

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

Friday, April 23, 1971

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

Prayer by the Rev. Harold Rowley of Augusta.

The journal of yesterday was read and approved.

Orders Out of Order

Mr Gagnon of Scarborough presented the following Order and moved its passage:

ORDERED, that Lyle Bailey of Woolwich be appointed to serve as Honorary Page for today.

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

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

ORDERED, that Tammy Randall, Lynn Roy, Deborah Simpson and Michael Simpson of Standish be appointed to serve as Honorary Pages for today.

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

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

ORDERED, that Brian Joseph Slane of South Portland be appointed to serve as Honorary Page for today.

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

Mr. Barnes of Alton presented the following Order and moved its passage:

ORDERED, that Kenneth Barnes and Scott Rollins of Augusta be appointed to serve as Honorary Pages for today.

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

Mr. Stillings of Berwick presented the following Order and moved its passage:

ORDERED, that Tom and Bill Benson of Southwest Harbor be

appointed to serve as Honorary Pages for today.

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

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill providing emergency appropriation from the Unappropriated Surplus of the General Fund to the State Department of Health and Welfare to continue the A.A.B.D., the A.F.D.C. and Medical Care programs for the forthcoming month of May (S. P. 550)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Tabled and Assigned

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate be authorized to hire a temporary typist or stenographer for the Senate at a weekly rate of \$90 to become effective April 26, 1971 and not to exceed a period of 6 weeks (S. P. 551)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Trask of Milo, tabled pending passage in concurrence and specially assigned for Tuesday, April 27.)

From the Senate:

Bill "An Act Conferring Upon Others the Powers Now Vested in the Executive Council" (S. P. 499) (L. D. 1681)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

Reports of Committees

**Leave to Withdraw
Covered by Other Legislation**

Report of the Committee on State Government on Bill "An Act re-

lating to Salary of Commissioner of Education" (S. P. 286) (L. D. 841) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Fisheries and Wildlife on Bill "An Act to Clarify Law Relating to Experiments on Polluted Shellfish" (S. P. 191) (L. D. 552) which was re-committed, reporting that the same new draft (S. P. 513) (L. D. 1370) under title of "An Act to Prohibit the Importing and Introduction to our Coastal Waters of any Uncertified Marine Species", which was formerly reported, "Ought to pass".

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

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

Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act relating to Conferring Associate Degrees by John F. Kennedy College" (S. P. 425) (L. D. 1238)

Report was signed by the following members:

Messrs. KATZ of Kennebec
CHICK of Kennebec
— of the Senate.

Messrs. LAWRY of Fairfield
LYNCH
— of Livermore Falls
BITHER of Houlton
WOODBURY of Gray
SIMPSON of Standish
HASKELL of Houlton
MILLETT of Dixmont
TYNDALE

— of Kennebunkport
LUCAS of Portland

— of the House.

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

Report was signed by the following members:

Mr. MINKOWSKY
— of Androscoggin
— of the Senate.

Mr. MURRAY of Bangor
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

On motion of Mr. Millett of Dixmont, the Majority "Ought not to pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor (S. P. 203) (L. D. 588) reporting same in a new draft (S. P. 545) (L. D. 1678) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. JOHNSON of Somerset
CLIFFORD
— of Androscoggin
— of the Senate.

Messrs. STILLINGS of Berwick
MARSTALLER
— of Freeport

FARRINGTON
— of Old Orchard Beach

Mrs. GOODWIN of Bath
Messrs. STARBIRD
— of Kingman Township

CURTIS of Orono
COONEY of Webster
— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.

Messrs. DONAGHY of Lubec
HODGDON of Kittery
— of the House.

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

In the House: Reports were read.

On motion of Mr. Marstaller of Freeport, the Majority "Ought to pass" Report in new draft was accepted in concurrence.

The New Draft was read once and assigned the next legislative day.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Eliminate Moose River from the Maine Forestry District" (H. P. 141) (L. D. 196) which was passed to be engrossed in the House on March 4.

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

In the House: On motion of Mr. Susi of Pittsfield, tabled pending further consideration and specially assigned for Wednesday, April 28.

Non-Concurrent Matter

Bill "An Act relating to Drinking in Unlicensed Places" (H. P. 356) (L. D. 464) which was passed to be engrossed in the House on March 23.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Stillings of Berwick, the House voted to recede and concur.

Non-Concurrent Matter

Resolution Proposing an Amendment to the Constitution to Provide a Shorter Time for Establishing Voting Residence (H. P. 525) (L. D. 687) which was finally passed in the House on April 13 and passed to be engrossed as amended by Committee Amendment "A" on April 7.

Came from the Senate having failed of final passage.

In the House:

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

Mr. ROSS: Mr. Speaker, I move that the House insist on its former action.

The SPEAKER: The gentleman from Bath, Mr. Ross moves that the House insist.

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

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

Whereupon, Mr. Ross of Bath requested a division.

The SPEAKER: A division 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 41 having voted in the nega-

tive, the motion to recede and concur did prevail.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Revising the Laws Relating to Licensed Small Loan Agencies" (H. P. 552) (L. D. 728) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 7.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. PORTER: Mr. Speaker, I request that this be tabled for one day, please.

Whereupon, Mr. McTeague of Brunswick requested a division.

The SPEAKER: A division has been requested on the tabling motion. The pending question is on the motion of the gentleman from Lincoln, Mr. Porter that this matter be tabled until Tuesday, April 27, pending further consideration. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 33 having voted in the negative, the motion to table did prevail.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Transferring Services to Alcoholics and Drug Addicts to the Bureau of Mental Health" (H. P. 674) (L. D. 911) which was passed to be engrossed in the House on April 8.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mrs. PAYSON: Mr. Speaker, I request that this be tabled for one day so that I can look into why the Senate voted as it did.

Whereupon, on motion of Mr. Martin of Eagle Lake, tabled pending further consideration and specially assigned for Tuesday, April 27.

Non-Concurrent Matter

Bill "An Act to Authorize Issuance of Warrants for Administrative Inspection" (H. P. 744) (L. D. 1006) on which the House accepted the Minority Report of the Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" and passed the Bill to be engrossed as amended by Committee Amendment "A" on April 21.

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

In the House: On motion of Mr. McTeague of Brunswick, the House voted to recede and concur.

**Non-Concurrent Matter
Tabled and Assigned**

Majority Report of the Committee on Natural Resources reporting "Ought not to pass" on Bill "An Act Excluding Residential Housing from Site Location Law in Planning Board Communities" (H. P. 785) (L. D. 1061) and Minority Report reporting "Ought to pass" on which the House substituted the Bill for the Reports and recommitted same to the Committee on Natural Resources.

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

In the House:

Mrs. Brown of York moved that the House recede and concur.

Whereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mrs. Brown of York that the House recede and concur and specially assigned for Tuesday, April 27.

Non-Concurrent Matter

Bill "An Act relating to Mental Illness as a Ground for Divorce" (H. P. 883) (L. D. 1204) on which the House accepted the Majority Report of the Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" and passed the Bill to be engrossed as amended by Committee Amendment "A" on April 13.

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

In the House:

Mrs. Lincoln of Bethel moved that the House insist.

The SPEAKER: The gentlewoman from Bethel, Mrs. Lincoln moves that the House insist on its former action. Is this the pleasure of the House? It's a vote.

Mr. HENLEY: Mr. Speaker —

The SPEAKER: The Chair understands that the gentleman from Norway, Mr. Henley, moves that the House reconsider its action whereby it voted to insist. Is this the pleasure of the House?

(Cries of "No")

The pending motion is to reconsider. If you wish to reconsider the motion to insist you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 89 having voted in the negative, the motion to reconsider did not prevail.

Messages and Documents

The following Communication:

The Senate of Maine

Augusta, Maine

April 22, 1971

Hon. Bertha W. Johnson

Clerk of the House

105th Legislature

Dear Madam Clerk:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County" (H. P. 606) (L. D. 808)

Senators:

SCHULTEN of Sagadahoc

GRAHAM of Cumberland

BERNARD

of Androscoggin

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Appropriating Funds for Overtime in State Employment and Establishing Hours for a Work Day and a Work Week for Certain Employees" (H. P. 278) (L. D. 367). The President has appointed the following members of the Senate to the Committee of Conference:

Senators:

WYMAN of Washington
CLIFFORD

of Androscoggin
FORTIER of Oxford

The Senate has voted to Insist and join in a second Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Increasing Minimum Salaries for Teachers" (S. P. 162) (L. D. 484). The President has appointed the following members of the Senate to the Committee of Conference:

Senators:

KATZ of Kennebec
DUNN of Oxford
GREELEY of Waldo
Respectfully

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta, Maine

April 22, 1971

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

The Senate voted to Adhere to its action whereby it accepted the Majority Ought Not to Pass report in non-concurrence on Bill, "An Act Relating to Retail Sale of Fortified Wine" (H. P. 656) (L. D. 897).

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

On motion of Mr. Parks of Presque Isle, it was

ORDERED, that Dolly, Ronda, Dolores, and Linda Harding of Presque Isle be appointed to serve as Honorary Pages for today.

On motion of Mr. Farrington of Old Orchard Beach, it was

ORDERED, that Brigadier George T. Baggs of Ocean Park be invited to officiate as Chaplain of the House on Friday, April 30, 1971.

On motion of Mr. Porter of Lincoln, it was

ORDERED, that Rev. Stephen Getz of North Anson be invited to officiate as Chaplain of the House on Tuesday, April 27, 1971.

On motion of Mr. Trask of Milo, it was

ORDERED, that Mr. Silverman of Calais be excused from attendance this week because of business.

On motion of Mr. Norris of Brewer, the House reconsidered its action of yesterday whereby Bill "An Act Establishing a State-wide Open Deer Season," House Paper 906, L. D. 1250, was passed to be engrossed as amended by Committee Amendment "A".

The same gentleman then offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-173) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: As I stated yesterday I felt that the bill as it was written was discriminatory and prevented the working man from having any chance to compete with the out-of-state hunter or the man that had money enough to take time off and hunt during the week. So I have proposed a simple amendment here which would reopen the season for Maine residents only, Maine residents only, for Thanksgiving Day, the following Friday and that Saturday; and that would give the people who ordinarily, and many of the working people — this is the one time during the fall of the year that they have to get together and hunt.

I am not going to belabor it. I am not arguing the question of the seed herd, I am not arguing the biological question. I am simply trying to speak for the little fellow that can't afford to get out only during one of the three days, one of the three Saturdays, and this would give him three days over the Thanksgiving holiday to go hunting.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled

pending the adoption of House Amendment "C" and specially assigned for Wednesday, April 28.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County" (H. P. 606) (L. D. 808) the Speaker appointed the following Conferees on the part of the House:

Mr. PONTBRIAND of Auburn
Mrs. BROWN of York
Mr. AULT of Wayne

On the disagreeing action of the two branches of the Legislature on Bill "An Act Appropriating Funds for Overtime in State Employment and Establishing Hours for a Work Day and a Work Week for Certain Employees" (H. P. 278) (L. D. 367) the Speaker appointed the following Conferees on the part of the House:

Messrs. HODGDON of Kittery
STILLINGS of Berwick
Mrs. GOODWIN of Bath

On the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing Minimum Salaries for Teachers" (S. P. 162) (L. D. 484) the Speaker appointed the following Conferees on the part of the House:

Messrs. BITHER of Houlton
TYNDALE
of Kennebunkport
LUCAS of Portland

House Reports of Committees Ought Not to Pass

Mr. Mahany from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act relating to Tax Exemption of Property of Agricultural Fair Associations" (H. P. 1080) (L. D. 1473)

Mr. Gill from the Committee on Appropriations and Financial Affairs reported same on Bill "An Act Appropriating Money for the New England Medical Center Hospitals" (H. P. 1011) (L. D. 1390)

Mr. Henley from the Committee on Judiciary reported same on Bill "An Act relating to Trespass on Lands Abutting Great Ponds" (H. P. 573) (L. D. 749)

Mr. Hewes from same Committee reported same on Bill "An Act to Disclose Source of Title to Real Estate Prior to Recording" (H. P. 596) (L. D. 791)

Same gentleman from same Committee reported same on Bill "An Act to Authorize Municipalities to Provide Higher Penalties for Ordinance Violations" (H. P. 745) (L. D. 1007)

Mr. Crosby from the Committee on Transportation reported same on Bill "An Act relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities" (H. P. 865) (L. D. 1188)

Mr. Keyte from same Committee reported same on Bill "An Act relating to Mobile Homes and Other Overlength, Overwidth Vehicles in Transit" (H. P. 829) (L. D. 1120)

Mr. Wood from same Committee reported same on Bill "An Act relating to Reimbursement to Certain Municipalities for Winter Maintenance of State Aid Highways" (H. P. 615) (L. D. 826)

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

Leave to Withdraw

Mr. Lucas from the Committee on Education on Bill "An Act relating to Aid for Regional Technical and Vocational Centers" (H. P. 802) (L. D. 1075) reported Leave to Withdraw.

Mr. Lizotte from the Committee on Liquor Control reported same on Bill "An Act Adjusting Fees for Liquor Licenses" (H. P. 1170) (L. D. 1624)

Mr. Lee from the Committee on Transportation reported same on Bill "An Act to Provide a Feasibility Study for Improvement of U. S. Route 1 between Bath and Ellsworth" (H. P. 617) (L. D. 828)

Same gentleman from same Committee reported same on Bill "An Act to Provide a Feasibility Study for Improvement of Route 17 between the Cities of Augusta and Rockland" (H. P. 618) (L. D. 829)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Ross from the Committee on Election Laws on Bill "An Act to Provide the Registrar with a Copy of the Voting Checklist" (H. P. 876) (L. D. 1197) reported Leave to Withdraw, as covered by other legislation.

Mr. Faucher from the Committee on Liquor Control reported same on Bill "An Act relating to the Operation of State Liquor Stores" (H. P. 378) (L. D. 493)

Reports were read and accepted and sent up for concurrence.

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

Mr. Carey from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds for the Construction and Equipping of a Maine Information Center at Kittery" (H. P. 449) (L. D. 604) reported same in a new draft (H. P. 1290) (L. D. 1689) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and assigned the next legislative day.

**Ought to Pass
Printed Bills**

Mr. Ross from the Committee on Election Laws reported "Ought to pass" on Bill "An Act relating to Political Designations on Nomination Petitions" (H. P. 806) (L. D. 1079)

Mrs. Wood from same Committee reported same on Bill "An Act to Correct Inconsistencies in the Town Election Law" (H. P. 1049) (L. D. 1439)

Mrs. Baker from the Committee on Judiciary reported same on Bill "An Act relating to Fees of Municipal Police Officers as Witnesses" (H. P. 709) (L. D. 955)

Mr. Lund from same Committee reported same on Bill "An Act relating to Transcript in Hearings in Cases Where a Person is Acquitted of Murder by Reason of Mental Disease" (H. P. 884) (L. D. 1205)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

Recommitted

Mr. Stillings from the Committee on Liquor Control reported "Ought

to pass" on Bill "An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers" (H. P. 1001) (L. D. 1363)

Report was read.

On motion of Mr. Susi of Pittsfield, recommitted to the Committee on Liquor Control and sent up for concurrence.

Mr. Stillings from the Committee on Liquor Control reported "Ought to pass" on Bill "An Act relating to the Retail Sale of Wine in Department Stores" (H. P. 1171) (L. D. 1630)

Mr. Crosby from the Committee on Transportation reported same on Bill "An Act to Increase Fees for Junkyards and Auto Graveyards" (H. P. 616) (L. D. 827)

Mr. McNally from same Committee reported same on Bill "An Act relating to Weight Tolerance for Vehicles Loaded with Road Salt" (H. P. 726) (L. D. 971)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Election Laws reporting "Ought to pass" on Bill "An Act Repealing Certain Procedure for Registration of Voters" (H. P. 187) (L. D. 244)

Report was signed by the following members:

- Messrs. SHUTE of Franklin
- MOORE of Cumberland
- of the Senate.
- Mr. ROSS of Bath
- Mrs. BROWN of York
- Mr. BUNKER of Gouldsboro
- Mrs. WOOD of Castine
- Mr. MARSTALLER

of Freeport
— of the House.

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

Report was signed by the following members:

- Mr. MARTIN of Piscataquis
- of the Senate.
- Mrs. BOUDREAU of Portland
- Messrs. BINNETTE of Old Town
- VINCENT of Portland
- HANCOCK of Casco
- of the House.

Reports were read.

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

Mr. ROSS: Mr. Speaker, I move that the House accept the Majority "Ought to pass" Report.

Whereupon, on motion of Mrs. Boudreau of Portland, tabled pending the motion of Mr. Ross of Bath that the House accept the Majority Report and specially assigned for Tuesday, April 27.

Divided Report Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Clarifying the Eligibility of Maine Students Attending Institutions of Higher Learning in Maine to Vote" (H. P. 842) (L. D. 1154)

Report was signed by the following members:

Messrs. MARTIN of Piscataquis
SHUTE of Franklin
MOORE of Cumberland
— of the Senate.

Mr. ROSS of Bath
Mrs. BOUDREAU of Portland
Mrs. WOOD of Castine
Messrs. HANCOCK of Casco
BUNKER of Gouldsboro
MARSTALLER

— of Freeport
Mrs. BROWN of York
— of the House.

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

Report was signed by the following members:

Messrs. BINNETTE of Old Town
VINCENT of Portland
— of the House.

Reports were read.

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

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

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

The Chair recognizes the gentleman from Old Town, Mr. Binnette.
Mr. BINNETTE: Mr. Speaker, I respectfully request that this be tabled for one legislative day.

Whereupon, Mr. Gagnon of Scarborough requested a division.

The SPEAKER: The gentleman from Old Town, Mr. Binnette moves that L. D. 1154 be tabled until Tuesday, April 27 pending the motion of the gentleman from Bath, Mr. Ross, that the House accept the Majority "Ought not to pass" Report. A division on the tabling motion has been requested. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken. 62 having voted in the affirmative and 51 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Expanding the Participation of the State of Maine under the Interstate Corrections Compact" (H. P. 567) (L. D. 743)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
QUINN of Penobscot
— of the Senate.

Mrs. WHITE of Guilford
Mrs. WHEELER of Portland
Messrs. HENLEY of Norway
LUND of Augusta
Mrs. BAKER of Orrington
— of the House.

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

Report was signed by the following members:

Mr. HARDING of Aroostook
— of the Senate.

Messrs. HEWES of Cape Elizabeth
ORESTIS of Lewiston
PAGE of Fryeburg
KELLEY of Caribou
CARRIER of Westbrook
— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that the House accept the Minority "Ought not to pass" Report.

Mr. LUND: Mr. Speaker: I arise to oppose the pending motion to

accept the Minority "Ought not to pass" Report and would speak very briefly.

The SPEAKER: The gentleman may proceed.

Mr. LUND: Mr. Speaker and Members of the House: L. D. 743 would expand the participation of the State of Maine under the Interstate Corrections Compact. We presently participate in an Interstate Corrections Compact with the New England states.

The way this works is that if we have in Maine a person from New Hampshire or Connecticut who is serving time in the Maine State Prison, and it appears to be a more logical thing to have him stay during his sentence in prison in an institution in his own state, a boarding arrangement is worked out so that he can complete the remainder of his term in the state from which he came. This has several advantages including which his family can visit him and he can be more likely, I think, to get a job closer to where he came from.

This bill would expand this beyond the New England states, so that this arrangement could be expanded to include other states other than just the New England states. And if the House votes against the pending motion to accept the "Ought not to pass" Report we would then move that the "Ought to pass" Report be accepted.

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

Mr. HEWES: Mr. Speaker and Members of the House: I submit that there is no need for this legislation. This deals with prisoners who have been sentenced to jail either in Maine or in other states. Presently of course if a prisoner is sentenced to, say, to Thomaston State Prison he will serve out his term there. But we do have a compact, that is an agreement with other New England states which will permit a prisoner, if he is in fear of his life or health say at Thomaston or if he is threatening others in Thomaston, they could

be transferred to any of the other New England states.

So we presently do have a method of having prisoners that are in trouble here in the Maine prison being transferred to other states, and conversely — this is a reciprocal compact by which out-of-state prisoners could be transferred into Maine prisons. So we presently do have this system as applies to the other New England states, our six New England states.

This L. D. 744 would enlarge that to include all fifty states, the other forty-four states. So that if a person is sentenced to jail in Maine here, he might be transferred we will say down south, or conversely someone down south, a prisoner down there would be transferred up here.

Now at the hearing the Warden of the Maine State Prison was present and indicated only one prisoner is presently in New Hampshire out of Maine, only one prisoner is out of Maine under the present New England Compact. So I submit there is no need for this nation-wide interstate compact and I hope that you will vote in favor of the pending motion, which is "Ought not to pass".

The SPEAKER: The Chair will order a vote. All in favor of the motion of the gentleman from Cape Elizabeth, Mr. Hewes, to accept the Minority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Search by Coastal Wardens" (H. P. 743) (L. D. 1005) reporting same in a new draft (H. P. 1291) (L. D. 1690) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HARDING of Aroostook
—of the Senate.
Mrs. WHEELER of Portland

Mrs. WHITE of Guilford
 Mr. HEWES of Cape Elizabeth
 Mrs. BAKER of Orrington
 Messrs. PAGE of Fryeburg
 LUND of Augusta
 KELLEY of Caribou
 CARRIER of Westbrook

—of the House.

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

Report was signed by the following members:

Mr. QUINN of Penobscot
 —of the Senate.
 Mr. HENLEY of Norway
 —of the House.

Reports were read.

On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought to pass" Report was accepted.

The New Draft was given its two several readings and assigned the next legislative day.

Passed to Be Engrossed

Bill "An Act relating to Night Hunting for Wild Animals" (S. P. 22) (L. D. 50)

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

Third Reader

Tabled and Assigned

Bill "An Act to Clarify the Regulation-making Power of the Environmental Improvement Commission" (S. P. 311) (L. D. 904)

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

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

Mrs. BROWN: Mr. Speaker and Members of the House: I am having an amendment prepared and it doesn't seem to be on our desks yet. I would ask somebody to table this for one legislative day.

(On motion of Mr. Ault of Wayne, tabled pending passage to be engrossed and assigned the next legislative day.)

Bill "An Act relating to Compensation of Municipalities for the Loss of Services of Municipal Law Enforcement Officials" (S. P. 384) (L. D. 1140)

Bill "An Act relating to the Maine Law Enforcement and Criminal Justice Academy" (S. P. 426) (L. D. 1246)

Bill "An Act to Extend the Period of Anticipatory Borrowing by Municipalities" (H. P. 712) (L. D. 958)

Bill "An Act relating to Acquisition of Land by Conservation Commissions" (H. P. 714) (L. D. 959)

Bill "An Act relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 898) (L. D. 1218)

Bill "An Act relating to Name Maine Yacht Racing Association, Inc." (H. P. 941) (L. D. 1300)

Bill "An Act relating to Payments to the Law Libraries in the Several Counties of the State" (H. P. 1284) (L. D. 1683)

Bill "An Act Permitting Agreements Among Units for Cooperative Educational Purposes" (H. P. 1285) (L. D. 1684)

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

Third Reader

Tabled and Assigned

Bill "An Act to Permit Camp Counselors to Supervise Canoeing" (H. P. 1286) (L. D. 1685)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed, and assigned the next legislative day.)

Third Reader

Tabled and Assigned

Bill "An Act Establishing an Open Season on Moose" (H. P. 1287) (L. D. 1686)

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

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-172) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: This would exclude from

hunting moose during this short open season the entire Baxter State Park. And I would point out that this fall and winter Baxter State Park has been completely perambulated and clearly marked out so there are no problems in defining what is and what is not the area of Baxter Park.

Thereupon, House Amendment "A" was adopted.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: On this map they placed on our desks today I find that there is one section that is left out of the open season where there are more moose dying, I believe than anywhere else in the State, and I think the game wardens will all report the same, in my opinion.

I would hope that someone would table this for two days so that I could prepare an amendment.

(On motion of Mr. Norris of Brewer, tabled pending passage to be engrossed as amended by House Amendment "A" and assigned for Wednesday, April 28.)

Amended Bills

Bill "An Act relating to Insurance on State-owned Property" (S. P. 135) (L. D. 347)

Bill "An Act to Create the Bangor Parking Authority" (H. P. 890) (L. D. 1229)

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

Bill "An Act relating to Installation of Sprinkler Systems in New Hotels" (S. P. 329) (L. D. 977)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Fees for Inspection of Motor Vehicles" (H. P. 1256) (L. D. 1576)

Was reported by the Committee

on Bills in the Third Reading and read the third time.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I move we reconsider our action of yesterday whereby we adopted Senate Amendment "A", filing number S-87.

The SPEAKER: The gentleman from Ellsworth, Mr. McNally moves that the House reconsider its action of yesterday whereby we adopted Senate Amendment "A" to Bill "An Act relating to Fees for Inspection of Motor Vehicles." Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: 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.

61 having voted in the affirmative and 58 having voted in the negative, the motion to reconsider did prevail.

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

Mr. McNALLY: Mr. Speaker, I now move that this amendment be indefinitely postponed.

The SPEAKER: The pending question would be adoption. We have reconsidered whereby it was adopted.

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

Mr. STILLINGS: Mr. Speaker and Members of the House: This piece of legislation has been debated three times before on the floor of this House, and I very reluctantly argue again today.

The bill as it is amended, it seems to me, is the only appropriate way for this piece of legislation to come out of this body. If we are seriously interested in highway safety, if we are seriously concerned with beefing up, with improving our inspection programs here in the state, then we must leave the amendment on the bill as it stands.

This amendment provides funds to put some teeth into the program, to eliminate the so-called sticker lickers from the program.

At the same time, it allows the station owner, the inspection station mechanic to realize a gross return of \$1.70 per inspection rather than the ninety cents that he realizes now.

I would just like to point out again, the bill does produce \$400,000 in new revenue to the state. There has been no increase in the inspection fee to the station owner for twenty years, since 1951 when it was raised from fifty cents to one dollar. And I certainly would hope that you would vote against the motion to indefinitely postpone the amendment.

The SPEAKER: The Chair will explain the parliamentary question of the Senate Amendment "A". We reconsidered whereby we adopted it. So now the pending question is, shall we adopt Senate Amendment "A". If you vote yes you will be adopting it; if you vote no you will not be adopting it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am sorry to have to converse on this same issue again today. However, yesterday I tried to explain the issue, and I wasn't feeling very good, and I voted accidentally for the motion. And then my colleagues thought they were doing me a favor, they voted with me.

So today I am going to try to vote to indefinitely postpone Senate Amendment "A". Now this wasn't — when we started inspecting automobiles, this measure wasn't intended for a tax measure. It was an identification that you had had your car inspected, and the mechanic was supposed to do the work before he put the sticker on.

Now ironically, it seems to me, to increase this 100% at a day when we have such things—we commonly hear inflation and taxes; people are very jittery about taxes. This from a dollar to two dollars is a 100% increase, and it seems absurd to me.

Now while I am on my feet this was a unanimous committee report without this amendment to leave it at a dollar, and this House, on at least two other occasions has very definitely voted to leave

this fee one dollar. And I hope they will this afternoon.

I hope that we won't be led around by another branch of government with their amendments. I am sorry that I made a mistake yesterday, and I will assure you I will vote right today.

And one other thing. This does not produce \$400,000; I don't know where he got this figure, maybe out of the sky. But they sell of these stickers, about 500,000 a year. That is for both inspections, twice a year. And they now get ten cents for them, and this new bill proposes an extra twenty cents. And there will be some additional revenue from the school bus stickers. And let me say this, that it is hard to get a unanimous committee report out of your committee, and it is also hard out of our committee. And this was a unanimous committee report, and I do hope you will support it and indefinitely postpone the Senate amendment.

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

Mr. STILLINGS: Mr. Speaker and Members of the House: Apparently I need to defend my mathematics. If we inspect one million vehicles twice each year, and the difference in the cost of the sticker is twenty cents, the sticker would be sold twice each year. It seems to me that this would come out to \$400,000 in the biennium.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I wasn't going to say anything along this; in fact I hesitated about asking for reconsidering. Then I got to reading the paper today. And up in Washington they are thinking of freezing all wages and prices; very seriously thinking of it. And right now you have a third reader on a moose bill for no other purpose in the world except to raise money. That is all it is for. There is nobody that cares for the moose; it is just to raise money for the Fish and Game Department.

Now here you are going to work and passing something if you leave this amendment on that

will give no better inspection, and it will cost the people, which after all it is the people—it is not the people that run the garages—it will cost the people that have their cars inspected the money to pay for it. And if money is as tight as it is from what it says in the newspapers and from what the Fish and Game Department claim, why they even told me this fall that they didn't have money enough to make game law books enough so that the people that sold guns and ammunition and didn't sell any licenses, out-of-state licenses, they couldn't have three or four law books in whenever an out-of-state hunter wanted one. And that has always upset me to think that they were so poor.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I am a little confused. I don't know what the Fish and Game Department has to do with this bill. But apparently they have something according to Mr. McNally.

I would submit that at least 80% of the garages in the State of Maine can't drive a car through the door for two dollars and cover that portion of the overhead. I think it is an idiotic argument we are having here this morning, and I would hope that everyone would vote for the adoption of Senate Amendment "A".

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

Mr. DUDLEY: Mr. Speaker and Members of the House: As I understand it from the State Police, we inspect less than 250,000 cars, and twice a year would be some 500,000 cars. And so this is where the figure from the sky was wrong. And there are very few cars that get in and out of a garage for two dollars. They hardly open the door and shut it down for two dollars. And if any of you have been in there you must know that.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I get up to support Mr. McNally's motion this afternoon. We are inspecting these cars twice a year. I don't agree that we are going to improve the inspection any by increasing the fee.

I know on both sides of the question, whether you are in favor or against the motion, we are for safety. And I can't see for the life of me if we increase the fee to two dollars that we are going to help the safety measure out any more than it is right now.

The only thing that bothers me is, we are still picking the same little fellow's pocket. We are not going to reduce the gas tax by any means, or anything else. And as far as I am concerned I am satisfied with just what the price is right now.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: When the vote is taken I hope it is taken by the yeas and nays, because I don't want the people in my district that I represent to think I have doubled up the price on them.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to take much time, but I want you to know that I know something of what I have talked. For twenty years I was an auto mechanic, so I know something about the things involved. For fifteen years I partially ran the service department and parts department for a dealership, so I know something of the value of having that sign "examination station." I know, and Mr. Dudley has said before, that it is certainly of value to have that sign there to get the business in.

I know a good many times the owner of the garage has stated that it would be worth it if they did it for nothing, because you must understand and you must realize that if they get your car

in there and they replace a light bulb, they can charge for labor in addition to their dollar.

Now I had my car inspected recently, and as far as someone driving it in, I drove it in, and I hardly had time to get my money out to pay for it when I backed it out again. There happened to be nothing particularly wrong with it. And a car — you see them on the road today, nine out of ten of them are late models and it doesn't take over five or ten minutes and they still can inspect the car and do it safely. It is the old heaps that cause the problem, and those are causing a problem no matter whether you pay two dollars or ten dollars. So I feel that a few of the garages that are hollering for more money, they want to get on the gray train.

But who are we helping, the few people in the garages or the hundreds of thousands of people who have to have a car? We are digging into their pockets for everything. I understand there are more bills to dig into their pockets on increasing license fees and so forth. So I hope you will not go along with the adoption of this amendment.

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

Mr. CALL: Mr. Speaker and Members of the House: This inspection business has gone too far. I will admit there is something personal involved. But if I had to pay well over a hundred dollars the last time I had my car inspected, others must have had the same miserable experience.

Two mechanics literally had a picnic finding things allegedly wrong, and I know there weren't that many irregularities. People who know me know that I am very careful with my car and with everything else that I own as far as that goes. My car is no junk heap.

I beg this House to stop this amendment. We have gone too far now.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I see this bill here is going to have a revenue of \$600,000 a year. You just look at the bill on page nine, item number seven. In this bill we are going to lose \$115,000. I wonder if Mr. Stillings wanted to raise that money to pay for what we are going to lose on the other bill, when we lose this \$115,000. And I can tell Mr. Stillings that we cannot transfer the money to the other department.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Since I am in this business and I don't want to come down here to feather my own nest, I want my people to know how I voted. I would like a roll call, please.

The SPEAKER: The pending question is on the adoption of Senate Amendment "A". 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 adoption of Senate Amendment "A" to Bill "An Act relating to Fees for Inspection of Motor Vehicles," House Paper 1256, L. D. 1576. All in favor of the adoption of Senate Amendment "A" will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Baker, Bartlett, Bernier, Bither, Bragdon, Brown, Clemente, Collins, Cottrell, Crosby, Curtis, T. S., Jr.; Donaghy, Doyle, Farrington, Faucher, Fraser, Gagnon, Genest, Haskell, Hawkens, Herick, Kelley, R. P.; Keyte, Lincoln, Lund, Lynch, MacLeod, Marsh, Marstaller, McKinnon, Millett, Morrell, Norris, Parks, Pontbriand, Ross, Santoro, Shaw, Slane, Stil-

lings, Susi, White, Wight, Woodbury.

NAY — Albert, Ault, Bailey, Barnes, Bedard, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Brawn, Bunker, Call, Carey, Carrier, Carter, Churchill, Conley, Cote, Cummings, Curran, Curtis, A. P.; Cyr, Dam, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Fecteau, Finemore, Gauthier, Good, Goodwin, Hall, Hayes, Henley, Hewes, Hodgdon, Immonen, Jutras, Kelleher, Kelley, P. S.; Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Littlefield, Maddox, Mahaney, Manchester, Martin, McCloskey, McCormick, McNally, McTeague, Mosher, Murray, Page, Payson, Porter, Pratt, Rocheleau, Rollins, Shute, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Tanguay, Theriault, Trask, Tynedale, Vincent, Webber, Whitson, Williams, Wood, M. W.; Wood, M. E.

ABSENT — Bourgoin, Bustin, Clark, Cooney, Dow, Gill, Hancock, Hanson, Hardy, Jalbert, Kelley, K. F.; Kilroy, Lizotte, Lucas, Mills, O'Brien, Orestis, Rand, Scott, Sheltra, Silverman, Smith, E. H.; Starbird, Wheeler.

Yes, 44; No, 82; Absent, 24.

The SPEAKER: Forty-four having voted in the affirmative and eighty-two having voted in the negative, with twenty-four being absent, Senate Amendment "A" fails of adoption in non-concurrence.

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

Mr. McNALLY: Mr. Speaker, I now move this bill be engrossed.

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

Mr. STILLINGS: Mr. Speaker and Members of the House: Since this bill in its present form no longer carries any of the original intent of the bill as it was proposed, it does nothing except exempt some special interest groups from having their equipment inspected. I now move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Berwick, Mr. Stillings, now

moves that item 16, L. D. 1576, be indefinitely postponed.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Where I come from they call this type of thing sort of a sorehead when you do a sort of a trick like this.

But actually, let me tell you, the rest of this bill had a unanimous committee report and it does do a lot of things. First of all, it corrected some things that the State Police wanted done. Namely, they have to send men around and license these stations every year, and it ties up a lot of their police force going around and licensing these stations. Now the part of the bill that they wanted, they want to license these stations for every three years at the same amount of money — a dollar a year for three years rather than go around every year and relicense them. That is in there.

They were the ones who came to the committee and said there was no need to license these big bulldozers off the road because they had no way to enforce it and no place to put the sticker and it was almost impossible to inspect them, and they don't ride them on the highway anyhow. So again we went along with the Maine State Police, thinking they knew probably what they were talking about. They have been enforcing this for some time.

There were other inspection stations, and the biggest gripe the honest inspection station had was trying to earn an honest living and do a good inspection was this — that when he takes school buses into his building it occupies the whole building where normally he could be working on four or five cars. With a school bus in there it occupies his whole shop. He has to fill out three or four forms — one for the superintendent of schools and one for the school bus and one for the State Police and one for himself, and this is very time consuming, and the piece of paper he has to fill out has some 20-odd questions, as I remember it, on it. And for this reason the committee went along and

extended school bus inspections from two dollars to five dollars. And all of these recommendations were the unanimous recommendation of the Transportation Committee.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Apparently the daisy wilts when it gets in the sun. I go along with Mr. Stillings with his indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker, Ladies and Gentlemen of the House: A very short comment. We have accomplished something. We have saved these inspection stations one dollar so that now those who operate an inspection station can get a three year license for five dollars, as before they had to pay six dollars. I think they have accomplished something.

The SPEAKER: The pending question is on the motion of the gentleman from Berwick, Mr. Stillings, that this Bill "An Act relating to Fees for Inspection of Motor Vehicles," House Paper 1256, L. D. 1576, be indefinitely postponed. If you are in favor of indefinite postponement of this bill you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

44 voted in the affirmative and 75 voted in the negative.

Whereupon, Mr. Dam of Skowhegan requested a roll call.

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 Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: There is

one thing that I see in this bill that Mr. Dudley failed to mention, and this is the reason that I go along with Mr. Stillings. It is because as the bill stands now, we are accepting, which was not done before, industrial tractors, caterpillar tractors, highway construction equipment and this stuff, this has all been added new in the bill. And we are giving more exemptions now than they had under the old law. This is why we should vote for the indefinite postponement of this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Berwick, Mr. Stillings, that this Bill be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Barnes, Bartlett, Bedard, Bernier, Berube, Birt, Bither, Bragdon, Brown, Bustin, Clemente, Collins, Cottrell, Crosby, Curtis, T. S., Jr.; Dam, Donaghy, Faucher, Finemore, Gagnon, Genest, Good, Goodwin, Haskell, Hawkins, Hewes, Immonen, Kelley, P. S.; Kelley, R. P.; Lawry, Lessard, Lewis, Lincoln, Lund, Lynch, MacLeod, Maddox, Mahany, Marsh, Martin, McCloskey, McKinnon, McTeague, Millett, Morrell, Murray, Norris, Parks, Payson, Pontbriand, Ross, Shaw, Shute, Simpson, L. E.; Slane, Smith, D. M.; Stillings, Tangway, White, Wood, M. W.; Woodbury.

NAY — Albert, Ault, Bailey, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Brawn, Bunker, Call, Carey, Carrier, Carter, Churchill, Conley, Cote, Cummings, Curran, Curtis, A. P.; Cyr, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Fecteau, Fraser, Hall, Hayes, Henley, Herrick, Hodgdon, Jutras, Kelleher, Keyte, Lebel, Lee, Lewin, Littlefield, Manchester, Marstaller, McCormick, McNally, Mosher, Page, Porter, Pratt, Rocheleau, Rollins, Simpson, T. R.; Susi, Theriault, Trask, Tyndale, Vincent, Webber, Wight, Williams, Wood, M. E.

ABSENT — Bourgoin, Clark, Cooney, Dow, Evans, Gauthier, Gill, Hancock, Hanson, Hardy, Jalbert, Kelley, K. F.; Kilroy, Lizotte, Lucas, Mills, O'Brien, Orestis,

Rand, Santoro, Scott, Sheltra, Silverman, Smith, E. H.; Starbird, Wheeler, Whitson.

Yes, 62; No, 61; Absent, 27.

The SPEAKER: Sixty-two having voted in the affirmative and sixty-one in the negative, with twenty-seven being absent, the motion does prevail in non-concurrence.

Sent up for concurrence.

Bill "An Act Increasing Minimum Wages" (S. P. 16) (L. D. 44)

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

Bill "An Act relating to the Wearing of Fluorescent Clothing When Hunting in the Southern Zone for Two Years" (H. P. 64) (L. D. 105)

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 Senate Amendment "A" and sent to the Senate.

Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 27, at 9 o'clock in the morning. (S. P. 553)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Passed to Be Enacted Emergency Measure

An Act Appropriating Funds for a Fishway on Boyden Lake Stream in Perry (H. P. 870) (L. D. 1191)

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. 116 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, sent forthwith.

Emergency Measure Failed of Enactment

An Act Creating an Advisory Commission for the Study of Public Support for Post-secondary Education in Maine (S. P. 473) (L. D. 1492)

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. 97 voted in favor of same and 11 against.

Whereupon, Mr. Martin of Eagle Lake 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 Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: The hour is late. My speech such as it is, will be very short. I think this is nothing but a so-called HEP Commission report. We have already been through it. I don't think we need another one, remember what happened over a year and a half ago.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Let me try to explain the reasons why I asked for a roll call. I personally don't know that much about it, and I understand it came out of the Committee on Education, and they can defend the bill.

But there were four votes shy of being 101 for final enactment, and I would hope that if the members of the Education Committee can defend the bill that we ought to pass it; if they can't, then we ought to kill it.

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

Mr. **MILLETT**: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to appear to be defending the bill, but I would like to explain what it does, and I think there is significant merit to the bill.

There is a recommendation of the Maine Education Council that the whole university system ought to be studied primarily with respect to the fees that it is charging in the form of tuition. It is the feeling of many that the university system actually is subsidizing, or being subsidized, by the legislature and therefore the state, for middle and higher income people in the form of the relatively low tuition which we are charging.

We also have a bill before this Legislature which is a bill sponsored by Representative Haskell that would actually allow for the private sector of colleges to take a little bit of the brunt of the burden of places, student places off the university system.

Now it is the feeling of many that the whole tuition structure needs to be studied not with respect to where we are building colleges. I want to assure the gentleman from Lubec, Mr. Donaghy, that this is not the intent, and therefore I think the parallel with the HEP Commission is in no way valid.

Our concern here is primarily to study the fee structure in terms of the tuition system that presently exists, what we might do to better provide for opportunities for low and middle income students to attend a private or public college within their means.

I would also call your attention to the fact that this bill carries no price tag. The intent is that if it is enacted here today, a request has already been made through the Higher Education Facilities Act Commission, which is a federally funded department within the Department of Education, and funds have been requested to further this study. So we are not actually representing an investment of state funds at all.

I think the intent of the study is very good, and I believe the bill deserves your support.

The **SPEAKER**: The pending question is enactment. This is an emergency measure and a roll call has been ordered. If you are in favor of enactment you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bailey, Barnes, Bartlett, Bedard, Bernier, Binnette, Birt, Bither, Boudreau, Bragdon, Brown, Bustin, Carrier, Carter, Churchill, Clemente, Collins, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Doyle, Drigotas, Dyar, Farrington, Fecteau, Fraser, Gagnon, Genest, Good, Goodwin, Haskell, Hawkens, Hayes, Herrick, Hodgdon, Immonen, Kelley, P. S.; Kelley, R. P.; Keyte, Lawry, Lebel, Lee, Lewin, Lewis, Littlefield, Lynch, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McCormick, McKinnon, McTeague, Millett, Mills, Morrell, Murray, Norris, Pontbriand, Porter, Pratt, Rocheleau, Rollins, Ross, Santoro, Shute, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Stillings, Trask, Tyndale, Vincent, Webber, White, Wood, M. W.; Wood, M. E.; Woodbury.

NAY—Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Brawn, Bunker, Call, Carey, Conley, Cote, Crosby, Curtis, A. P.; Cyr, Dam, Donaghy, Dudley, Emery, D. F.; Emery, E. M.; Faucher, Finemore, Hall, Henley, Hewes, Juras, Kelleher, Lincoln, McLeod, McNally, Mosher, Page, Parks, Payson, Shaw, Susi, Tanguay, Theriault, Wight, Williams.

ABSENT — Bourgoin, Clark, Cooney, Dow, Evans, Gauthier, Gill, Hancock, Hanson, Hardy, Jalbert, Kelley, K. F.; Kilroy, Lessard, Lizotte, Lucas, Lund, O'Brien, Orestis, Rand, Scott, Sheltra, Silverman, Smith, E. H.; Starbird, Wheeler, Whitson.

Yes, 84; No, 39; Absent, 27.

The **SPEAKER**: Eighty-four having voted in the affirmative, thirty-nine in the negative, with twenty-seven being absent, this Bill fails of enactment and will be sent to the Senate.

Emergency Measure

An Act Increasing Indebtedness of Berwick Sewer District (H. P. 1096) (L. D. 1484)

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. 120 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to the Four Corners Community School District (H. P. 1145) (L. D. 1586)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-third vote of all the members elected to the House being necessary, a total was taken. 116 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.

Emergency Measure

An Act relating to Vacancies in the Trustees of Mapleton Sewer District (H. P. 1234) (L. D. 1550)

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. 120 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.

Passed to Be Enacted

An Act to Provide Temporary Licenses for Administrators of Medical Care Facilities Other Than Hospitals (S. P. 355) (L. D. 1051)

An Act relating to Restitution of Funds Defrauded from Consumers (S. P. 357) (L. D. 1053)

An Act Prohibiting Use of Motor Vehicles on Frozen Surface of Part

of Sasanoa River (H. P. 843) (L. D. 1155)

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

An Act relating to Interest Allowed in Civil Actions (H. P. 1260) (L. D. 1643)

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

Enactor**Tabled and Assigned**

An Act relating to the Administration of Welfare Programs (H. P. 1271) (L. D. 1672)

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

(On motion of Mr. Shaw of Chelsea, tabled pending passage to be enacted and specially assigned for Wednesday, April 28.)

An Act relating to Escape of Prisoners following Removal from a State Institution or County Jail for Appearance in Court (H. P. 1272) (L. D. 1673)

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.

Orders of the Day

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

An Act relating to Sale Price of Liquor (H. P. 856) (L. D. 1181)

Tabled — April 21, by Mr. Ross of Bath.

Pending — Passage to be enacted.

On motion of Mr. Cottrell of Portland, under suspension of the rules, the House reconsidered its action of April 8 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of April 1 whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-166) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. COTTRELL: Mr. Speaker and Members of the House: I wish to explain most briefly that this amendment is technical in nature and that it seeks to clarify the language in the original engrossment of this bill, to prevent any possibility of error or inconsistency.

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

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

SENATE REPORT — "Ought to pass" with Committee Amendment "A" (S-91) — Committee on County Government on Bill "An Act Creating Oxford County Commissioner Districts" (S. P. 270) (L. D. 798) — In Senate, Report accepted, and Bill passed to be engrossed as amended by Committee Amendment "A".

Tabled — April 22, by Mr. McTeague of Brunswick.

Pending — Acceptance in concurrence.

On motion of Mr. Fraser of Mexico, retabled pending acceptance of Report in concurrence and specially assigned for Wednesday, April 28.

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

Bill "An Act relating to Elderly Persons' Examinations for Motor Vehicle Operators' Licenses" (H. P. 442) (L. D. 577) — In House passed to be engrossed as amended by Committee Amendment "A" (H-130) — In Senate, Indefinitely postponed in non-concurrence.

Tabled — April 22, by Mr. Curtis of Bowdoinham.

Pending — Motion of Mr. Lewis of Bristol to Insist.

On motion of Mr. Lewis of Bristol, the House voted to insist and ask for a Committee of Conference.

The Chair laid before the House the fourth 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" — In House, Reports and Bill indefinitely postponed.

Tabled — April 22, by Mr. Hewes of Cape Elizabeth.

Pending — Motion of Mr. Hardy of Hope to reconsider.

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

Mr. HEWES: Mr. Speaker and Members of the House: I oppose the reconsideration motion. The other day we defeated this by 119 to 15. I think it was argued well then that we don't want to indemnify employees who might tend to be less careful if they knew that their employer, the municipality or the state was going to pay any damages resulting thereby, and I hope that you will oppose the motion to reconsider.

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

Mr. EMERY: Mr. Speaker and Members of the House: I had a conversation last night with the gentleman from Cape Elizabeth. He indicated to me that it would be all right with him if we tabled this for another day waiting for word from the Attorney General's office relative to an amendment which is presently on your desks filed under House Amendment H-163.

Now the purpose of the amendment that is presently under consideration is (A) to eliminate all

state employees from the bill and have it only cover elected public officials. And another purpose of the amendment was to clarify the position of the State of Maine as far as its own sovereign immunity is concerned. I believe that Assistant Attorney General Benoit has ruled that the Section 2 on the amendment does in fact eliminate any possible conflict with the previously established judgments on court cases.

But I would appreciate it very much if someone would table this until next Tuesday, awaiting word from the Attorney General's office relative to the complete language of the amendment.

Mr. Brawn of Oakland moved that the matter be tabled until Tuesday, April 27.

The SPEAKER: The gentleman from Oakland, Mr. Brawn moves that L. D. 1578 be tabled until Tuesday, April 27, pending the motion of the gentleman from Hope, Mr. Hardy, that the House reconsider its action whereby it indefinitely postponed both Reports and Bill.

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

Mr. HEWES: Mr. Speaker, is that motion debatable?

The SPEAKER: A tabling motion is not debatable, except the time.

All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 52 having voted in the negative, the motion did prevail.

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

Bill "An Act Providing for Records of Sales of Used Merchandise" (H. P. 490) (L. D. 631) — In House, Adoption of Committee Amendment "A" (H-115) reconsidered.

Tabled — April 22, by Mr. Hewes of Cape Elizabeth.

Pending — Adoption of House Amendment "A" (H-135) to Committee Amendment "A".

On motion of Mr. Bragdon of Perham, retabled pending adoption of House Amendment "A" to Committee Amendment "A" and specially assigned for Wednesday, April 28.

On motion of Mr. Porter of Lincoln,

Adjourned until Tuesday, April 27, at nine o'clock in the morning.