

# 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**

Monday, May 3, 1971

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

Prayer by Brigadier Alfred Davey of Augusta.

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

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Fisheries and Wildlife report out a Bill segregating, apportioning and expending for the next 2 fiscal years — July 1, 1971 to June 30, 1972 and July 1, 1972 to June 30, 1973 — all funds received by the Department of Inland Fisheries and Game under the Revised Statutes, Title 12, section 3061 (S. P. 563)

Came from the Senate read and passed.

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

From the Senate: The following Order:

ORDERED, the House concurring, that there is created a Joint Interim Committee to consist of 2 Senators to be appointed by the president of the Senate, 3 Representatives to be appointed by the Speaker of the House, the Chief Justice of the Supreme Judicial Court, a Justice of the Superior Court to be appointed by the Chief Justice, the Director of the Bureau of Public Improvements and the Legislative Finance Officer; the Committee to elect its own chairman; and be it further

ORDERED, that this Committee is directed to study the financial impact upon the State of Maine of Senate Paper 524, L. D. 1519, "An Act Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State"; and be it further

ORDERED, that the Committee shall report the results of its study and any findings it may make to a special session of the

105th Legislature or the 106th Legislature; and be it further

ORDERED, that the members of the Committee shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Account; and be it further

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

ORDERED, that there is allocated to the Committee from the Legislative Account the sum of \$3,000 to carry out the purposes of this Order. (S. P. 566)

Came from the Senate read and passed.

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

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

**Divided Report**

Majority Report of the Committee on Judiciary to which was referred the initiative petitions relative to a bill entitled "An Act relating to the Form of Ballots of General Elections" (I. B. 2) have had the same under consideration and asks leave to report that 380 petitions were filed with the Secretary of State on February 20, 1971 at 1:00 p.m., that petitions are in the form required by Article IV, Part Third, Section 18 and Section 20 of the Constitution and that said petitions contain the valid signatures of 37,633 electors and the invalid signatures of 8,301 electors. Twenty-three petitions were found to be invalid and 357 petitions were found to be valid.

The majority of the Committee further reports that the petitions contain a sufficient number of signatures which are valid and that said bill is properly initiated before the Legislature under the provisions of Article IV, Part Third, Section 18 of the Constitution.

Report was signed by the following members:

Messrs. TANOUS of Penobscot

QUINN of Penobscot

— of the Senate.

Mr. LUND of Augusta  
 Mrs. BAKER of Orrington  
 Mrs. WHITE of Guilford  
 Messrs. PAGE of Fryeburg  
           HENLEY of Norway  
           HEWES of Cape Elizabeth  
           — of the House.

Minority Report of same Committee on same initiative petitions and bill reporting that of the petitions submitted, 119 containing 32,059 signatures consisting of two or more petitions bound together, only one petition among each respective group was signed and verified by a petitioner. We believe this renders invalid the other respective petitions in each respective group of the 119 which were not signed and verified by one of the petitioners. This would render invalid over 30,000 of the signatures submitted. Therefore, the minimum number of signatures required by Article IV, Part 3, Section 17 of the Constitution of Maine was not complied with.

Report was signed by the following members:

Mr. HARDING of Aroostook  
           — of the Senate.  
 Mrs. WHEELER of Portland  
 Messrs. CARRIER of Westbrook  
           KELLEY of Caribou  
           ORESTIS of Lewiston  
           — of the House.

Came from the Senate with the Majority Report accepted, the petitions ordered placed on file in the office of the Secretary of State, the Initiated Bill No. 2 referred to the Committee on Election Laws and ordered printed.

In the House: Reports were read.

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

Mr. MARTIN: Mr. Speaker and Members of the House: This body of the Legislature is being asked to accept the Majority Report of the Judiciary Committee which states: "that 357 petitions filed under Article IV, Part Three, Section 18 and 20 are valid." The Minority Report seriously questions whether the petitions have fulfilled the constitutional requirements.

This matter, in my opinion, can be resolved in one of three ways:

1. This body can ask the Supreme Judicial Court for an advisory opinion.

2. The executive branch of government can ask the Supreme Judicial Court for an advisory opinion.

3. Interested parties can commence legal proceedings against the Secretary of State questioning the validity of the petitions themselves.

The Court held in its advisory opinion of April 5, 1971, relating to an Initiated Bill, that the Governor could not issue his proclamation until there had been "adjournment without day." There will be no proclamation therefore for several weeks since it appears we will be here until some later date. This is in no way a delaying action but is rather an attempt to ascertain now the validity of the petitions in question.

Therefore, what possible harm can come about by this body asking the Court for an advisory opinion? Why let our judgment be questioned at a later date when we are in a position to resolve the situation by our own action? We certainly can't take away the executive's constitutional prerogatives to ask for an advisory opinion on a matter which is before it and when this Legislature adjourns without day and before a proclamation is issued, the question on the validity of the petitions could then be asked.

The Supreme Judicial Court is sitting this week. The questions are to be formulated by the Attorney General's Office and will be ready tomorrow or the next day. This whole matter of the validity of the petitions could be settled by the end of this week. If the Court holds that the petitions have fulfilled the constitutional requirements, then I can assure you that the Democratic members of this body will do everything in their power to expedite this matter so that the people of Maine will have an opportunity to vote on whether they want to eliminate the big box or retain the same.

I do believe that we, as Legislators, have an obligation to determine that those who have initiated legislation have conformed with the Constitution. We stand in a position to make that determination and, regardless of party, let us

fulfill our legislative and constitutional obligations.

I hope that this will be tabled until the Attorney General's Office has completed its duties, which will be at the very latest Wednesday.

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

Mr. SUSI: Mr. Speaker, a question, sir? Is there a motion in relation to this item?

The SPEAKER: There is no motion relative to the acceptance of the Report.

Mr. SUSI: Mr. Speaker, I move that we accept the Majority Report, that the petitions be placed on file in the office of the Secretary of State, and that the Initiated Bill No. 2 be referred to the Committee on Election Laws in concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker, I move that this Report lie on the table for two legislative days.

The SPEAKER: The gentlewoman from Portland, Mrs. Wheeler, moves that this matter be tabled until Wednesday, May 5 pending the motion of the gentleman from Pittsfield, Mr. Susi.

Mr. Ross of Bath requested a division on the tabling motion.

Whereupon, Mr. Susi of Pittsfield 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 on the tabling motion 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 Portland, Mrs. Wheeler, that this matter be tabled and specially assigned for Wednesday, May 5, pending the motion of the gentleman from Pittsfield, Mr. Susi. All in favor of tabling will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Albert, Bedard, Bernier, Boudreau, Bustin, Call, Carey, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Dam, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, F a u c h e r, Fecteau, Fraser, Genest, Goodwin, Hancock, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lessard, Lynch, M a h a n y, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, O'Brien, O r e s t i s, Pontbriand, Rocheleau, Slane, Smith, D. M.; Theriault, Vincent, Webber, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, B i t h e r, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacLeod, Maddox, Marsteller, McCormick, McNally, Millett, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Berry, P. P.; Binnette, Bourgoin, Carrier, Collins, Cyr, Donaghy, Dudley, Gauthier, Gill, Hanson, Hewes, Jalbert, Label, Littlefield, Lizotte, Lucas, Morrell, Murray, Santoro, Sheltra, Silverman, Simpson, L. E.; Smith, E. H.; Starbird, Tanguay.

Yes, 53; No, 71; Absent, 26.

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

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak very briefly in support of the pending motion.

As you may be aware, both this initiative petition and the previous one, were referred to the Judiciary Committee for its study and report. Because of the magnitude of the problems in handling and checking

the petitions, as in the case of the previous initiative petition, your Judiciary Committee requested that the Secretary of State's office carry out the work of examining them for validity and counting the signatures.

This was done and both the majority and minority members of the Judiciary Committee had the opportunity to examine the petitions and did so last week in an evening session.

It would be foolish to suggest that the issue involved here is not a partisan one; obviously it is. And it would be foolish to suggest that the minority members of the committee and other minority members in this legislature are very much interested in seeing if some means can be determined to derail this initiative petition.

In going over the petitions, the minority members after great scrutiny and care came up with the fact that in some cases a verifying petitioner had verified a substantial number of petitions and they raised the question as to whether a petitioner who lives in one community could verify petitions with respect to other communities. The question was raised and I think answered with brief study, because this question has come up before.

I would like to call the attention of the House to questions and answers which were actually answered by our court in 1915. I am not reading the entire question; I am reading that portion of the question which is applicable to the issue here.

"Question: Certain petitions consisting of two or more sheets pasted together, others with two or more sheets pinned together, others with two or more sheets fastened together by eyelets. On the first sheet the forms mentioned in the Statement of Fact are properly filled out. On the other sheets said forms are blank. Shall the names on the sheets on which the forms are blank be counted? Answer: The fact that two or more sheets are pasted or fastened together affords some presumptive evidence that they were filed as one petition."

And the Justices go on to point out that the signatures which are further on on the forms when the

signatures refer to the foregoing signatures, those later signatures are not to be counted.

In going over the questions that have been answered previously by our court and comparing it with the questions which are raised by the minority members of the committee, it seems fairly evident that the questions now being raised are not new or novel, that they have been answered before, and that the answers are that the signature should be counted and these petitions are valid.

I would therefore suggest to you that there is no reason why we cannot act today and act with a clear conscience and go on to other business of the day.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would urge the members of this House to vote against the Majority Report. The purpose of the Minority Report was to have certain serious legal questions concerning the validity of these signatures cleared up. To clear up these legal questions we felt that it was necessary to have the Maine Supreme Judicial Court decide on these legal questions before the Legislature acted.

Several members of my party including myself discussed this matter with the chairman of the Judiciary Committee and he agreed last week that this matter would be tabled in the other body in order that an order be prepared, as was pointed out by the Minority Leader, to be passed on to allow these legal questions to go directly to the law court for a decision. This of course was not the case in the Senate.

I would urge the members of this House not to let this petition go out prior to having these serious questions resolved. I fear — and we are not here to block the petition, but I fear that if it goes out it will go out with a cloud over it and it would be somewhat tainted, which would have the effect in some cases of not allowing it to pass.

So I urge you to do what is right and proper in this particular case. We only urge you to allow

the order to be prepared, let the law court decide, and it shouldn't take more than a week or ten days, and then let's act on it at that time.

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

Mr. LUND: Mr. Speaker, may I inquire of the gentleman from Caribou, Mr. Kelley, what questions these are which he suggests should now be passed?

The SPEAKER: The gentleman from Augusta, Mr. Lund, poses a question through the Chair to the gentleman from Caribou, Mr. Kelley, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I think the key question that I saw was the concern that one petition was certified by the certifier as being valid, when attached to that particular petition would have been 15 or 20 or 30 other petitions. As I recall, one certifier certified close to 2,000 signatures, or maybe a little more than that, in the City of Westbrook. There is a 1927 law court case which had some laws saying that there is a possibility that those signatures on those petitions not certified to would be invalid.

Now there may be some law to the opposite of that, but we felt that there was a serious question here which, when properly answered, could then allow us to act decisively on this and let it go out to the people untainted and without any cloud over it. That was the main issue of law that I thought should be resolved.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: The item in question is one of my oldest and closest L. D. friends, concerning ballot reform. Republicans who support this idea show just another example of our willingness to make constructive changes in government reform. However, I have no intention of debating the merits of the bill to-

day, but I promise to do that at a later date.

This legislation, like the repeal of the income tax, was initiated by the people of our state. They were signed in sincerity by a sufficient number of Maine voters. We certainly do not have the power to abridge their rights by political shenanigans. As one member of this House often quotes, "You can't win by gimmicks."

I wholeheartedly support the Majority Report and I think we should have a hearing, let it be debated, and ultimately let the people decide.

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

Mr. ORESTIS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Bath, Mr. Ross, that this issue should not be decided by gimmicks and political shenanigans. That is why I was sorely disappointed when contrary to the word of some members of the Judiciary Committee this item was not tabled and cooperation was not received in forwarding this to the Supreme Court of this state.

As I recall, on two previous occasions in this session questions were propounded on solemn occasions to the Supreme Court. On those two occasions we received answers, once in a period of a day and the other time in a period of three or four days. This is certainly not creating any obstacle or roadblock to placing questions in this initiative petition to referendum. A call for referendum will not be issued until this Legislature adjourns and even at that time the Governor of this state has the right under the Constitution to refer this to the court, to have such questions answered. Also the citizens of this state, who feel that these petitions may not be valid, have the right to bring a suit against the Secretary of State and against this Legislature to determine whether or not these petitions are valid and whether or not these questions should be answered.

These two routes would in fact be roadblocks. These two routes

would in fact be more difficult ways to put the questions to the court. Who is creating the roadblock? Those of us who wish this question put to the court now, unencumbered by time, unencumbered by expense to the citizens of the state, or those of us who wish to wait until this session is over and have the questions put to the court by the Governor, or wait until the suit is brought causing undue expense and waste of time to the Attorney General's office and to the court?

Of the three routes that have been outlined for bringing these questions to the court, the most simple and time-saving method is for this Legislature to refer on this solemn occasion these questions to the court. I do not question Mr. Lund's legal ability; however, I do believe that the court is the one that should answer the questions and not we members of the Legislature, whether we practice law or not.

To me the only political shenanigan that was pulled in this issue is that shenanigan pulled on the minority members of this committee when they were promised that they would have the time and opportunity to present this to the court, and the only obstacle and roadblock that is being presented to this Legislature is the obstacle and roadblock of blocking these questions now and forcing us to go to the Governor and forcing people to bring suit to get these questions before the court.

I ask the Legislature, as much as they can, to forget the partisan problem that has arisen regarding these questions and let the court answer them. If the court comes back in a week with the answers that Mr. Lund suggests they will, then the Democratic party will without delay vote the validity of these petitions and the Governor will without delay issue the proclamation for the election.

Please consider where the roadblock will lie as you make the vote on this Majority Report from the Judiciary Committee. Give us the very little time that we ask for and I am sure the Legislature will look better for it.

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

Mr. HEWES: Mr. Speaker, Members of the House: I want to go on record as stating that as one member of the Judiciary Committee I thought that questions were going to be propounded to the Supreme Judicial Court in view of this solemn occasion, and there is, as I see it, a legal question. I personally go along with the Majority Report as indicated by the way I signed, but there was a question that has arisen and I would think that in the long run it would be in the best interest of all concerned if the questions were propounded to the Supreme Court.

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

Mr. MARTIN: Mr. Speaker and Members of the House: The gentleman from Cape Elizabeth, Mr. Hewes has raised a valid point. It is a point which I made earlier, that perhaps there was reason for this item to be tabled. The gentleman from Augusta, Mr. Lund, has indicated that there is no constitutional question whatsoever about these petitions, sees absolutely no reason for a question to the court, and so I would simply ask whether or not an agreement has been made between the members of the Judiciary Committee representing the Minority party, and if the Majority party will allow the question to go to the court, and if this is the case what would be wrong in waiting until those questions are ready on Wednesday of this week; and I would pose the question to the gentleman from Augusta, Mr. Lund, or the gentleman from Cape Elizabeth, Mr. Hewes, or the gentleman from Pittsfield, Mr. Susi.

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

Mr. HEWES: Mr. Speaker, is a tabling motion for any length of time in order at this time, two days or one day?

The SPEAKER: A tabling motion is in order at this time.

Whereupon, Mr. Hewes of Cape Elizabeth moved that the matter be tabled for one legislative day.



The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that this matter be tabled until tomorrow pending the motion of the gentleman from Pittsfield, Mr. Susi that the House accept the Majority Report.

Mr. Susi of Pittsfield then requested a division.

The SPEAKER: A division has been requested. All in favor of tabling until tomorrow will vote yes; those opposed will vote no.

A vote of the House was taken 56 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think in view of the decision of the Majority party not to allow this particular item to be tabled, it is extremely obvious to me who ought to be responsible for delay. There is no question in my mind that there ought to be constitutional questions posed to the court at this point or at a future point about the initiative. There is no question in my mind that there are problems that ought to be resolved now in order to prevent any problems at a later date.

The question of whether or not petitions are stapled together is one that ought to be settled. And for those of us who were there in the Judiciary Committee it is interesting to note that some of those petitions contained as many as 2400 names. Whether or not this petition was circulated by one person in toto or whether or not it was signed by one individual, and then a number of petitions were added to the center of the petition is an interesting angle.

The gentleman from Bath, Mr. Ross, indicates that he has been in favor and has been willing to have his party and himself be in favor of governmental reform and ballot reform. It is interesting to note the reports that we have been reading in the newspaper where the so-called committee for ballot reform has received its money and it is interesting to note

how much money these people were paid when they did circulate those petitions.

I don't think any of you have forgotten the newspaper article of Robert Monks, indicating that he has a particular interest in the future of the Republican party and that he has a particular interest in this legislation. If it was done validly and it was done with the intent of getting the question to the voters then it ought to go to the voters; but if it was done for a purpose of deceiving the people of this state then we ought to determine the constitutionality now and not wait until doomsday, and then something will have to be done.

I know this sounds a little bit ridiculous, but I can't believe that any individual by herself can get 2488 signatures as was done by Barbara Foster of Westbrook, Maine. I do not believe that individuals can get together and get 1600 and 1800 names on one petition unless there is something that took place. If other people circulated the petitions and then they were fastened together, then there is something wrong with this. We ought to make sure that we are not in effect thwarting the will of the people.

It is interesting as you go through those lists—and perhaps it might be worth it for the future of the Republican party if I were to read the list of those people that circulated the petitions and the numbers of signatures on those petitions, so that it could be forever inscribed in the records of the state, but I don't want to waste that amount of money and time. It is really fun going through them because certain things come to light rather quickly. It is interesting that people that were circulating the petitions did not know that with the big box initiative was going the Ross comedy of doing away with our existing system and replacing it with the Massachusetts ballot.

It is interesting to note what amount of money was paid to these people who circulated the petitions and as one of them told me it amounted to \$15.00 a day. And it is interesting to note where

the money came from. I would hope that to prevent any problems that the questions of constitutionality ought to be answered. It is obvious to me, by the two tabling motions that have been defeated today, that this is not going to be done; and I hope that the gentleman from Cape Elizabeth, Mr. Hewes, realizes that the deal is off that was made by the members of his party.

Apparently that agreement had been reached in the Judiciary Committee by the chairman of that committee and by the House chairman of that committee as well; and now we find, lo and behold, that this is no longer the case. Indeed it is a sad day when an agreement that had been reached jointly by members of both political parties in a committee is now not going to be honored. And so for the record I am sorry to see that this occurred.

Mr. Speaker, when the vote is taken I request that it be taken by the yeas and nays.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I was hoping I wouldn't have to get up on this. I am no attorney, so I am not going to quote citations of findings by law courts. But I want to first state that as far as I know there were certainly no deals made by this Republican in Judiciary Committee. All of my knowledge of the findings of the committee is set forth in this report right here. It was our belief that when we found that according to the Secretary of State and Attorney General that the petitions contained 37,633 valid signatures of electors and 8,301 that they threw out because of possible doubt of their being valid, that we couldn't find any reason for withholding them.

We all realize, and it has been stated before, that it is a very sharp political subject. It was very much evidenced at the hearing by the Minority party big guns that were turned loose on it. Those same big guns, in answering questions before the committee, could

not put their finger on any single thing that they felt was wrong with the petitions. They insisted they wanted time to look them over. Finally there was time, they spent an entire evening checking them over. And now you have apparently two opinions.

It was still the majority opinion that the flimsy technicalities that the Minority party is trying to foist onto this Legislature were still not valid to the majority of our committee, and I hope they will not be considered valid to the majority of this Legislature. It seems to me so patently evident that the whole maneuver is a charade of holdup and delay. Sure, I know the Minority Floorleader insists that it will cause more delay. If it does cause more delay, it won't be because of us, because as far as I am concerned the committee has done its duty, the majority report is out, the people have signed thousands of more signatures than they needed, and they should be heard.

The petitions should allow a referendum, and there will be a second opportunity for these same people to decide whether they want to do away with the big box and accept a Massachusetts type of ballot or not. There certainly will be plenty of time for the same Minority party to do what it chooses in public relations between the time of notification and that referendum.

Now anything that we do or say here now, beyond accepting that Majority Report, is merely delay and wasting the taxpayers money.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: It was with pleasure that I heard the House chairman of Judiciary, Mr. Hewes of Cape Elizabeth, stand up and acknowledge that there may be some questions involved in this issue. It was with pleasure because I know now that some members of the Judiciary Committee who were parties to our conversation regarding having time to send this to the court are willing to live up to their word.

I am sure the whole committee was not involved in this deal, if this is what you want to call it. True, Mr. Henley was not party to this deal or party to this conversation. However, this conversation was held and this deal was made. We were promised the support of the chairman of the Judiciary Committee in obtaining the necessary time to formulate and present these questions to the court. I am glad that the House chairman of Judiciary has lived up to this promise. I am sorry that he cannot get enough members of his party to go along with him on such a small request.

It is small, because all we are asking is a few days. We are not asking for any inordinate amount of time nor any inordinate amount of effort by this body. All we are asking for is a few days. And it is a few days well spent, for later on the court will have to take the time to answer the questions by one route or another. While we are throwing the blame back and forth like a ping pong ball, it is evident to me that the blame rests on that party or members of that party which cause these questions to be presented to the court by the longest route.

I ask you once again to consider what is at stake here. Presenting these questions to the court will be done. Why don't we do it by the most expeditious route? Why don't we set aside politics? There are members of the Judiciary Committee who are firmly convinced that these questions are not valid. However, there are other members of the committee who have had as much experience with constitutional law, who are as firmly convinced otherwise. If we have come to the point where we cannot give other members of this body the courtesy of a few days time, then I am sorely ashamed.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority Report in concurrence. 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 Pittsfield, Mr. Susi, that the House accept the Majority Report in concurrence. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

### ROLL CALL

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

NAY — Albert, Bedard, Bernier, Boudreau, Bustin, Call, Carey, Carter, Clemente, Conley, Cote, Cottrell, Curran, Dam, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Genest, Goodwin, Hancock, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lizotte, Lynch, Mahany, Manchester, March, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Pontbriand, Rocheleau, Slane, Smith, D. M.; Theriault, Vincent, Webber, Wheeler, Whitson.

ABSENT — Berry, P. P.; Binnette, Bourgoin, Carrier, Collins, Cyr, Donaghy, Dudley, Gauthier, Gill, Hanson, Jalbert, Label, Lesard, Littlefield, Lucas, Morrell, Santoro, Sheltra, Silverman, Simpson, L. E.; Smith, E. H.; Starbird, Tanguay.

Yes, 73; No, 53; Absent, 24.

The SPEAKER: Seventy-three having voted in the affirmative and fifty-three in the negative, with twenty-four being absent, the motion does prevail.

The petitions were ordered placed on file in the office of the Secretary of State and the Initiated Bill No. 2 referred to the Committee on Election Laws in concurrence. (Later Reconsidered)

**Reports of Committees  
Leave to Withdraw  
Covered by Other Legislation**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Operation of Kennebec Valley Vocational-Technical Institute" (S. P. 250) (L. D. 757) 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**

Report of the Committee on Fisheries and Wildlife reporting "Ought to pass" on Bill "An Act relating to the Size Limit on Herring" (S. P. 540) (L. D. 1645)

Report of same Committee reporting same on Bill "An Act to Amend the Law on Sale or Packing of Herring" (S. P. 531) (L. D. 1581)

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.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to Provide Transportation for Blind Adults Attending Educational Facilities" (S. P. 472) (L. D. 1493)

Report was signed by the following members:

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

Messrs. WOODBURY of Gray  
MILLETT of Dixmont  
BITHER of Houlton  
MURRAY of Bangor  
LAWRY of Fairfield  
HASKELL of Houlton  
SIMPSON of Standish  
—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

Messrs. TYNDALE  
of Kennebunkport  
LYNCH  
of Livermore Falls  
LUCAS of Portland  
—of the House.

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

In the House: Reports were read.

(On motion of Mrs. White of Guilford, tabled pending acceptance of either Report and tomorrow assigned.)

**Divided Report**

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought not to pass" on Bill "An Act Regulating the Operation of Snowmobiles in Unorganized Territory During Deer Season" (S. P. 24) (L. D. 52)

Report was signed by the following members:

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

Messrs. MANCHESTER  
of Mechanic Falls  
BUNKER of Gouldsboro  
CALL of Lewiston  
BOURGOIN of Fort Kent  
LEWIN of Augusta  
PARKS of Presque Isle  
PORTER of Lincoln  
KELLEY of Southport  
LEWIS of Bristol  
—of the House.

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

Report was signed by the following member:

Mr. KELLEY of Machias  
—of the House.

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

In the House: Reports were read.

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

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

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

Mr. KELLEY: Mr. Speaker, may I have this tabled for one legislative day?

The SPEAKER: The gentleman from Machias, Mr. Kelley, moves that L. D. 52 be tabled until tomorrow, pending the motion of the gentleman from Augusta, Mr. Lewin, that the House accept the Majority "Ought not to pass" Report. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: The Chair will order a vote. All in favor of tabling for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 61 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lewin, to accept the Majority "Ought not to pass" Report in non-concurrence.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: As the sole signer of the "ought to pass" report, I would like to point out some facts which perhaps many of us are prone to overlook. This bill would regulate the operation of snowmobiles in unorganized territory during the hunting season, but as amended, as amended by this Senate

Amendment, would offer the following exemptions.

1. Utility companies who may find it necessary to use snowmobiles for repair on power lines and so forth.

2. Search and rescue missions.

3. Camp owners who may, because of early snow, find it necessary to use these machines to get into camp. And of course, they may use them anywhere on Sundays and also in open areas.

Now I am sure that all of you would call this a reasonable bill. Keeping in mind the exceptions offered, why would anybody want to take a snowmobile into the back woods in unorganized territory during the hunting season? The sponsor of this legislation was assured by some members of the Fisheries and Wildlife Committee before the hearing that it was a good bill and deserved the blessing of the committee. But a funny thing happened on the way to the forum.

I would remind the House members that the snowmobile lobby is one of the best and one of the most powerful in this state. Over the past years they have clobbered all opposition, and if this particular bill dies then they will have batted one thousand in this legislature. Here are some examples: Last year, in special session, a bill was introduced to combine boat registration and snowmobile registration. It was killed, due primarily to the snowmobile lobby. A bill was offered this winter to permit municipalities to regulate snowmobile travel after dark. The snowmobile lobby displayed such strength that the frightened sponsor withdrew it at the hearing. This particular bill, L. D. 52, received the same treatment at the hearing, and as you can see, the snowmobile lobby came within an ace of killing it in committee.

We are faced with a problem in this state. Last year over 40,000 snowmobiles were registered, and it is estimated that this figure will reach 50,000 next year. Snowmobiles have become the fastest growing industry in this state. They provide recreation, they provide jobs, and they offer opportunities to enterprising business-

men. We welcome them. But like all fads, they bring problems. Most of these problems are stories for another day. But this particular bill, L. D. 52, was and is a simple, easily understood piece of legislation designed to help protect our deer herd and to minimize the harassment of this herd during the hunting season.

Sometimes in listening to our comments on our vanishing wildlife, I wonder just how sincere we are. We shed crocodile tears for our dwindling deer herd, but always in the background there is the jangle of cash registers from the owners of sporting camps, from the bureaucracies involved, from snowmobile dealers and so on.

And that reminds me of a story which points up our attitude toward this matter. Down in Machias a number of years ago we had a doctor, an excellent doctor, but he used a lot of profanity, almost every other sentence was started with an oath. One day in the post office the local minister took the good doctor to task for his use of profanity. The doctor stared at the minister for a few moments and finally he said, "Well I'll tell you Reverend, you preach a little and I swear a little and neither of us means anything by it."

Now I think that something like this takes place when we talk about conservation. Ladies and gentlemen, this bill is reasonable and will not work a hardship on Maine's snowmobilers. And if we are sincere about the preservation of our wildlife, if we are indeed true conservationists, then let us defeat this motion for the acceptance of the Majority "Ought not to pass" Report.

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

Mr. CHURCHILL: Mr. Speaker and Members of the House: L. D. 52 has been introduced as a conservation measure. Its intent, to quote the sponsor, is to prevent the extermination of our deer herd. It seems strange that the agency in our state charged with the responsibility of our deer, the

Department of Inland Fisheries and Game, has not come out in favor of this bill. At the hearing on the various deer season bills all ten of the warden supervisors testified, and the committee asked them questions about snowmobiles and deer. None of the supervisors recommended banning snowmobiles during the deer season. The deer biologists, the people who are constantly studying the deer and the influence hunting has on them, believe that the use of snowmobiles during the hunting season has no harmful effect and, in fact, their use may be beneficial in better distributing hunting pressure.

The Fisheries and Wildlife Committee, who had an opportunity to hear all the testimony, both for and against this bill, voted 12 to 1 that it "ought not to pass". The point I am trying to make is that the professionals, the wardens and the biologists, the people who are in the field 365 days each year, the people who have access to all information from all areas in our state, are not in favor of this bill.

At the present time it is unlawful to hunt from a snowmobile. It is unlawful to hunt, chase, kill or pursue any wild animal with a snowmobile. It is unlawful to carry a loaded gun on a snowmobile. In short, the snowmobile can be used only as a means of transportation the same as a jeep, boat or airplane.

Under Committee Amendment "A" to L. D. 1250, which has already passed this House, the Commissioner of Inland Fisheries and Game would have the authority to close the deer season in any area of this state if he felt it was receiving undue hunting pressure. If we got a heavy snowfall early in November and the deer yarded, he would be able to curtail the season if he felt they were in danger from further hunting.

In view of these facts, I feel that L. D. 52, which in its present form is unworkable and unenforceable, is unnecessary and I ask that you accept the Majority "Ought not to pass" Report, and I move that L. D. 52 and all its accompanying papers be indefinitely postponed.

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

Mr. Kelley of Machias requested a division on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Orland, Mr. Churchill, that both Reports and Bill "An Act Regulating the Operation of Snowmobiles in Unorganized Territory During Deer Season," Senate Paper 24, L. D. 52, be indefinitely postponed in non-concurrence. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 83 having voted in the affirmative and 33 having voted in the negative, the motion did prevail. Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act relating to Manufacturer's Warranty Concerning Ability of Passenger Motor Vehicles to Sustain Shock" (S. P. 323) (L. D. 937)

Report was signed by the following members:

Messrs. WOOD of Brooks  
CROSBY of Kennebunk  
HALL of Windham  
LEE of Albion  
BARNES of Alton  
McNALLY of Ellsworth  
LEBEL of Van Buren  
KEYTE of Dexter  
FRASER of Mexico  
DUDLEY of Enfield

— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. GREELEY of Waldo  
JOHNSON of Somerset  
KELLAM of Clumberland  
— of the Senate.

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

In the House: Reports were read.

On motion of Mr. Wood of Brooks, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

#### Non-Concurrent Matter

Bill "An Act relating to Suspension of Motor Vehicle Operator's License and Registration" (S. P. 192) (L. D. 553) which was indefinitely postponed in non-concurrence in the House on April 29.

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 Senate Amendment "A".

In the House:

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

Mr. HENLEY: Mr. Speaker, I would like to move that we recede and concur and I would like to speak to my motion.

The SPEAKER: The gentleman from Norway, Mr. Henley moves that the House recede from its former action and concur with the Senate. The gentleman may proceed.

Mr. HENLEY: Mr. Speaker and Members of the House: This L. D. 553, relating to suspension of motor vehicle operator's license and registration, is a very worthy piece of legislation. We inadvertently allowed it to be killed last week because there was an error made in the other body and the original amendment of the committee was left on, when it should have been taken off. So that a member of this House stated that with the two amendments on it was contradictory and moved for indefinite postponement.

We have checked and find that that was an error and the other body found that was an error, and we hope that the House will go along and pass this bill and recede and concur and make this into law, because it will help take some of our drivers off the road that should not be driving..

Thereupon, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Bill "An Act relating to Comparative Negligence in Civil Ac-

tions" (S. P. 227) (L. D. 673) on which the House accepted the Majority "Ought not to pass" Report of the Committee on Judiciary in non-concurrence on April 29.

Came from the Senate with that body voting to insist on its former action whereby the Minority "Ought to pass" Report was accepted and the Bill passed to be engrossed, and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. TANOUS of Penobscot  
HARDING of Aroostook  
QUINN of Penobscot

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to insist and join in a Committee of Conference.

#### Non-Concurrent Matter

An Act Creating an Advisory Commission for the Study of Public Support for Post-secondary Education in Maine (S. P. 473) (L. D. 1492) which failed of passage to be enacted in the House on April 23.

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

In the House: On motion of Mr. Millett of Dixmont, the House voted to recede and concur.

#### Non-Concurrent Matter

##### Tabled and Assigned

Bill "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees" (H. P. 364) (L. D. 471) which was indefinitely postponed in non-concurrence in the House on April 29.

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

In the House: On motion of Mr. Porter of Lincoln, tabled pending further consideration and specially assigned for Wednesday, May 5.

#### Non-Concurrent Matter

Bill "An Act relating to the Retail Sale of Wine in Department Stores" (H. P. 1171) (L. D. 1630) which was passed to be engrossed in the House on April 27.

Came from the Senate passed to be engrossed as amended by Sen-

ate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Norris of Brewer, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act Establishing an Open Season on Moose" (H. P. 1287) (L. D. 1686) which was passed to be engrossed as amended by House Amendments "A" and "B" on April 28

Came from the Senate having failed of passage to be engrossed.

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to insist and ask for a Committee of Conference.

#### Messages and Documents

The following Communication:

THE SENATE OF MAINE

Augusta, Maine

April 30, 1971

Hon. Bertha W. Johnson

Clerk of the House

105th Legislature

Dear Madam Clerk:

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 Relating to the Adequacy of Public Utility Service" (S. P. 453) (L. D. 1311). The President has appointed the following members of the Senate to the Committee of Conference. Senators: SHUTE of Franklin

VIOLETTE of Aroostook

CARSWELL

of Cumberland

Respectfully,

(Signed) HARRY N.

STARBRANCH

Secretary of the Senate

In the House, the Communication was read and ordered placed on file.

#### Orders

On the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to the Right of Access by Landlords" (H. P. 1253) (L. D. 1573) the Speaker appointed the following Conferees on the part of the House:

Messrs. EMERY of Auburn

CARRIER of Westbrook

HENLEY of Norway



On the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Duty of State Board of Education Concerning Interscholastic Activities" (H. P. 985) (L. D. 1347) the Speaker appointed the following Conferees on the part of the House:

Messrs. MILLETT of Dixmont  
BIRT of East Millinocket  
JALBERT of Lewiston

On the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Fees for Inspection of Motor Vehicles" (H. P. 281) (L. D. 370) — New Draft H. P. 1256, L. D. 1576, the Speaker appointed the following Conferees on the part of the House:

Messrs. STILLINGS of Berwick  
NORRIS of Brewer  
CROSBY of Kennebunk

On the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to the Adequacy of Public Utility Service" (S. P. 453) (L. D. 1311) the Speaker appointed the following Conferees on the part of the House:

Messrs. WILLIAMS of Hodgdon  
MOSHER of Gorham  
BARTLETT  
of South Berwick

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

Mr. SUSI: Mr. Speaker, I move that we reconsider our action whereby we accepted the Majority Report on item five, page two of today's Calendar, Initiated Bill No. 2, Bill "An Act relating to the Form of Ballots of General Elections," and ask that you vote against me.

Whereupon, Mr. Martin of Eagle Lake moved that the motion to reconsider be tabled until tomorrow.

Mr. Porter of Lincoln then requested a division.

The SPEAKER: A division has been requested on the tabling motion. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 67 having voted in the negative, the motion to table did not prevail.

The SPEAKER: The Chair will order a vote on the reconsideration motion. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 63 having voted in the negative, the motion to reconsider did not prevail.

On motion of Mr. Hayes of Windsor, it was

ORDERED, that Rev. Harold Nutter of Windsor be invited to officiate as Chaplain of the House on Wednesday, May 12, 1971.

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

Mr. Birt from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Providing Funds for the Maine Golf Swing Tour" (H. P. 325) (L. D. 434)

Mr. Bragdon from same Committee reported same on Resolve Reimbursing the Town of Greenbush for Loss of Taxes (H. P. 146) (L. D. 201)

Mr. Shaw from same Committee reported same on Bill "An Act Providing Civilian Radio Operators for State Police" (H. P. 478) (L. D. 619)

Mr. Good from the Committee on Labor reported same on Bill "An Act relating to Disqualification of Benefits for Certain Female Claimants under Employment Security Law" (H. P. 421) (L. D. 555)

Mrs. Cummings from the Committee on Natural Resources reported same on Bill "An Act Creating the Maine Appalachian Trail Authority" (H. P. 1128) (L. D. 1548)

Mrs. Kilroy from same Committee reported same on Bill "An Act Placing the Appalachian Trail in Maine under the State Park and Recreation Commission" (H. P. 398) (L. D. 510)

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

#### Leave to Withdraw

Mr. Millett from the Committee on Education on Bill "An Act to Require Public School Education of Handicapped Children" (H. P.

667) (L. D. 896) reported Leave to Withdraw.

Mrs. Wheeler from the Committee on Judiciary reported same on Bill "An Act Limiting the Powers of Building and Housing Inspectors" (H. P. 1052) (L. D. 1444)

Mr. Curtis from the Committee on State Government reported same on Resolution Proposing an Amendment to the Constitution Providing for Even-year Legislative Budget Sessions (H. P. 1130) (L. D. 1558)

Reports were read and accepted and sent up for concurrence.

#### **Tabled and Assigned**

Mr. Hodgdon from same Committee reported same on Bill "An Act to Create a Commission to Prepare a Revision of the Motor Vehicle Laws" (H. P. 1182) (L. D. 1636)

Report was read.

(On motion of Mr. Hodgdon of Kittery, tabled pending acceptance of Report and specially assigned for Wednesday, May 5.)

#### **Leave to Withdraw**

##### **Covered by Other Legislation**

Mrs. Lincoln from the Committee on Labor on Bill "An Act relating to Filing Payroll Reports to the Employment Security Commission" (H. P. 711) (L. D. 957) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

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

Mr. Herrick from the Committee on Natural Resources on Bill "An Act Providing for the Protection of Coastal Wetlands" (H. P. 945) (L. D. 1304) reported same in a new draft (H. P. 1299) (L. D. 1704) 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 with Committee Amendment**

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Establish Kidney Disease Treatment Ser-

vices" (H. P. 731) (L. D. 993) reported "Ought to pass" as amended by Committee Amendment "A" (H-211) submitted therewith.

Mr. Crosby from the Committee on Legal Affairs on Bill "An Act Creating the Cobbossee-Annabessacook Authority" (H. P. 786) (L. D. 1062) reported "Ought to pass" as amended by Committee Amendment "A" (H-212) submitted therewith.

Mrs. Cummings from the Committee on Natural Resources on Bill "An Act to Clarify the Law Regulating the Alteration of Coastal Wetlands" (H. P. 944) (L. D. 1303) reported "Ought to pass" as amended by Committee Amendment "A" (H-213) submitted therewith.

Mr. Hodgdon from the Committee on State Government on Bill "An Act to Increase the Compensation of Members of the Legislative Research Committee" (H. P. 1099) (L. D. 1505) reported "Ought to pass" as amended by Committee Amendment "A" (H-214) 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**

##### **Tabled and Assigned**

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act relating to Definition of Construction Under Board of Construction Safety Rules and Regulations" (H. P. 152) (L. D. 207)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
MARCOTTE of York  
LEVINE of Kennebec  
— of the Senate.  
Messrs. BEDARD of Saco  
McTEAGUE of Brunswick  
BUSTIN of Augusta  
GENEST of Waterville  
SIMPSON of Millinocket  
— of the House.

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

Report was signed by the following members:

Messrs. GOOD of Westfield  
 LEE of Albion  
 ROLLINS of Dixfield  
 Mrs. LINCOLN of Bethel  
 Mr. KELLEY of Machias  
 — of the House.

Reports were read.

On motion of Mr. Good of Westfield, tabled pending acceptance of either Report and tomorrow assigned.

**Divided Report  
 Tabled and Assigned**

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Disqualification of Benefits under the Employment Security Law" (H. P. 597) (L. D. 792)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
 MARCOTTE of York  
 LEVINE of Kennebec  
 — of the Senate.

Mr. GOOD of Westfield  
 Mrs. LINCOLN of Bethel  
 Messrs. KELLEY of Machias

LEE of Albion  
 ROLLINS of Dixfield  
 SIMPSON of Millinocket  
 BEDARD of Saco  
 — of the House.

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

Report was signed by the following members:

Messrs. McTEAGUE of Brunswick  
 GENEST of Waterville  
 BUSTIN of Augusta  
 — of the House.

Reports were read.

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

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

Whereupon, on motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Good of Westfield to accept the Majority "Ought not to pass" Report and specially assigned for Wednesday, May 5.

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to a Minimum Salary for Full-time

Municipal Law Enforcement Officers" (H. P. 652) (L. D. 883)

Report was signed by the following members:

Mr. TANOUS of Penobscot  
 — of the Senate.

Messrs. SIMPSON of Millinocket  
 GENEST of Waterville  
 LEE of Albion  
 ROLLINS of Dixfield

Mrs. LINCOLN of Bethel

Messrs. GOOD of Westfield  
 KELLEY of Machias  
 — of the House.

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

Report was signed by the following members:

Messrs. LEVINE of Kennebec  
 MARCOTTE of York  
 — of the Senate.

Messrs. McTEAGUE of Brunswick  
 BUSTIN of Augusta  
 BEDARD of Saco  
 — of the House.

Reports were read.

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

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

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: This bill provides for establishing a minimum state-wide salary for full time law enforcement officers. The bill happens to set the figure at \$6200, which I believe is approximately a median salary for law enforcement officers in the beginning grade of patrolman in the State of Maine. I ask perhaps, if he has time that Representative Theriault, the sponsor of this bill, correct me if I am in error regarding the means by which the \$6200 figure was chosen.

What business, you might say, is it of the legislature what a municipality pays a police officer? Well, there is a precedent for this type bill. In the field of education, as you know, on behalf of teachers, the legislature has intervened to set

a minimum salary. And the reason, I think, the legislature intervened in the area of education was the recognition that education is not merely the responsibility of the municipality and the SAD, but it is the responsibility of the whole state; and therefore the legislature as representative of all parts of the state.

So too it is with law enforcement. We have sometimes been called the law and order session and it is easy to vote for law and order I guess when no one's toes are stepped on. This bill may be a little bit more difficult. As you know, we have programs under way to upgrade the training and educational requirement for law enforcement officers; and this is very commendable. But we can have programs requiring PhD's for law enforcement officers and if we don't pay them an adequate wage, regardless of the training requirements and the training programs we are not going to have, in all cases, the high caliber and the dedicated caliber of men we need in this field.

The municipal police officer spends most of his time, not enforcing municipal ordinances but enforcing state laws. The whole traffic code, the criminal code, are all state laws rather than municipal laws. So I think, Mr. Speaker, that it is entirely fitting not for the legislature to put a lid on the compensation to be paid law enforcement officers, but for them to put a bottom and say "you must pay at least this." And this bottom is set in the bill at \$6200; it is very likely in the event that the Minority "Ought to pass" Report is accepted, that this might be changed in the course of debate.

But I ask you today if you are interested in law and order and if you are interested in the quality of our police officers and keeping the ones that we have, that you do set a minimum, that you do set a floor below which no municipality may go.

Mr. Speaker, when the vote is taken I would ask that it be by division.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I would remind Mr. McTeague that currently the minimum salary schedule for teachers is in a Committee of Conference between the two bodies. The advent of the public negotiation law has made Minimum Wage legislation at the state level absolutely superfluous and at this time to initiate it in a new field seems to me to be both unnecessary and unreasonable.

The subject of the beginning salary for a police officer, in my view, is very properly a matter to be decided on the municipal level, not to be imposed by the State on all municipalities regardless of existing wage structures or the peculiar local situations. I think that very properly the Majority "Ought not to pass" Report on this should be accepted.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: The purpose of this bill is to help the police officers in the small towns who have no one to help them. They say this is the prerogative of the municipalities to decide on what they will pay their police officers. It should be, but the trouble with that is that they don't pay them what they should be getting. The unions, who by their action have indicated that they do not support this bill, feel that there is no merit and no advantage to them in organizing a one, two or three police officer department.

The officials in these towns are only interested in keeping their tax rate down, which in itself is laudable; but they know that keeping it down by cutting the police budget is the safest way of keeping the flak down. This department, usually the smallest in town and being the most vulnerable, is less able to fight for its needs, so the police fail to get a raise, or get a smaller raise, or is slighted in its needs.

Yes, no one will speak for these officers, and they dare not speak for themselves. If they make too much noise or insist too much they can find themselves out of a job.

Not only are these officers in the small towns the lowest paid in the police profession but they also have the less security. They have no contract that will guarantee them a job for even one year. They can be fired and have been on the whim of a public official — if by any chance he should enforce the law, that is the police officer enforce the law, maybe arrest this public official or his relatives or his friends, well, you know the results.

The police officer is often criticized for not doing his job, when in many cases he is not to blame. First, because he lacks training, training that in these small towns he has to get at his own expense and at his own time.

Second, and most important, some of these police officers are restricted in the time they can put on their investigations, because the town officials will not pay overtime and have put a limit on the time expended on any one case. Some dedicated officers may well do this on their own time and at their own expense.

There is a feeling in some quarters that if the bill is passed that it would hurt some small towns and they would have to curtail their plans to enlarge their police department. I would emphasize that in police work like all other work it is the quality that counts, not the quantity. The police are used to being undermanned.

This bill provides for a minimum of \$6,200 a year which comes to about \$120 a week. In a survey made last summer it was found that one town paid its police officers \$90 for a 56 hour week. It seems that in the survey the towns that paid the least money for their officers were working them the most hours.

We feel that this bill ought to pass and appeal to all of you that are interested in good law enforcement to support it. Remember that you get what you pay for. I hope that when you vote that you vote against the motion of "ought not to pass."

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the

House: I regret that I must disagree with Mr. Theriault of Rumford. I respect Mr. Theriault very much in his knowledge of police. I have known him a good many years. He was chief of the Rumford Police and he certainly knows his police work.

The thoughts on the bill and the intent of the bill are very sound, and I would wish if my sentiment was different on some of these things that I would like to support him in his bill. But I cannot because of mainly one thing that has already been brought out. I still think that we should leave this to the local areas. I think that we are going too far when we legislate too much into the local business on matters such as that.

Secondly, I am basically opposed to establishing, as you all know, minimum pay. I feel that in police work as in anything else, if a man does a good job, in a good many towns, the majority of the cases, he will get paid as much as the town can afford to pay him. And if they can't afford to pay him that price they will have no police.

It might mean the difference between some towns having 24 hour coverage and only having 12 hour coverage, or maybe 16 hour coverage. \$6,200 in a lot of areas is not very much money, of course, to begin with. I agree that we must upgrade our police departments. But I don't believe that we are going to entirely upgrade them by dollars and cents. I think we have got to create first the opportunities for training and to perfecting the various techniques involved in police work, and then we find the people that are interested in learning and they will usually find their slot.

If they are worth \$150 a week, the chances are they will find the town or city or area that will pay them that. Recently I understand that one of the areas lost a very good policeman that went to another area and took a job where he got about a 20% increase, because he was worth it.

Now at some other time possibly, when we get a little better trained police, I will feel that perhaps \$6,200 would be the least

we should pay anywhere. But at the present time I know in my county there are several towns that just could not pay that kind of money.

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. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 78 voted in the affirmative and 39 voted in the negative.

Mr. McTeague of Brunswick 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 pending question is on the motion of the gentleman from Westfield, Mr. Good, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to a Minimum Salary for Full-time Municipal Law Enforcement Officers." House Paper 652, L. D. 883. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEAS — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Carey, Carter, Churchill, Clark, Crosby, Cummings, Curtis, A. P.; Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Genest, Good, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewis, Lincoln, Lizotte, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marstaller, McCormick, McNally, Mosher, Murray, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rocheleau, Rollins, Scott, Shaw, Shute, Simpson, T. R.; Susi, Trask, Webber, White,

Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS—Albert, Bedard, Bernier, Berube, Boudreau, Bustin, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Dam, Dow, Doyle, Drigotas, Farrington, Faucher, Fecteau, Fraser, Goodwin, Hewes, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lebel, Lessard, Lund, Martin, McCloskey, McKinnon, McTeague, Millett, Mills, O'Brien, Orestis, Pontbriand, Ross, Sheltra, Slane, Smith, D. M.; Stillings, Tanguay, Theriault, Tyndale, Vincent, Wheeler, Whitson.

ABSENT — Berry, P. P.; Binnette, Bourgoin, Carrier, Collins, Cyr, Donaghy, Dudley, Emery, E. M.; Gauthier, Gill, Hanson, Jalbert, Lewin, Littlefield, Lucas, Morrell, Santoro, Silverman, Simpson, L. E.; Smith, E. H.; Starbird.

Yes, 77; No, 51; Absent, 22.

The SPEAKER: Seventy-seven having voted in the affirmative, fifty-one in the negative, with twenty-two being absent, the motion does prevail, and it will be sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Mediation Authority of State Employees Appeal Board for Employees of the Maine Turnpike Authority" (H. P. 710) (L. D. 956)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
LEVINE of Kennebec  
—of the Senate.

Messrs. GOOD of Westfield  
GENEST of Waterville  
ROLLINS of Dixfield  
LEE of Albion

Mrs. BEDARD of Saco  
MRS. LINCOLN of Bethel

Messrs. SIMPSON of Millinocket  
KELLEY of Machias  
—of the House.

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

Report was signed by the following members:

Mr. MARCOTTE of York  
—of the Senate.

Mr. McTEAGUE of Brunswick  
BUSTIN of Augusta  
—of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Westfield, Mr. Good, moves the acceptance of the Majority "Ought not to pass" Report.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: We labor hard in the Committee on Labor, as the House is aware today. The purpose of this bill is to grant to employees of the Maine Turnpike Authority the right to present their grievances regarding employment to the State Employees Appeal Board.

This is a right which is now enjoyed by the approximately 10,000 state employees. It is a right which for some reason the Turnpike Authority is reluctant to grant to its own employees. I characterize this attitude as a closed door policy. They are unwilling to let a man who has a grievance have it presented to the impartial Board that this Legislature has established for a ruling on it.

Well, what is the effect of this? In the first case, I think it is unfair to an employee. I think that anyone who has a complaint about his job should have the right to have someone impartial determine whether or not his complaint is legitimate.

In the second case, I think it has an undesirable effect upon the Turnpike Authority itself in this way. There is nothing that can diminish the efficiency of any organization as much as having dissatisfied employees who do not have a legitimate outlet to someone impartial to decide upon their grievances.

This bill was before the 104th Legislature, and obviously was not successful or it wouldn't be back here today. We get all kinds of

opinion from all kinds of people, including the fact that bond counsel in Boston and New York should run the State of Maine concerning this bill. But the question is simple. We have already given it to all the other state employees. These people are state employees admittedly through a special agency; but they are state employees. And I ask the question, what is wrong with letting them present their grievances before the Board that this Legislature has established and give them the same right that 10,000 other state employees have? So I ask that when the vote is taken that you consider voting against accepting the Majority "Ought not to pass" Report, and in favor of the state turnpike employees.

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. The Chair will order a vote. All in favor of accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act relating to Eligibility for Benefits under Employment Security Law Due to Temporary Disability" (H. P. 774) (L. D. 1040)

Report was signed by the following members.

Messrs. TANOUS of Penobscot  
LEVINE of Kennebec  
MARCOTTE of York  
—of the Senate.  
Messrs. SIMPSON of Millinocket  
GENEST of Waterville  
ROLLINS of Dixfield  
BEDARD of Saco  
McTEAGUE of Brunswick  
BUSTIN of Augusta  
GOOD of Westfield  
—of the House.

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

Report was signed by the following members:

Mrs. LINCOLN of Bethel  
Messrs. KELLEY of Machias  
LEE of Albion

—of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Westfield, Mr. Good, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: Of the labor bills that we have been hearing this afternoon in my view this is far and away the most significant. The reason I choose to speak on this, I worked for the Maine State Employment Service for a seven year period prior to World War II, and from the time of its inception up to now one of the requirements for eligibility for unemployment insurance is that you be able to work.

Now the bill that you have before you would change an eligibility requirement that has been in the law for more than 30 years. It would make a person eligible for unemployment insurance in the event they become either sick or had a disability during their unemployment period, with the proviso that no job was offered to them during that time.

The unemployment insurance fund, as I am sure you people are aware, is funded by the employers of the State of Maine. Now it is very easy to attempt to graft onto this fund various fringe social benefits which may be desirable, but at the same time is a very distinct departure from the whole concept of unemployment insurance. What you do with this bill now is to change the concept or unemployment insurance from being strictly that, to one that would

include in it some fringe benefits that border on sick and accident insurance.

I have questioned some members of the committee in an attempt to find out the cost factors involved here, and have not been able to get a satisfactory answer as far as I am concerned. It seems to me that the impact could be very considerable, and the impact on the unemployment insurance fund is reflected in the rates paid by employers. So that I would question, and I would ask somebody who listened to the testimony for this bill to give me some estimate of what the cost impact of this move might be.

The SPEAKER: The gentleman from Houlton, Mr. Haskell poses a question through the Chair to any member of the Committee who may answer if they desire.

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

Mr. LEE: Mr. Speaker and Members of the House: I asked this very question of Mr. James Schoenthaler, the head of the Employment Security Commission. There is no earthly way for them to tell how much this is going to be. I think this is poor legislation. We are at this time trying to bring in another benefit under the unemployment benefit, not because he is out of work temporarily, but because he is sick. This is health insurance, and the cost is still charged against the employer. I think it is wrong.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: As one of the signers of the "Ought not to pass" Report, there are two comments I would like to make. The first one, only ten states do have this law on their books; and the second one is that we had it as a law here in Maine many years ago, but it became much too costly, and that is the reason it was taken off.

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that the House accept the Majority "Ought to pass" Report. The Chair will order a vote. All in



favor of accepting the Majority "Ought to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken. 51 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

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

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act relating to Apprentices Preference to Maine Workmen and Contractors" (H. P. 853) (L. D. 1166)

Report was signed by the following members:

- Messrs. TANOUS of Penobscot
- MARCOTTE of York
- LEVINE of Kennebec
- of the Senate.
- Messrs. McTEAGUE of Brunswick
- SIMPSON of Millinocket
- GENEST of Waterville
- GOOD of Westfield
- BUSTIN of Augusta
- of the House.

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

Report was signed by the following members:

- Mr. KELLEY of Machias
- Mrs. LINCOLN of Bethel
- Messrs. LEE of Albion
- ROLLINS of Dixfield
- BEDARD of Saco
- of the House.

Reports were read.

(On motion of Mr. Good of Westfield, tabled pending acceptance of either Report and specially assigned for Wednesday, May 5.)

**Divided Report**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act to Grant Adult Rights to Persons Eighteen Years of Age" (H. P. 435) (L. D. 600)

Report was signed by the following members:

- Messrs. JOHNSON of Somerset
- WYMAN of Washington
- of the Senate.
- Messrs. FARRINGTON
- of Old Orchard Beach

HODGDON of Kittery  
DONAGHY of Lubec  
MARSTALLER

of Freeport  
STARBIRD  
of Kingman Township  
STILLINGS of Berwick  
— of the House.

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

Report was signed by the following members:

- Mr. CLIFFORD
- of Androscoggin
- of the Senate.
- Mr. CURTIS of Orono
- Mrs. GOODWIN of Bath
- Mr. COONEY of Webster
- of the House.

Reports were read.

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

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

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

The Chair recognizes the gentleman from Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker, Ladies and Gentlemen of the House: I speak before you today concerning what I feel is a very important bill. It is important because it attempts to equalize the double standard that many of our citizens are living under. Under present state laws, a person is allowed to receive a motor vehicle operator's license at the age of 15. The State is saying that these 15-year olds are responsible enough to drive on our highways, holding their lives and the lives of many innocent people in their hands. Yet also under present state laws, a citizen of this state is not allowed to take out a loan on his own to buy a car until he reaches his 20th birthday.

I am not saying that procuring loans is not serious business, gentlemen, but what I am saying is that we put 15-year olds in life and death situations and feel that they are capable of handling it. Yet we make them wait until they are 20 years old to get a loan to buy a car, a less serious situation. As

a matter of fact, we make them wait until their 20th birthday before they can get a tattoo without parental consent.

What about the 18-year-old serving his country even to death, protecting the adult rights that this state has not yet seen fit to grant him? Some people scoff this off saying this is his duty and he should be happy he is a citizen of this country — but this, gentlemen, I cannot buy. I think it is the duty of a country to make all its people full-fledged citizens before they are asked or forced to defend that country. It does not speak well of a country who sends some of its children, according to law, to fight its battles.

This legislature has wholeheartedly endorsed the concept that 18-year-olds are intelligent enough to make decisions at the polls. I think this legislature should finish this work by saying 18-year-olds are responsible enough to have and exercise all adult rights. Some states have already granted some adult rights to 18-year-olds. Two areas that I have had time to research were the areas of age of marriage without parental consent and age for legal consumption of alcoholic beverages.

Some might object that the younger legal age for marriage might result in more divorces. This simply does not square with the facts. The average rate among the most liberal states is actually lower than the divorce rate in the states requiring age 21 for marriage without parental consent. Even more interesting, states such as Maine, which have age requirements of 21 and 18 respectively for men and women, have even higher divorce rates. It appears that the middle ground is worse than a clear position on either side. Maine, unfortunately, is in the middle and this bill would change that situation in favor of making such requirements consistent with voting standards.

Reducing the definition of adult from 20 to 18 years of age, as this bill does, would also allow the purchase of alcoholic beverages at the younger age. Three states, New York, Louisiana, and Mississippi,

currently allow 18-year-olds to purchase all types of liquor. The District of Columbia and eleven states allow the purchase of beer and wine at this age. Some would argue that allowing younger people to purchase alcohol would promote alcoholism. This does not seem to square with the facts available. In Maine, the rate of alcoholism per 100,000 population was 4,175 in the mid 1960's. This was in a period when only 21-year-olds and better could purchase liquor. The rate in Mississippi was about half the Maine rate 2,288, and Louisiana had a slightly lower rate than Maine with 3,925. On the other side, New York and the District of Columbia had rates of 5,463 and 5,300 respectively. Both of the latter are urban, high pressure areas, while the former two are more rural, like Maine.

Gentlemen, this is not a liquor bill nor is it a marriage bill. It is simply a bill that says we, the people of the State of Maine, recognize our 18 and 19-year-old citizens as adults. It gives them the rights they are entitled to and at the same time makes them responsible for their actions. There is little logic in our laws which allows 18-year-old citizens to fight and die for their country and to vote for their public officials, while at the same time restricts their private lives by more rigid requirements.

I request that you vote against the pending motion and accept the Minority Report.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: The young and articulate freshman Representative from Bangor, Frank J. Murray, presented an excellent case before our Committee on State Government that would grant adult rights to persons 18 years of age. The document of some 20 pages in length encompasses some 23 rights, responsibilities and obligations now held by 20-year-olds. Males and females, under his proposal, would be able to write a will, act as a guardian, sign a contract, and hold a municipal office, and would be able to purchase, consume, trans-

port and sell liquor, obtain a certificate for marriage, become an officer of a firm, corporation or association, and penalized for taking indecent liberties with someone under sixteen.

We analyzed a number of statistics in executive session to assist us in determining the feasibility of this legislation. Alcoholism and divorce rates in states that have liberalized their age requirements offer some insight into possible problems that might be encountered.

New York, Louisiana and Mississippi have legal drinking ages of 18 years for all types of liquor, but the rates of alcoholism do not seem to be correlated to age requirements. There were 5,463 alcoholics per 100,000 population in New York, 3,925 alcoholics per 100,000 in Louisiana; and 2,288 alcoholics per 100,000 in Mississippi. Maine, with more restrictive age requirements, is higher than both Louisiana and Mississippi at 4,175 per 100,000 population. Likewise, there appears to be no relationship between liberal age requirements for marriage and higher divorce rates.

Senator Walter W. Hichens of Elliot was the only opponent at the public hearing. His philosophy on this issue centered around a possible premature elevation into adulthood before youth finished the carefree days that they all rightfully deserve.

The Bureau of Social Welfare, though appearing as neither opponent nor proponent, was concerned with 320 children in the state under their care between the ages of 18 and 20 who are legally wards of the state. For reasons of education, rehabilitation, health and incompetence, these recommitted children do not for the most part have family or relative resources available. At this point in time, should 18-year olds be given full adult rights, the Department of Health and Welfare, under current legislation and legislative appropriation, would not legally be able to provide care and maintenance since they would no longer be children. Should this bill become law, it should be amended so that Health and Welfare can continue in their efforts to help

these young people so that they are eventually able to support themselves.

Although I strongly endorsed voting privileges for 18-year olds, I have serious reservations about a bill that would place this additional burden on their shoulders when only upperclassmen in high school. I want to present these points because I did sign the "ought not to pass" on the bill, and I have students of mine, over a period of ten years, about 1,350 young adults, who I believe are getting a better education now than most have in the past and are very mature. But I think we ought to wait a few years to see how they live up to their voting responsibilities.

I have had a number of letters from home, and one of them I found rather enlightening and a little bit amusing. I would like to read it, just briefly. It is from a Mrs. Robert Girard of Old Orchard Beach.

"Dear Mr. Farrington: We (my family and relatives) are against full adult rights for the eighteen year olds. They are not mature enough.

As to voting: They are gullible and change from one position to another. Some politicians will rely on this and offer all kinds of gimmicks.

As to marrying: At eighteen, a pretty smile, a pair of dimples, a good dancer, might capture their young hearts, where in their twenties they will look for something more solid and lasting.

As to drinking: How foolish can you get. You are only encouraging them to drink and we already have enough drunkards on the road. Again politicians are always telling us how much money they need to rehabilitate the alcoholics.

Many eighteen year olds are still in school, still under their parents roof, their parents are still paying the bills. I think the politicians are trying to make it hard for the parents.

Eighteen year olds are still maturing and should not be burdened with these problems until they are mature enough." I agree with them.

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

Mr. NORRIS: Mr. Speaker, I move that this lie upon the table for two legislative days.

Whereupon, Mr. Marsteller of Freeport requested a division on the tabling motion.

The SPEAKER: The gentleman from Freeport, Mr. Marsteller, requests a division on the tabling motion. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I will be brief. I simply would like to concur wholeheartedly with the representative from Bangor, Mr. Murray. I think if these youngsters are going to vote and have that responsibility and there are going to be a majority of them doing it because of apathy among the older people, I think they should also be enfranchised to perform the other functions of an adult.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I arise to support my colleague from Bangor this afternoon, because after listening to talk that we had in here a few weeks ago on the 18-year old vote, how intelligent these youngsters are, and they certainly are, and extremely capable, that there were a number of people — 117 to be exact — voted to give them the right to vote, and more or less handle some of our business, the older people.

And I am quite sure if we can give them the right to vote, and vote for people to hold office who come down here and pass taxes and also go to Washington to handle the government's end of it, I am quite sure that I don't mind giving them the right to adult

rights to handle their own business.

Now if they are going to run ours and the states and the towns and the cities, then I hope the 117 of you in here who voted for them four or five weeks ago turn right around and support Mr. Murray this afternoon.

I am quite surprised at my good friend from Old Orchard Beach, he seemed to have quite a bit to say about them when they were going to give them the right to vote. Now he doesn't seem to want to give them the right to run their own business.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: Four or five weeks ago, or probably longer ago than that, when we finally decided to grant the 18-year olds the right to vote, I made a decision. And that decision was that when we had an opportunity to grant adult rights I would go along with that as well.

Now my main concern is that now that we have granted the 18-year olds the right to vote that they should also be willing to accept the responsibilities of adulthood that go with it. They should accept the responsibilities of their own contracts; they should be responsible for their ability to marry; they should be responsible for all the other rights, responsibilities and privileges that go along with the vote.

I certainly don't think that it is wise for any individual to be granted a vote on state officials or on referendum elections unless he is also responsible for the results. I hope that we will all go along with the Minority "Ought to pass" Report.

Mr. Speaker, when the vote is taken I request the yeas and nays.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I will be very brief. I couldn't possibly say it as well as the former speaker just has. When I voted for the 18-year olds, and I passed my mind along that path two years

ago, I made up my mind that they should have all the privileges just as well as the 20-year olds had. And I most certainly go along with the Majority Report.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: A short time ago I had the privilege of visiting our school and taking part in discussions with the seniors in five different classes. And L. D. 600 was one of the bills that we discussed. And we discussed it very thoroughly. And every one of those kids, young people rather, every one of those young people definitely wanted the privileges that went with the adult rights, but not one of them wanted the responsibilities that went with it.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't look upon this as wise legislation; neither do I buy the idea that we have completely granted to the 18-year olds here in the State of Maine the right to vote even. This matter has got to go to referendum. I am not too sure but what the people may turn it down in the referendum.

I hope we would hang back until we saw what they did at the federal level. We chose to send it out, but I am not too sure but what the people may turn it down. And for this reason I look upon it as unwise that we expand any further in this area, that I think it is completely unwise to grant the adult rights to the 18-year olds, and I hope you go along with the Majority Report of the Committee.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I wasn't going to get up on this, even though I have got to go back on my word. I said for three solid sessions here that if the 18-year olds got the right to vote that they should have the other responsibilities to go with it. But I can't inflict that upon the State of Maine. I do not believe that they are ready

for the responsibilities any more than I believe they are ready for the vote. So I shall go along with the Majority "Ought not to pass".

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

Mr. BITHER: Mr. Speaker and Members of the House: I rise to put in my word for the 18-year olds. I voted for them, and I shall vote for them again. I hope I get a chance to vote with Mr. Murray.

I think my seatmate over here, Mr. Farrington, slandered me, and I am going to demand apology after this is all over with. He says that 18-year olds do not have the ability or maturity to marry. Well, that may be true. I was married at 19, and my marriage turned out quite successful. It may be still on trial, I don't know; but we will know perhaps next September, it will be 48 years.

I made my way at 19. I think these young people are responsible.

I have worked with young people. As most of you people know, I have worked with 18, 19, 20 year olds, and I think they are just as responsible as the members of this House.

I think it was Mr. Farrington who said something about them being very changeable. I have seen some occasions in this House when they have changed their vote completely around in two days. I go along with the 18-year olds and I hope you people will defeat this motion.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I will probably be truly and completely ostracized at Thornton Academy in Saco for taking this type of a stand. All I am trying to say is this, they are going to have the right to vote. Let's see how they do here, and if I come back in the 106th and I see that they live up to this responsibility, let's see how it works out, then I will be willing to go along with all of the responsibilities.

Remember, there are 23 different responsibilities and burdens we are putting on their shoulders. Let's see how they do with this one respon-

sibility, getting to the polls. Statistics show—the small amount of statistics available here in Augusta show that only three or four of the 20-year olds, when they first had the right to vote, got out to vote. And it is a very very difficult situation we are in here. If we could study their voting habits and responsibilities and how they live up to these, then we could come back at a later time and give them the full adult rights.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I wonder if different draft boards have different rules, because I called my draft board, and they said that they were not allowed to call anybody until after their 19th birthday. Therefore, I don't see how we are sending them to fight until after they are 19. And the lady that I talked with said that generally they are at least 19 and a half going on 20 before they were called.

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

Mr. CURTIS: Mr. Speaker and Members of the House: As one of the signers of the Minority Report I would like to urge my colleagues to vote in favor of this measure. One thing that might be pointed out is that the 18 and 19-year olds already have the right to vote in federal elections, and that if we pass this bill that Mr. Murray is sponsoring, they will be subjected to the poll tax the same as the rest of us.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: I just want to say one word about this, and that is this: There is no substitute for experience. You all know this. And I hope we will give these young people a little more experience before we open them up to all the high pressure salesmen and other people that would come around and sell them things, and have them sign contracts, and so forth, that they might wish they had had a little more experience before this came

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

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Just to quickly answer Mrs. Berry's question. When an adult male becomes 18 years of age he is required to register with the draft. I mean that is his requirement. And if they are going to go to college the first thing the college does that accepts them, they send this 18-year old a deferment certificate which he files with his draft board.

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

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to prolong this, but I do want to make a few statements to rebut what Mr. Farrington said. According to state law right now, all the state wards are put out at 18. It is just those that are recommitted by the court, and our Department of Health and Welfare goes to the court and asks them to recommit these people between 18 and 20, ones that they feel can get more benefits either through schooling or some rehabilitation programs, or anything like this. But under our present system we, the people of this state put them out at 18, all state wards. We recognize that they can care for themselves. It is just 300 presently, and this number stays pretty stable, that get re-committed by the court into state custody. So indirectly we are recognizing these people as adults.

And I don't think that we would want to do what Mr. Marstaller suggested, and let them practice a while. I mean we don't want them to practice out marriage, or practice out drinking, or anything like this. It is either right or wrong. So I hope that we defeat this motion today.

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 Freeport, Mr. Marstaller, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Grant Adult Rights to Persons Eighteen Years of Age," House Paper 435, L. D. 600. If you are in favor of accepting the Majority "Ought not to pass" Report you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bragdon, Brawn, Brown, Carey, Carter, Cottrell, Crosby, Curtis, A. P.; Dow, Evans, Farrington, Fraser, Gagnon, Hall, Hardy, Hawkens, Hayes, Henley, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, Lewis, Lincoln, Lynch, Marstaller, O'Brien, Page, Parks, Payson, Porter, Pratt, Rand, Rocheleau, Ross, Scott, Simpson, T. R.; Stillings, Susi, Trask, White, Wight, Williams, Wood, M. W.; Woodbury.

NAY — Albert, Ault, Bedard, Bernier, Berube, Bither, Boudreau, Bunker, Bustin, Call, Churchill, Clark, Clemente, Conley, Cooney, Cote, Cummings, Curran, Curtis, T. S., Jr.; Dam, Doyle, Drigotas, Dyar, Emery, D. F.; Faucher, Fecteau, Finemore, Genest, Good, Goodwin Hancock, Herriek, Hewes, Jutras, Kelleher, Kelley, P. S.; Kilroy, Lebel, Lizotte, Lund, MacLeod, Maddox, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Mosher, Murray, Norris, Orestis, Pontbriand, Rollins, Shaw, Sheltra, Shute, Slane, Smith, D. M.; Tanguay, Theriault, Tyndale, Vincent, Wheeler, Whitson, Wood, M. E.

ABSENT — Berry, P. P.; Binnette, Bourgoin, Carrier, Collins, Cyr, Donaghy, Dudley, Emery, E. M.; Gauthier, Gill, Hanson, Has-

kell, Jalbert, Lessard, Lewin, Littlefield, Lucas, Morrell, Santoro, Silverman, Simpson, L. E.; Smith, E. H.; Starbird, Webber.

Yes, 54; No, 71; Absent, 25.

The SPEAKER: Fifty-four having voted in the affirmative, seventy-one in the negative, with twenty-five being absent, the motion does not prevail.

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

#### Divided Report Tabled and Assigned

Report "A" of the Committee on State Government on Resolution Proposing an Amendment to the Constitution to Provide for an Environmental Bill of Rights (H. P. 751) (L. D. 1020) reporting same in a new draft (H. P. 1300) (L. D. 1705) under same title and that it "Ought to pass".

Report was signed by the following members:

Mr. CURTIS of Orono  
Mrs. GOODWIN of Bath  
Messrs. HODGDON of Kittery  
FARRINGTON  
of Old Orchard Beach  
COONEY of Webster  
MARSTALLER  
of Freeport  
—of the House.

Report "B" of same Committee on same Resolution reporting a Bill (H. P. 1301) (L. D. 1706) under title of "An Act Providing for a Declaration of Policy Concerning the State's Environment" and that it "Ought to pass".

Report was signed by the following members:

Messrs. CLIFFORD  
of Androscoggin  
WYMAN of Washington  
JOHNSON of Somerset  
—of the Senate.  
Messrs. STARBIRD  
of Kingman Township  
STILLINGS of Berwick  
DONAGHY of Lubec  
—of the House.

Reports were read.

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

Mr. NORRIS: Mr. Speaker, I move that the House accept Report "B".

(On motion of Mr. Marsteller of Freeport, tabled pending the motion of Mr. Norris of Brewer to accept Report "B", and specially assigned for Wednesday, May 5.)

### Third Reader Tabled and Assigned

Bill "An Act relating to Fees and Compensation of the State Board of Administrators of Medical Care Facilities" (S. P. 238) (L. D. 754)

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

(On motion of Mrs. Payson of Falmouth, tabled pending passage to be engrossed and tomorrow assigned.)

### Passed to Be Engrossed

Bill "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1971" (S. P. 556) (L. D. 1694)

Bill "An Act relating to Permits for Carrying Concealed Weapons" (H. P. 495) (L. D. 636)

Bill "An Act Repealing the New England Welfare Compact" (H. P. 603) (L. D. 805)

Bill "An Act relating to Unorganized Territory Working Capital Fund" (H. P. 659) (L. D. 889)

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 Bills

Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (H. P. 289) (L. D. 389)

Bill "An Act relating to Non-lapsing Funds for Maine School Building Authority" (H. P. 1008) (L. D. 1387)

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 Board of Examiners for the Examination of Applicants for Admission to the Bar and Applicants for Such Examination" (S. P. 178) (L.D. 530)

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.

### Passed to Be Enacted Emergency Measure

An Act Creating the Rumford-Mexico Sewerage District (S. P. 488) (L. D. 1499)

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. 113 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 Regional Facility for Mentally Retarded Children in Aroostook County (H. P. 487) (L. D. 628)

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. 108 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 Tabled and Assigned

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

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

(On motion by Mr. Kelleher of Bangor, tabled pending passage to be enacted and specially assigned for Wednesday, May 5.)



### Emergency Measure Tabled and Assigned

An Act to Provide Funds for the Construction and Equipping of a Maine Information Center at Kittery (H. P. 1290) (L. D. 1689)

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, 94 voted in favor of same and 23 against.

Whereupon, Mr. Birt of East Millinocket requested a roll call vote.

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 in favor of a roll call 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.

Whereupon, on motion by Mr. Ross of Bath, tabled pending passage to be enacted and tomorrow assigned.

### Constitutional Amendment Failed of Final Passage

Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts (H. P. 1238) (L. D. 1524)

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

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

Mr. ROSS: Mr. Speaker, I now move this resolution receive final passage and request that it be by the yeas and nays.

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves this Resolution receive final passage. The yeas and nays have been requested, which requires a two-thirds affirmative vote.

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

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

I am extremely happy to see the gentleman from Bath, Mr. Ross, finally agree that we are going to get rid of this little gem this morning, or this evening, I should say at this point. I was worried that he was going to table it and I didn't see the sense of it because it isn't going anywhere. And I am extremely pleased also that he asked for the yeas and nays to demonstrate that it isn't going anywhere. We want to demonstrate to the gentleman from Bath that it is one of those little gems that he has had and played with for the last six or seven years that I have been around. And so, it gives me great pleasure to be in a position to vote against him today. And I would urge all the members of the House to vote against final passage.

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 this Resolution receive final passage. This being a Constitutional Amendment, a two-thirds vote of the House is necessary. All in favor of final passage will vote yes; those opposed will vote no.

### ROLL CALL

YEAS — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Churchill, Crosby Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Emery, D. F.; Evans, Finemore, Gagnon, Good, Hall, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewis, Lincoln, 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,

Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

**NAYS** — Albert, Bedard, Bernier, Berube, Boudreau, Bustin, Carey, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Dam, Dow, Doyle, Drigotas, Farrington, Faucher, Fecteau, Fraser, Genest, Goodwin, Hancock, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lebel, Lizotte, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Pontbriand, Rocheleau, Sheltra, Slane, Smith, D. M.; Tanguay, Theriault, Vincent, Webber, Wheeler.

**ABSENT** — Berry, P. P.; Binnette, Bourgoin, Carrier, Clark, Collins, Cyr, Donaghy, Dudley, Dyar, Emery, E. M.; Gauthier, Gill, Hanson, Hardy, Jalbert, Lawry, Lessard, Lewin, Littlefield, Lucas, Morrell, Santoro, Silverman, Simpson, L. E.; Smith, E. H.; Starbird, Whitson.

Yes, 68; No, 54; Absent, 28.

The **SPEAKER**: Sixty-eight having voted in the affirmative and fifty-four in the negative, with twenty-eight being absent, the Resolution fails of final passage.

Sent to the Senate.

#### Passed to Be Enacted

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

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.

#### Enactor

##### Tabled and Assigned

An Act relating to School Construction Aid (S. P. 152) (L. D. 421)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Wednesday, May 5.)

An Act relating to Costs of Investigation Where Permanent Injunction Is Issued under Unfair Trade Practices Law (S. P. 331) (L. D. 978)

An Act relating to Mental Examination of Persons Accused of Crime (S. P. 383) (L. D. 1169)

An Act to Increase Fees for Junkyards and Auto Graveyards (H. P. 616) (L. D. 827)

An Act relating to Fees of Municipal Police Officers as Witnesses (H. P. 709) (L. D. 955)

An Act relating to Weight Tolerance for Vehicles Loaded with Road Salt (H. P. 726) (L. D. 971)

An Act relating to Political Designations on Nomination Petitions (H. P. 806) (L. D. 1079)

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

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

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

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

**Mr. BRAGDON**: Mr. Speaker and Members of the House: I realize the hour is late, and I only want to say a few words on this bill, and rather than table it, I am going to say them now.

I look upon this bill as very poor legislation. It is proposed by the Liquor Commission, and establishes a store at Kittery where they can cut the prices of liquor to correspond with New Hampshire prices. As the bill originally came out it allowed them to cut from 65 or 67 — I am not sure which is the percent markup — down to 40 percent. They have stricken the 40 percent out of the amended bill, and it doesn't leave any price, any limit to where they can go to meet the competition of New Hampshire.

I look upon this as being a bad bill in very many ways. Obviously, this provides a tool whereby hotel owners state-wide can get a — I have got to get a pencil here and do some figuring, but if you are cutting from 67 or 65 to 40, somewhere around 25 percent, that they could take a truck and go down and load up at Kittery, and buy their liquor and take it up

and make a darn good profit on it over what they are doing.

I cannot understand how the Liquor Commission feels that this is going to be a money making measure for the State of Maine. They have always run their little shop with the idea of making money for the State of Maine. I do not believe that they are correct at this time.

I don't expect that many of the members of this House are going along with my thinking on this matter, and I simply raise it so that perhaps in future years I can have the satisfaction of saying "I told you so". I am assuming you are going to buy the wisdom of the Maine State Liquor Commission in this matter.

I point out another thing which I think — where you would make the possibility here of making a much greater profit from some guy in the State of Maine who wants to go down there and buy liquor with the idea of bootlegging. And you can say that, "Yes, he can go to New Hampshire now and get it." But I believe this makes a much better opportunity, it is going to open this up.

I point out the fact that when you open one store in the State of Maine along the border you are going to hear cries of discrimination. And I think they are going to be justified.

With these few remarks I think I will move the indefinite postponement of this bill and as I said before, I probably don't expect many of you to vote with me, but I believe it is very bad legislation, and if a few of you go along with me I will be very happy.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, now moves indefinite postponement of the Bill.

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

Mr. GAGNON: Mr. Speaker and Members of the House: As a member of the Liquor Committee I guess I had better say something. I do not feel that this is going to be discriminatory towards any other areas of the state. It is simply a matter of choice right now. Anyone in the state can go to New

Hampshire and buy their liquor if they want to drive that far.

And having worked in that area for the last 15 years I can tell you right now that a majority of the people in southern Maine do not buy their liquor in Maine, they buy it in New Hampshire. This also goes for a good many of our licensees; they go down there with cars and buy it in bulk in New Hampshire and sell it in Maine.

It is not going to change the amount of liquor consumed in this state. It is only going to put some of the profits into the state that are now going out of the state. This was the only idea in allowing this flexibility to the State Liquor Commission, and if it doesn't work out this matter is going to be dropped. This is just an experimental situation and it is felt that it very well might work to the state's benefit.

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

Mr. COTE: Mr. Speaker and Members of the House: I wasn't going to speak on this bill, but two weeks ago I was in New Hampshire. They are ready for us. The minute we cut our prices in Kittery they are going to cut theirs too. I was talking with a Senator Lamontagne, a good friend of mine from Berlin, New Hampshire. He told me, he says laughingly, he says, "We are all set to take care of Maine," he says, "We will go down again in Portsmouth."

So if we are going to do that, I am going to vote for this bill this morning, because I can still go across the line and get it much cheaper than I am getting it now.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I thought this little bill of mine, which incidentally is the first liquor bill I have put in, and this is my fifth session. I thought it would go through under the hammer, because we have been researching this now for two years.

It had unanimous report of the committee, and it was not opposed by our good friend Mr. Bubar, who generally opposes all liquor bills.

You all know that this road coming into Maine through Portsmouth, across the bridge, and soon across the new bridge, is a great access road into Maine. And we all know that we have a great leak in our tax bucket in that area.

And as a member of the Taxation Committee, and as an old competitive, athlete, this idea of building a great liquor store just three quarters of a mile from our border and underselling us by 40 per cent; our markup is 75, theirs is 35 per cent, I thought it would be a good idea to man our ramps a little bit and just have an experiment at Kittery, or in that neighborhood.

New Hampshire, all of us know who have been on the Taxation Committee, is one of the states—the only state in the Union that has not ever had a significant sales tax, or a significant income tax. And they have made the practice of living off their neighbors. And so I thought that we ought to just try this out. And as I say, it has been thoroughly researched with the Attorney General's department. The Commissioner has the right to establish prices, wholesale prices, retail prices, and I think it is worth trying. I hope you will not vote for the indefinite postponement of this little creature that has lived so long here now. Give it a chance.

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

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief. As this has gone through the House I have heard many comments made about discriminatory because it was only going to be one store in the southern part of the state. May I suggest to you, ladies and gentlemen, because of our geographical location we already enjoy that right now, discrimination, by getting in the car and taking a three minute ride we can buy all the booze we want.

I would also suggest in reference to what Mr. Bragdon said about the state losing money, I would suggest whether you are selling booze or onions there are two ways that you can arrive at a profit. One is small sales and large profit; and

the other is large sales and small profits. For any of you people who have not been by the new store in New Hampshire, they have waiting lines there. And I am sure that if we established a competitive store at Kittery that many people who are now not only going from the State of Maine into New Hampshire, but those coming through to visit the State of Maine would be very happy to leave some of their tax money in the State of Maine.

I would urge you to defeat the motion for indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentlemen from Perham, Mr. Bragdon, that An Act relating to Sale Price of Liquor, House Paper 856, L. D. 1181 be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

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

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)

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.

### Enactor

#### Tabled and Assigned

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

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Wednesday, May 5.)

An Act to Correct Inconsistencies in the Town Election Law (H. P. 1049) (L. D. 1439)

An Act Authorizing the Bureau of Public Improvements to Assist

Municipalities and School Administrative Districts in the Construction of School Buildings (H. P. 1115) (L. D. 1534)

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

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 JOINT ORDER recalling Bill "An Act Reclassifying Prestile Stream" (H. P. 77) (L. D. 117) from the legislative files to the House.

Tabled — April 29, by Mr. Martin of Eagle Lake.

Pending — Passage.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I certainly do not wish to debate this at any length this evening, but simply to indicate to you that this bill came out of the Natural Resources Committee unanimous with a Leave to Withdraw Report. And I personally do not see any need for us to revive this at this time.

I would hope that the members of the House would prevent this from being recalled, because there is absolutely no need for it, and I would ask you therefore to vote no.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Probably there is no need for having this recalled, but this would help rather than hinder the Vahlsing plant, because he has to start anyway to make some progress in cleaning this stream up. And all we ask for is under the amendment — I hope every one of you have read it, because I don't want to stand here and read it. All we are doing is asking to go along with the sections where you have to be ready by October 1, 1976.

It seems rather odd that all the streams in the State of Maine can be cleaned up by both parties, they are never partisan issues, only this one special stream. It seems to me there is a war here between the two parties on Prestile Stream. And if we allow him five years to clean this stream up, and make some progress, and some effort in showing us he will do the right thing, I don't think we are asking too much.

Also I might mention here that Easton is already making a survey and having work done on a new cleanup job, which they will start a new abatement plant for the city disposal. I hope you will go along with the recall of this item.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let me first say that I am aware that the gentleman from Bridgewater, Mr. Finemore, is caught in a tremendous bind. But I would like to remind the members of the House that under the existing laws of this state, all firms have to comply, including Vahlsing, Incorporated, with the 1976 deadline, which has been imposed by us by legislative action. And if you will check the law book, you will find that it applies to the Prestile Stream as well as to any other.

Let me bring to mind a little bit of history which might help some of you make up your mind on this particular item. Two weeks ago there was an article that appeared in the Boston Globe, written by a former aide to a present President, in which he said that this was a tremendous political issue which could be used to defeat one Edmund S. Muskie, because obviously this was the issue that tinted the "clean water" boy.

Two years ago we went through this very issue and we realized that this was not the case. There have been a number of reports to indicate from both the federal government and the state that this is not the case, that this was a bipartisan effort. Two weeks ago, following that newspaper account, the following Monday there was a conference between the present

Attorney General of this state, who happens to have been the Republican candidate for the Gubernatorial race last fall, who was overheard saying that this would make a pretty good issue, and for that reason, I have mixed feelings as to the reason for the order and for the bill, because there is — the reason why it of course appeared immediately following this article.

I am sorry that some people feel that this ought to be political because I don't think it ought to be either. And so to indicate that, I would ask therefore that you vote against recalling this particular legislative document from the files.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to inform Mr. Martin I am in no bind because it doesn't make too much difference to me. The only thing is, I made a mistake and I am willing to admit I made it and I would like to see the bill recalled. If it is not recalled I won't lose any sleep; I will enjoy it, and I will appreciate every vote I can get, but if it is defeated I won't feel bad.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I would like to recall to this legislature even more history. In the 102nd, when this stream was downgraded, you have heard this many times, there was a definite promise made that this would be upgraded at a later date. Now we sat through the 103rd when we tried to do it, the 104th we had a hearing on it and we were defeated then. I don't see why after ten years it isn't time to put this stream on the same type of schedule that we have demanded of every other major stream where there is an industry. I think we should recall this and I think we should have a hearing to bring this again to the people's attention.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: It is already on the statutes that we should have this stream in better condition before 1976. We are having a treatment plant established. The people in Easton, as Mr. Finemore has said, have already had a survey and study made in the year 1969. We are working with Mr. Vahlsing's corporation to have a treatment plant that will take care of the village as well as the processing plant, and by that time, 1976, we would have a satisfactory treatment plant.

It seems to me, where this bill was withdrawn in committee, that it is unnecessary to bring it into the House again. I urge you to vote no.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I simply comment that I hope you will go along with the gentleman from Bridgewater, Mr. Finemore, and recall this from the files.

The SPEAKER: The pending question is on the Joint Order. All in favor of this Bill being recalled by the passage of this Order will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 49 having voted in the negative, 67 not being two thirds, the Joint Order failed of passage.

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

HOUSE DIVIDED REPORT — Majority (12) "Ought to pass" with Committee Amendment "A" (H-196) — Minority (1) "Ought not to pass"— Committee on Health and Institutional Services on Bill "An Act to Improve the Efficiency and Fairness of the Local Welfare System" (H. P. 741) (L. D. 1003)

Tabled — April 29, by Mr. Santoro of Portland.

Pending — Motion of Mrs. Payson of Falmouth to accept the Majority Report.

Whereupon, on motion of Mr. Norris of Brewer, retabled pending

the motion of Mrs. Payson of Fal-mouth to accept the Majority Re-port and specially assigned for Wednesday, May 5.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to pass" with Committee Amendment "A" (H-206) — Minority (3) "Ought not to pass" — Committee on Election Laws on Bill "An Act relating to Alternative Methods of Nominating Candidates" (H. P. 934) (L. D. 1288)

Tabled — April 30, by Mrs. Brown of York.

Pending — Motion of Mr. Ross of Bath to accept the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion to accept the Majority "Ought to pass" Report. I would like to explain this bill to you. What this amounts to is buying your way onto the ballot. Now I think we are all aware that in America money is pretty important, but I wonder how far we should allow the dollar to penetrate into the public sector.

Already, of course, a politician can buy publicity, he can buy advice, he can hire workers, a private interest; he can hire counsel or agent to represent him. But it is my view that no one should have the right to buy any part of the democratic processes. And what this bill will allow is for a person to, for the price of \$50, have his name put on the ballot as a representative, \$150 as a state senator, \$500 for a candidate for Congress, and \$1,000 for a candidate to the Senate; and I think that is wrong.

I now move the indefinite postponement of both reports.

The SPEAKER: The gentleman from Webster, Mr. Cooney now moves the indefinite postponement of both Reports and Bill.

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

Mr. ROSS: Mr. Speaker, I move that this item lie on the table until Wednesday.

Whereupon, Mr. Emery of Rock-land requested a division on the tabling motion.

Mr. Mills of Eastport then requested a roll call.

The SPEAKER: The gentleman from Eastport, Mr. Mills, moves that the yeas and nays be taken on the tabling motion. 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 less than one fifth of the mem-bers present having expressed a desire for a roll call, a roll call was not ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that this matter be tabled and specially assigned for Wednesday, May 5 pending the motion of the gentleman from Webster, Mr. Cooney that both Reports and Bill be indefinitely postponed. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

63 having voted in the affirma-tive and 50 having voted in the negative, the motion did prevail.

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

Bill "An Act Providing Pro-fessional Immunity to Certain Per-sons in Emergency Cases" (H. P. 149) (L. D. 204) — In House, House Amendment "A" (H-199) adopted.

Tabled — April 30, by Mr. Emery of Auburn.

Pending — Passage to be engrossed.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, you will remember we debated this last week. Mr. McTeague questioned the law on it. Mr. McTeague and I are now in complete agreement. The thing that I would like to do would be to withdraw the amend-ment that I offered and I would urge you to vote for the amend-ment which Mr. McTeague will

offer as more desirable legal language.

Thereupon, on motion of the same gentleman, the House reconsidered its action of April 31 whereby House Amendment "A" was adopted.

On motion of Mr. Martin of Eagle Lake, House Amendment "A" was indefinitely postponed.

Mr. McTeague of Brunswick offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-215) was read by the Clerk.

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

Mr. HEWES: Mr. Speaker, I would like to state a few things about this House Amendment "B" just sets forth the law, it is almost non sequitur in that it says that a person who is in the exercise of due care who renders emergency aid shall not be liable to damages. Well, that is the law now. And as far as I see it this House Amendment "B" doesn't add anything to the law. It just takes up four lines on the books and I don't see where it is to our benefit to enact it and I would move to indefinitely postpone House Amendment "B".

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves the indefinite postponement of House Amendment "B".

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: This is the same language that implements Good Samaritan legislation so-called for physicians. It is the same language that implements it in our statutes now for osteopathic physicians. The nurses would like to have the same language on the statutes for the benefit of their profession.

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes that House Amendment "B" be indefinitely postponed. The Chair will order a vote. All in favor of the indefinite postponement of House Amendment "B" will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 84 having voted in the

negative, the motion did not prevail.

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

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

Bill "An Act relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities" (H. P. 1296) (L. D. 1697)

Tabled — April 30, by Mr. Lee of Albion.

Pending — Adoption of House Amendment "A" (H-209).

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

Mr. WOOD: Mr. Speaker and Members of the House: Before we take action on this amendment, I think I should explain a little bit what is taking place here. We had several bills before our committee that would change the amount of money paid to many towns in the state for winter maintenance, snow removal. We came up with a bill that we thought would do the most for the small towns.

You folks here remember that in the 104th Legislature we changed the law after deciding that the revaluation had hurt a lot of little towns, and they were paying more for a good many things, including snow removal, than they could afford. So we changed the law to go, I think, the figure was \$300,000 up to \$500,000 that they should go to before having to pay over \$70 for snow removal. And the state should reimburse them up to \$400. And up from \$500,000 to \$750,000, where they still paid the \$70, were reimbursed \$300.

Since the 104th Legislature these same towns have been revalued again, they have gone up; and after considering the fact that we don't believe that they were any better able to stand the extra burden of these costs just because they have been revalued to a higher figure, we changed it again.

We changed these that were in the \$500,000 category to \$750,000 that they could go to before they lost the \$400 reimbursement; and went from \$750,000 to \$1 million where they could pay the \$70 and



receive \$300 reimbursement from the State.

Now if we continue to go higher in any one of these categories we are going to start to discriminate against some of the other towns. You take a town that has gone beyond the \$750,000, they can go to \$999,000, and be just a little under the million, and one dollar over the million they only get \$100 reimbursement from the state, where one dollar, two dollars under they get \$300.

Now we think we have done pretty good by the small towns without too much discrimination against the others by giving these in this class the \$300, and from \$500,000 or up to \$750,000 valuation for \$400. There are a lot of towns in the state—and I called the selectmen in a lot of towns that I represent which are all small towns, and there are very few of these towns paying over \$400 for contract for snow removal. And they are now receiving \$400 from the state.

There is another thing in this amendment that changes the wording from "cost" to "mileage". At the present time these towns have to apply for reimbursement from the state and say what it has cost them for the snow removal. And if they are up to \$400, that is what they get from the state. But you change this now and take out the cost and pay them on the mileage, these towns will receive reimbursement for the miles that they have to plow, even though they let this for a smaller contract. We will be paying them for work that we don't know whether they have done or whether they haven't done. We will be paying them money for a claim that we don't know whether it has cost them that much money or not. I don't believe it is right. I believe it is discrimination against some of the other towns, because I think they are pretty well fixed right now, and I move that this amendment be indefinitely postponed.

The SPEAKER: The gentleman from Brooks, Mr. Wood, moves that House Amendment "A" be indefinitely postponed.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I would agree with the gentleman from Brooks, Mr. Wood, that this is a good bill, and my amendment was not put on intentionally to hurt the bill. He has explained this change from cost to mileage in his way of thinking. In my way of thinking the mileage would be a better word because unlike Mr. Wood, I believe that the people of these towns are honest. And I think it would save a lot of book work and making out duplicate costs.

As far as the change from \$400 to \$500 is concerned, this is an attempt to help the smaller towns that are having a hard time. But if this is something that is going to hurt the bill, we will leave it up to the people to decide.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: This came out of the committee unanimous the way we had it refigured. It did cost the State of Maine more money the way we refigured it, but this particular amendment, if we passed it, will cost between \$400,000 and \$500,000 per biennium; and it might cost more than that because in changing the cost to mileage, the towns would get reimbursed the \$400 per mile regardless of whether they spent one dollar or \$400. So I agree with Mr. Wood, this should be indefinitely postponed.

The SPEAKER: The Chair will order a vote. The pending question is indefinite postponement of House Amendment "A" to Bill "An Act relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities," House Paper 1296, L. D. 1697. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

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

On motion of Mr. Crosby of Kennebunk,

Adjourned until nine o'clock tomorrow morning.