. And I was asked if I would present one or two of those bills and I accepted in order to get them before the people so they could be aired out.

The original bill, to me, was a fairly good bill. It was misunderstood by many of the landlords because as the law exists today, individuals or landlords who want to get into their tenements cannot do so because they are trespassing and they can be convicted under the law. That would give the right of access to landlords. So I thought it was a pretty good bill.

All of a sudden the bill came out of committee and I don't even un-

derstand it. I imagined all the powers that be, or all the legal minds the Legal Affairs Committee get together and as usual — I mean the Committee on Judiciary — and as usual, they bogged it up a little. They don't understand each other half the time. They are always on opposite sides. I have been here for twenty years and it has been the same thing for the last twenty years I have been here.

So not understanding the bill, really what it is going to do, I ought to go along with Mr. Carrier this morning and vote for indefinite postponement.

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

Mr. HEWES: Mr. Speaker, may I ask what the pending question is before the House?

The SPEAKER: The pending question before the House is passage to be engrossed.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to try to explain the bill as it now is postured. L. D. 1573 I think just sets forth in simple language the rights and duties of the landlord and tenant, relative to the landlord's right to enter the leased premises. As I understand the law, and it is exactly as the gentleman from Lewiston, Mr. Cote, has just said, that is that a landlord may not enter the leased premises during the term of the lease. This L. D. 1573 would provide that he can enter the leased premises under certain stipulated conditions, and they are set forth. One is to inspect the premises, the second is for repairs and improvements, and third is to show it to prospective tenants or possible purchasers, fourth is to collect rent due, and then under an emergency also.

This, as Mr. Cote has indicated, is an offspring of the hearing that the Attorney General's Office held last summer, and it seems to me that this is fair both to the landlord and to the tenant, and I hope that the bill is passed to be engrossed.

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

Mr. COTE: Mr. Speaker, I move that this Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves that this Bill "An Act relating to the Right of Access by Landlords," House Paper 1253, L. D. 1573, be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken. 87 voted in the affirmative and 44 voted in the negative.

Whereupon, Mr. Hewes of Cape Elizabeth requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote, that the Bill be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Albert, Bailey, Barnes, Bartlett, Bedard, Berry, G. W.; Berube, Binnette, Birt, Bither, Bourgoin, Brawn, Bunker, Call, Carrier, Carter, Cote, Curtis, A. P.; Cyr, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Fecteau, Fine-more, Fraser, Gauthier, Hall, Hancock, Haskell, Hawkens, Henley, Herrick, Hodgdon, Immonen, Jalbert, Jutras, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lynch, Maddox, Mahany, Manchester, Marsh, McCormick, McKinnon, McNally, Millett, Mosh-er, O'Brien, Pontbriand, Porter, Rand, Rocheleau, Rollins, Ross, Santoro, Scott, Sheltra, Shute, Simpson, L. E.; Simpson, T. R.; Susi, Tanguay, Theriault, Trask,

Wood, M. W.; Wood, M. E.; Wood-bury.

NAY — Ault, Baker, Bernier, Berry, P. P.; Bragdon, Brown, Bustin, Churchill, Clark, Clemente, Collins, Conley, Cooney, Crosby, Cummings, Curran, Curtis, T. S., Jr.; Doyle, Faucher, Gagnon, Gene-st, Gill, Good, Goodwin, Hardy, Hayes, Hewes, Kelleher, Lebel, Lucas, Lund, MacLeod, Marstal-ler, Martin, McCloskey, McTeague, Morrell, Murray, Norris, Orestis, Page, Parks, Payson, Pratt, Shaw, Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Vincent, Wheel-er, White, Whitson, Wight.

ABSENT — Boudreau, Carey, Cottrell, Dam, Donaghy, Dow, Hanson, Kelley, K. F.; Lawry, Mills, Silverman, Tyndale, Webber, Williams.

Yes, 81; No, 55; Absent, 14.

The SPEAKER: Eighty-one hav-ing voted in the affirmative and fifty-five having voted in the negative, with fourteen being absent, the motion does prevail.

Sent up for concurrence.

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

Bill "An Act relating to Mental Illness as a Ground for Divorce" (H. P. 883) (L. D. 1204) — Com-mittee Amendment "A" (H-117) adopted.

Tabled — April 9, by Mr. Hewes of Cape Elizabeth.

Pending — Passage to be en-grossed.

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

Mr. SANTORO: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose the passage of this bill, L. D. 1204. As in previous occasions, I do not agree with the principles of this bill, primarily the figure of seven years as a requisite to obtain divorce.

Matrimony is an institution, a sacrament, an act of God, and I don't believe that we have any right to dissolve what God has united, unless for reasons already stated in our law books.

Matrimony is a contract between two people. When we deal with this type of divorce, when one is



mentally ill and not responsible, we deal with one party alone. The other party is not heard from.

As a doctor in medicine, I do not quite believe in this seven-year period as a yardstick for considering a mental illness incurable. There are many cases of manic depressions, involution melancholia, and some cases, not too many, of schizophrenia, who will recover after seven years with due care and with the help of new, modern medical and psychiatric discoveries.

We in medicine are progressing all the time, and the time will come when incurable diseases of today will be curable diseases of tomorrow.

When I got through medical school in 1932, very few conditions were curable. Syphilis, for instance, was one of the major causes of mental disease. And syphilis was not readily cured. But today, two weeks of treatment at the most will take care of any of these cases.

Also, the bill is discriminatory. We have many other chronic conditions in the line of disease that are now incurable such as, arteriosclerosis, cerebral arteriosclerosis, heart conditions, vascular conditions, leukemia, diabetes and many neurological disorders. These conditions are chronic, long-lasting, crippling. Are we going to get divorced in these cases also?

The three cardinal precepts of the Christian world are Faith, Hope, and Charity. With faith in our present laws and institutions, with hope in God and in the medical science for future treatment and cure of mental disease, and with charity towards the ones that are closed in, we should vote against this bill. Thank you.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the committee, I believe, and I already voted "ought not to pass," I regret that I have to speak on this measure, but I still oppose divorce granted on grounds of mental illness.

I feel that way for many reasons. One, I feel that it is taking undue advantage of a person who is incapacitated and cannot defend him or herself while mentally ill, should not have court operations served against them. They are in no position to defend themselves. It seems unfair.

Of course, it will be stated by the claimant and the proponents of the bill that it has been very unfair to the well person of the union, carrying on for years with one spouse in the mental institution. That, of course, is agreed. There are tragic cases. But when we get married, we get married for better or worse, no matter how one treats the subject religiously; nevertheless, they do get married under those circumstances. And if it turns out for worse — and a good many times, perhaps, it is not only mental illness which makes it turn out for the worse — I feel that that is one of the things which life brings about which we will have to face and we will have to decide those issues ourselves within the family.

I do not feel that it should be within the sphere of a legislative body to say that because of a certain illness, that illness can be grounds for divorce, any more than, as the good doctor stated, many other illnesses.

Again, I regret that I have to take this stand because I know that there are a good many one might consider worthy situations where a divorce would, of course, alleviate definite hardships. But life can have its hardships as well as its good times. And I feel that that is one of the things which we must accept, and we should not expect laws to help us in those situations. So I still would oppose the passage of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1204 I believe is a document for emancipation. This act would provide freedom from despair, hope from hopelessness, morality from the temptation of immorality. If enacted, this law

would permit a spouse to seek a legal separation from a mate who has been in a mental institution for a period of seven consecutive years.

I am not a believer in divorce in general. I am appalled at the number of divorces we have today. I am also astounded at the number of people not bothering to get married at all, then they don't even have to worry about a divorce. I also believe that the marriage vows are sacred, I suggest that now might be the time to consider amending the marriage vows itself to conform to the present laws. It might read like this, and I quote: "to love, honor and cherish until death do us part; except in the case of adultery, impotence, extreme cruelty, utter desertion, gross and confirmed habits of intoxication, opium or other drugs, cruel and abusive treatment, refusal or neglect to provide, or when mental illness has confined a mate in a mental institution for seven consecutive years."

Consider please this law as it now reads. It makes an exception for "gross and confirmed habits of intoxication from the use of intoxicating liquors." Is this reference to none other than plain, old fashioned alcoholism, recognized now not as a habit but as a disease? What are the chances of recovery from alcoholism as opposed to recovery from mental illness?

What then of insanity? It is a disease not caused necessarily by gross and confirmed bad habits. It is a disease of the mind. Its causes are varied. Its cures are many and wondrous to behold. In this day of modern miracle drugs, great wonders have been wrought in these persons afflicted with mental illness. Recoveries are now possible where before there was no hope of recovery.

With some of those afflicted, a cure is now medically possible, but seven years of being institutionalized permits ample time for doctors to predict chances for recovery in a patient. Now, in L. D. 1204, we have provided seven long years in which to prove medically

a cure is impossible before a divorce may be sought by either party.

We further submit that under this proposed law no judge sitting on the Maine bench would grant a divorce until each case has been thoroughly checked and verified by competent medical authorities.

Chapter I, Section 32 under Title 19, Maine Revised Statutes reads: "No mentally ill or feeble minded person or idiot is capable of contracting marriage." Should it be less so when one reaches this state after a marriage? After seven consecutive years in a mental institution?

A divorce is not impossible for a person of better than moderate means. Residence in another state, a legal waiting period, legal fees—this is possible for a man of more than moderate means. So we are discriminating against the person who cannot afford to do it this expensive way.

Both sexes are affected by this discriminatory law which would be relieved by the passage of L. D. 1204. Both sexes are tempted to lead a life of public immorality because of its restrictions. I appeal to your sense of justice, ladies and gentlemen. We solicit your pity for the spouse who has entered the world of unreal and mental illness from which he or she has no chance to recover. But be compassionate too for the other half, the mentally well half. Take due consideration of his or her place in society for the remainder of their lives on earth.

Now I have had quite a bit of mail, but I just would like to read one letter.

"Dear Mrs. Lincoln,

I am writing you as one who knows what it's like to have a husband in the State Mental Hospital. My husband has been there eleven years, and cannot leave there. It's a lonely hard life for the one on the outside. Of course, I realize they are not to blame, those that are ill. But neither is the other person. And it's not helping in any way to deprive the one outside a chance of a normal life of a home and companion.

I don't think it's fair that we have to sacrifice the rest of our

life for something that can't be changed. I feel that a person isn't given the freedom of choice in this matter.

Christ didn't put man and woman on this earth to live alone.

As for myself, I'm not only living a lonely life, but I work all day at the mill and saw and split wood when I get home at night.

And the way the law is now, that is all the future a woman has got.

I think it's unfair and cruel.

They get divorces on incompatibility and other such things. But when it comes to something hopeless, almost the same as being dead, we aren't given a chance.

If you can make them see the light on this situation, I'll be grateful to you the rest of my life."

And I sincerely hope that this bill will be passed to be engrossed, and it was the Majority Report that was "Ought to pass."

The SPEAKER: The pending question is passage to be engrossed of Bill "An Act relating to Mental Illness as a Ground for Divorce," House Paper 883, L. D. 1204, as amended. The Chair will order a vote. All in favor of passage to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

100 having voted in the affirmative and 36 having voted in the negative, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

An Act Increasing the Coverage and Entry Fee of Small Claims Law and Defining Certain Procedures (H. P. 221) (L. D. 303)

Tabled—April 9, by Mr. Dyar of Strong.

Pending—Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, I request this be tabled for two legislative days.

The SPEAKER: The gentleman from Strong, Mr. Dyar, now moves that L. D. 303 be tabled and specially assigned for Thursday, April 15, pending passage to be enacted.

Mr. Lund of Augusta requested a division.

The SPEAKER: A division has been requested on the tabling motion. All in favor of this matter being tabled until April 15 will vote yes; those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

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

Bill "An Act relating to Catering at Events and Gatherings" (H. P. 1257) (L. D. 1589)

Tabled—April 9, by Mr. Stillings of Berwick.

Pending — Adoption of House Amendment "A" (H-126)

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

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

SENATE DIVIDED REPORT —  
— Report "A" (6) "Ought to pass"  
— Report "B" (6) "Ought not to pass" — Committee on State Government on Resolution Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of gubernatorial Appointments and Their Confirmation (S. P. 167) (L. D. 489) — In Senate, Report "A" accepted and Resolution passed to be engrossed.

Tabled — April 9, by Mr. Bustin of Augusta.

Pending — Motion of Mr. Donaghy of Lubec to accept Report "B."

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: First of all let me thank you for the tabling that took place last week; and I know that at that point none of us wanted to debate the issue, but I think today we want to dispose of it. And hopefully for the first time in many moons it will be favorable.

I know that many times we in the Minority Party have discussed

governmental reorganization, and we have discussed governmental reform, and for some reason it seems to be aimed at saying that we are opposed — or we are saying that the other party is opposed to any changes whatsoever.

Over the years I think the Democratic party has taken the stand that any change that can be made in the Executive Council is one that ought to be made. I know that many of us have complained about what the Executive Council has done since we have been here; and I know in the past election of a number of candidates on the Democratic side of the aisle who won because the Executive Council was there.

I would hope that at some point the Republican party would take and remove that issue from us so we no longer would have it in front of us. I would suggest to the Republican party that if this does not perhaps get as far as it ought to this time that there is a little game that we call the initiative as well as they can, and perhaps this may be the way to accomplish that goal.

I would point out that there are three states in the country for those of you who do not know, that have an Executive Council. And they are, of course, Maine, Massachusetts, and New Hampshire. And these, as you remember, are merely a carry on from the old days when the Governor was not trusted, when the Governor was really the only one that was in the capitol city for any length of time.

It was really in Colonial times that the Governor's Council was supposedly to act as an appointive body as well as a legislative body. But times have changed. And unfortunately some of us and some members of the Majority Party do not seem to agree.

I spoke to a couple members of the Executive Council this week who indicated they would be so happy if we could get out of their hands the problem of pardons. I sympathize with their problem. I agree with them. And I hope that we might go one step further, that

we might simply abolish the Council entirely.

I know that this may not make it all the way, but I would hope that perhaps this morning that the Republican party would give enough votes that we would have a majority and that we might be able to take it to that one next step.

And so I would ask that when the vote is taken it be taken by the yeas and nays, and I would ask that you vote no on the motion of the gentleman from Lubec, Mr. Donaghy, on accepting Report "B."

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Our Council has been called an albatross around the Governor's neck. It has been called a fragmentation of the entire executive branch. I do not subscribe to these pragmatic comparisons.

The Constitution and statutes give powers to the Council that I feel are fitting and proper to maintain orderly direction in the affairs of our state. Some groups should share the responsibilities with the Governor in the democratic process. Even the federal government insists that we must have a check on our highest elected official, the President of the United States; so the United States Senate must confirm certain appointments.

Now this bill before you today pertains only to certain constitutional provisions, 14 provisions to be exact. All advice and consent is done away with, except Article V, Part I, Section 8, which states that the Governor can't make judicial appointments without the consent of our state Senate.

Now aside from constitutional provisions, there are a great many other duties of the Council throughout the statutes, and these were not mentioned here. This left me in a bit of a quandry. So I checked with the Director of Legislative Research, and he informed me that a companion bill is in the works, but has not been published yet. It would do away with cer-

tain functions, and give the entire discretion to the Governor. For others he would have the advice of the Attorney General, the Commissioner of Finance.

But still further, a new body would be set up consisting of nine senators and ten members of the House. Even those who are opposed to the Council admit that there must be some restraints and some multiple endeavors of decision. Only new and complicated schemes would accomplish some goals, and probably at more expense to the state.

Even though there are only three states that have a Council, I feel it is the best method if they are chosen properly. But I have never favored our method of election, because of its inability to make the Council bipartisan. The fairest method was a bill we defeated already this year which would do away with all one party Council. The entire legislative membership in a district, both Republican and Democrat, would vote for the Council. I wholeheartedly supported this even though my district which is comprised of Sagadahoc, Franklin and Androscooggin would probably never have another Republican.

We need some checks in certain areas, as admitted in these two bills. And for those who say that the idea of a Council is wrong, compounding this wrong in this manner is certainly never going to make a right.

I now move indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves that both Reports and Resolution be indefinitely postponed.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I, of course, asked that when the vote is taken it be taken by the yeas and nays on the motion made by the gentleman from Bath, Mr. Ross on indefinite postponement.

While I am on my feet, I would make two comments with reference to the gentleman from Bath's

remarks. And that is, first of all, when he refers to not being happy with a one party Council, I would suggest to him that under the Constitution there is nothing that prevented the Republican party from allowing that at this past election.

And secondly, I would suggest also that I am not suggesting that we do away with the checks and balance system at all in the system of government under which we operate.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: The good gentleman from Eagle Lake, Mr. Martin, has several times commented previously about the fact that the Republicans many times could have voted for a Democratic member of the Council.

I think I know Mr. Martin very well. We have had some good relations, and we are good friends. And I am sure that Mr. Martin would vote for a Republican for the Council about the same time that I would vote for a Democrat.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion to indefinitely postpone.

When arguing over the Executive Council, one feels rather like a long-playing record with the needle stuck. We hear the same words used year after year — archaic, obsolete, anachronistic. There isn't really much that can be said that hasn't been said already, but the Democratic members of the State Government Committee were told by our leader that we had better be ready to say something.

The seven-man circus we call an Executive Council represents the very worst in state government and the political process. It is undemocratic, unresponsive, and above all, unnecessary. There are many good reasons for abolishing this body, but I haven't heard one good reason for retaining it. There is no function the Council

performs that couldn't be handled as well or better by some other state agency. If we are going to preach about economy in government, then the Executive Council should be the first to go, along with about half of this Legislature.

It is often said that the Executive Council is a holdover from Colonial days resulting from the fear of governors appointed by the monarchy. I realize that the Council is out of touch with the times, so just in case they haven't heard, King George is dead, and it's time the Councillors were buried with him.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I believe in the Governor's Council and I disagree with what my good friend from Bath, Mrs. Goodwin just said. She wants a good reason for it; I will give her one, checks and balance, and I will give her another one.

We are substituting, I understand, seven men for possibly nineteen. I think seven people are more reasonable to work with than are nineteen.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have some reservations about this Council and I kind of think that we should do something different to modernize government. This Council we have, if you look it up we had it before we had this governor or legislature because we had the Council when we answered to the colonial government of Massachusetts. But this is the only thing that bothers me the most. I have to answer to my constituents every couple of years by a ballot as well as you people probably do, and it bothers me to no end to think that we go overseas and lose lots of our boys trying to sell government by the people and for the people and this kind of stuff.

This really does bother me because here in the State of Maine we are so backward that we still have people that actually serve the people and spend millions of their

dollars that are not elected by the people.

Now let me assume if I were back home and I was in disagreement with this Council, I have no way to get rid of them. As far as the people are concerned, they can't vote against them or give them a vote of confidence either. So my big gripe with respect to the Council is the fact that it is not elected by the people. I think that any government body under a democracy should be elected by the people, and I am sure that we can manage the affairs of government without the Council by virtue of a committee of some sort from the Senate or House.

Another thing, the Council in their original duties wasn't many. They would advise the Governor and so forth, but this House has been so many times even since I have been here, and we delegate our power year after year, we delegate, we are in a hurry to go home, it is near the Fourth, and lots of us like to be home for the celebration of Fourth of July.

So we delegate a certain amount of our power this year into next year and so forth, until when you come to delete from the law books what the Council now does you have a bill that weighs about two pounds. I know because a Republican legislator from Brewer and I once prepared a bill, we worked many days and nights preparing a bill to abolish the duties of the Council — only those given to him by the legislature, not those that were given to him by the Constitution. And there were so many that the bill weighed a pound or so.

So for this reason I think that something should be done about the Council and we should maybe start doing it now. Thank you.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that both Reports and Resolution Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Governatorial Appointments and Their Confirmation, Senate Paper 167, L. D. 489, be indefinitely postponed in non-concurrence. If you are in favor you will vote yes; if you are opposed you will vote no.

### ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Collins, Crosby, Curtis, A. P.; Dam, Donaghy, Dyar, Emery, D. F.; Emery, E. M.; Evans, Finemore, Gagnon, Gill, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Simpson, T. R.; Stillings, Susi, Trask, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury, The Speaker.

NAY — Albert, Bedard, Bernier, Berry, P. P.; Berube, Boudreau, Bourgoin, Bustin, Call, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Dudley, Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Jalbert, Jutras, Kelley, P. S.; Keyte, Kilroy, Lebel, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Morrill, Murray, Orestis, Pontbriand, Rocheleau, Santoro, Sheltra, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson.

ABSENT — Binnette, Carey, Hanson, Lawry, Mills, O'Brien, Silverman, Starbird.

Yes, 76; No, 67; Absent, 7.

The SPEAKER: Seventy-six having voted in the affirmative and sixty-seven in the negative, with

seven being absent, the motion does prevail in non-concurrence.

Sent up for concurrence.

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

Bill "An Act relating to Discrimination under the Personnel Law Because of Age" (S. P. 420) (L. D. 1235) — In Senate, passed to be engrossed. — In House, passage to be engrossed reconsidered.

Tabled—April 9, by Mr. Millett of Dixmont.

Pending — Passage to be engrossed.

Mr. Millett of Dixmont offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-133) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Mr. Curtis of Orono was granted unanimous consent to address the House.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: There is little glory in being a returning Veteran from Vietnam. None is really anticipated by the returning serviceman, but neither does he anticipate an unemployment rate for Vietnam veterans higher than the average, or apathy by employers and citizens to his particular problems in adjusting to stateside life after twelve months or more of slogging through the rice paddies of Southeast Asia and seeing his buddies blown away.

Recently, the Governor appointed a Task Force on Veterans Job Opportunities. Four public meetings were scheduled, in Augusta, Presque Isle, Bangor and Portland. The meeting at Portland was cancelled because of a bomb scare. At the other three sessions, veterans testified to the problems of obtaining jobs in Maine. In many instances, highly skilled technicians and mechanics, proud of their carefully learned abilities, reported little demand for their talents. One helicopter mechanic said the best job offer he could obtain was chicken-plucking. In my own case, I can

assure you there is precious little demand for Vietnamese language ability in the State of Maine.

Included in the group at Augusta were two employees of this House who explained some of the problems of adjusting to civilian life. Very few employers came to these sessions to explain what they were doing to help the unemployment situation — or even to listen to the problems of the returning servicemen.

I testified at the Augusta meeting and, in addition to some specific suggestions for Task Force action, I assured the members of the Committee and the veterans present that the Maine Legislature would be very receptive to considering those recommendations which might require legislative action. I trust that I voiced the concern of my colleagues in this House, as well as my own.

Today, a group of Vietnam veterans is meeting at the State House. These young men are trou-

bled by the public policies of our country and I expect they have some gripes. May I suggest that we all might find it an interesting experience to talk with some of these young men to find out what is troubling them. Personally, I disagree with some of the positions I understand they may be taking and I have no intention of returning the medals awarded to me for my service to my country. But the patriotism of men who have given months and years of their lives fighting an unpopular war for little pay and less glory cannot be questioned. They deserve a hearing.

As the only Vietnam veteran in the Maine Legislature, I wanted to bring these problems to your attention.

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On motion of Mr. Carter of Winslow,

Adjourned until nine-thirty o'clock tomorrow morning.