

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, May 11, 1971

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

Prayer by the Rev. Mr. Robert Canfield of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act relating to Certain Emergency Powers Concerning Radiation Hazards" (S. P. 570) (L. D. 1716)

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

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

Reports of Committees Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Appropriating Moneys for Additional General Purpose Education Subsidies to Certain Units for the Fiscal Year 1970-1971" (S. P. 387) (L. D. 1142)

Report of the Committee on Health and Institutional Services reporting same on Bill "An Act to Amend the Eating Place Licensing Law" (S. P. 316) (L. D. 930)

Report of same Committee reporting same on Bill "An Act to Revise Certain Provisions for Registration of Professional Social Workers" (S. P. 343) (L. D. 1014)

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

Leave to Withdraw

Report of the Committee on Fisheries and Wildlife on Bill "An Act to Repeal Provisions for Municipal Ordinances Relating to Shellfish and Marine Worms" (S. P. 423) (L. D. 1526) reporting Leave to Withdraw.

Report of the Committee on Health and Institutional Services reporting same on Bill "An Act relating to Nonprofit Hospital and Medical Service" (S. P. 19) (L. D. 47)

Report of the Committee on Labor reporting same on Bill "An Act Increasing Benefits for Particular Injuries and Permanent Impairment under the Workmen's Compensation Law" (S. P. 154) (L. D. 423)

Report of the Committee on State Government reporting same on Bill "An Act relating to Disposition of Taxes Collected in Indian Township, Washington County" (S. P. 26) (L. D. 59)

Came from the Senate read and accepted.

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

Covered by Other Legislation

Report of the Committee on Legal Affairs on Bill "An Act relating to Temporary Registrations for Snowmobiles" (S. P. 235) (L. D. 697) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Public Utilities on Bill "An Act relating to Motor Carriers for Hire Transporting Certain Perishable Agriculture Commodities Grown in Maine" (S. P. 454) (L. D. 1312) reporting same in a new draft (S. P. 571) (L. D. 1715) under title of "An Act relating to Emergency Authority of Public Utilities Commission Relative to Motor Vehicles for Hire" and that it "Ought to pass"

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salaries of Official Court Reporters" (S. P. 171) (L. D. 523) reporting "Ought to pass" as amended by Committee Amendment "A" (S-147) submitted therewith.

Report of the Committee on Labor on Bill "An Act relating to Payments for Sustenance during Rehabilitation under Workmen's Compensation Law" (S. P. 319) (L. D. 933) reporting "Ought to pass" as amended by Committee Amendment "A" (S-146) submitted therewith.

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

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

Divided Report

Majority Report of the Committee on County Government reporting "Ought not to pass" on Bill "An Act Authorizing Counties to Establish and Operate Parks, Playgrounds and Open Areas" (S. P. 380) (L. D. 1135)

Report was signed by the following members:

Messrs. PEABODY of Aroostook
DANTON of York
MARTIN of Piscataquis
— of the Senate.

Messrs. WIGHT of Presque Isle
DYAR of Strong
HAWKENS of Farmington
IMMONEN of West Paris
CHURCHILL of Orland
MILLS of Eastport
BERNIER of Westbrook
KELLEHER of Bangor
KELLEY of Southport
— of the House.

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

Report was signed by the following member:

Mr. PONTBRIAND of Auburn
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

On motion of Mr. Wight of Presque Isle, the Majority "Ought not to pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises and the Preservation of Certain Business Enterprises" (S. P. 495) (L. D. 1383)

Report was signed by the following members:

Messrs. WYMAN of Washington
JOHNSON of Somerset
— of the Senate.
Messrs. DONAGHY of Lubec
HODGDON of Kittery
MARSTALLER

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

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

Report was signed by the following members:

Mr. CLIFFORD
— of Androscoggin
— of the Senate.

Messrs. COONEY of Webster
FARRINGTON
— of Old Orchard Beach

Mrs. GOODWIN of Bath
Mr. STARBIRD
— of Kingman Township
— of the House.

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

In the House: Reports were read.

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

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

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

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

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

House: I have been watching the progress of this particular bill with interest. I noted that the committee had reported it to some degree unanimously "ought not to pass," and it came from the other body with the Minority Report accepted.

I note that Senate Amendment "B" which has been adopted, which is on your desks as filing number S-154, would apparently take care of the objections that many members of the committee had. Now I think that perhaps what we ought to do is take a look at that amendment, and what it does it would be to remove from the constitutional requests that would be going to the people this fall, the word "preservation", which apparently was one of the real problems that many of the committee members had.

And so I would ask probably one of two things. One, that we vote against the motion of the gentleman from Lubec, or that we table it this morning to see whether or not that particular language is acceptable.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Majority "Ought not to pass" Report in non-concurrence. The Chair will order a vote. All in favor of accepting the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 48 having voted in the negative, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Revising the Harbor Master Law" (H. P. 1058) (L. D. 1449) which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 6.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Kelley of Southport, the House voted to insist and ask for a Committee of Conference.

Orders

On motion of Mr. Churchill of Orland, it was

ORDERED, that Rev. Paul Bowen of Orland be invited to officiate as Chaplain of the House on Monday, May 24, 1971.

On motion of Mr. Bartlett of South Berwick, it was

ORDERED, that Rev. Norman Rust of Eliot be invited to officiate as Chaplain of the House on Thursday, June 10, 1971.

House Reports of Committees Ought Not to Pass

Mr. Carey from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Grants for Community Mental Services" (H. P. 108) (L. D. 152)

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

Ought to Pass Printed Bills

Mr. Birt from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve Providing Funds for Improvement of West Quoddy Head State Park Access Road" (H. P. 410) (L. D. 537)

Mr. Gill from same Committee reported same on Bill "An Act relating to Annual Fee for Town Forest Fire Wardens" (H. P. 178) (L. D. 236)

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

Ought to Pass with Committee Amendment

Mr. Barnes from the Committee on Transportation on Bill "An Act relating to Permits by Sheriffs to Tow Unregistered Motor Vehicles" (H. P. 830) (L. D. 1121) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-244) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on County Government reporting "Ought not to pass" on Bill "An Act relating to Rates for Room and Board of Prisoners" (H. P. 1142) (L. D. 1583)

Report was signed by the following members:

Messrs. PEABODY of Aroostook
MARTIN of Piscataquis
DANTON of York

— of the Senate.

Messrs. KELLEHER of Bangor
HAWKENS of Farmington
CHURCHILL of Orland
MILLS of Eastport
BERNIER of Westbrook
IMMONEN of West Paris
DYAR of Strong
WIGHT of Presque Isle
KELLEY of Southport

— of the House.

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

Report was signed by the following member:

Mr. PONTBRIAND of Auburn
— of the House.

Reports were read.

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Tenants Serving on Local Housing Authorities" (H. P. 424) (L. D. 558)

Report was signed by the following members:

Messrs. KELLAM of Cumberland
QUINN of Penobscot
CLIFFORD

of Androscoggin

— of the Senate.

Messrs. COTE of Lewiston
CURTIS of Bowdoinham
SILVERMAN of Calais
CROSBY of Kennebunk
BRAWN of Oakland
FECTEAU of Biddeford
EMERY of Rockland
NORRIS of Brewer

— of the House.

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

Report was signed by the following member:

Mr. SMITH of Dover-Foxcroft
— 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 the Majority "Ought not to pass" Report.

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

The Chair recognizes the gentleman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: As sponsor of L. D. 558 I would like to make a few comments in opposition to the motion of Mr. Norris.

The basic objection of most of the committee members to this L. D. as originally drafted appeared to be that the governing boards of the public housing authorities would be controlled by a majority of tenants serving on the board. I can understand and tolerate this objection and, therefore, have prepared and distributed House Amendment "A" under filing number H-240, which would keep the membership of these boards at five instead of increasing the membership to seven. Of these five members one would be required to be a tenant or a person eligible to become a tenant of the public housing project in question.

Another objection seemed to be that residents of public housing projects should not have any say in policy making decisions affecting their living conditions. I cannot reconcile this type of thinking with the principles upon which our country was founded. We have developed a remarkably successful nation because a group of courageous people were intent on self-government in the 1600's and 1700's.

Today, it appears, that some people who have become successful would deny certain rights and privileges to other citizens in spite of the fact that our founding fathers declared that all men were

created equal. Are we now so class conscious that we are saying "some men are more equal than others," depending upon where they live and their income level?

Only a small percentage of residents of public housing projects are welfare recipients; most are either under-employed, senior citizens, or those whose incomes are not quite high enough to support their families in private housing.

I have watched with great interest the progress or demise of other bills dealing with tenants and landlords in this Legislature. I was particularly appalled by the vote switching which took place relative to L. D. 675, An Act to Amend the Laws Relating to Forcible Entry and Detainer. I ask of this body, what is so threatening to allow tenants, whether they live in private or public housing, to have a voice or a vote regarding their own future and the future of this state?

I firmly believe that a vote for L. D. 558 is a vote for democracy and for the principles on which our great country was established. Therefore I urge you to vote against the motion of Mr. Norris and that you support the Minority "Ought to pass" Report.

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

Mr. SMITH: Mr. Speaker and Members of the House: As most of the members of the House have already realized, I was the signer of the Minority Report. It seemed to me only reasonable that on the boards of these housing authorities not to have at least a very limited number of people who are tenants, to give an input into these decision making processes that take place at the local level.

I inquired around a little bit about this particular item and I found that already in some instances in the state there are members of housing authorities who are tenants. I understand that Lewiston has a five-member board, it has one on it now, and there is a movement afoot to put another one on it. The relationship between the tenants and the other members of the board has been excellent.

So I think it would be a good idea if we accepted the Minority Report rather than the Majority Report, and I urge you to vote against the Majority Report.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe there is anyone on the committee who was against having tenants on that board. Why I voted "ought not to pass," it can be done by municipal officers at the local level if they so wish. What we are doing here is shifting the powers of municipal officers of any city or town who may appoint as they so wish. We are not against any tenants being on the board, but I think it should be done at the local level and not on the state level.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I concur with Mr. Cote. This is certainly a question coming back to the old fact of home rule and of course any low income person can be appointed to this board now.

I would say that at the committee hearing the only member representing the low income group that appeared, appeared in opposition to the bill. So there is no problem that I know of in Bangor. This is a home rule question and there is no reason but why at the time there becomes a vacancy on the board that the City Council can't appoint a member of the low income group to this Authority.

I do believe that this is another effort, probably in all good intentions, to chip away at the home rule concept that we now are trying to live under. So I would hope that you would accept the Majority Report of the committee "ought not to pass."

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

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: I must admit that I did not stage the committee hearing as well as those who are opposed to this bill. It is a recommenda-

tion of the Federal Housing and Urban Development Department that low income tenants serve on these boards. I do not think that this is a question of home rule because there is no specific inclusion or exclusion of low income tenants on these boards under state or municipal regulations. In some municipalities low income residents are effectively prohibited from serving on these boards.

One can argue with HUD regulations because I must admit they do change from day to day. But it is somewhat difficult to argue with federal statutes, and under the Housing Act of 1937 there has been an amendment to the federal law which states, "It is the sense of the Congress that no person should be barred from serving on the board of directors or similar governing body of a local public housing agency because of his tenancy in a low rent housing project."

Therefore I continue to speak against the motion of Mr. Norris.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Brewer, Mr. Norris that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Tenants Serving on Local Housing Authorities," House Paper 424, L. D. 558. If you are in favor of this motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

100 voted in the affirmative and 31 voted in the negative.

Whereupon, Mrs. Doyle of Bangor 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 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 Brewer, Mr. Norris, that the House accept the Majority "Ought not to pass" Re-

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

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Call, Carey, Carrier, Carter, Churchill, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Donaghy, Drigotas, Dudley, Dyar, Emery, D.F.; Evans, Farrington, Fecteau, Finemore, Gagnon, Gauthier, Good, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lund, Lynch, MacLeod, Maddox, M a h a n y, Manchester, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, O'Brien, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Santoro, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Tanguay, Trask, Tyndale, Wheeler, White, Wight, Williams, Wood, M. E.; Woodbury.

NAY — Berry, P. P.; Bourgoin, Brown, Bustin, Clemente, Conley, Cooney, Curran, Curtis, T. S. Jr.; Dow, Doyle, Emery, E. M.; Faucher, Gill, Goodwin, Hancock, Kelleher, Kelley, P. S.; Lawry, Lesard, Lucas, Marsh, Martin, McCloskey, McTeague, Mills, Murray, Orestis, Slane, Smith, D. M.; Smith, E. H.; Theriault, Vincent, Webber, Whitson, Wood, M. W.

ABSENT — Cote, Cottrell, Cyr, Dam, Fraser, Genest, Hall, Hanson, Jalbert, McKinnon, Pontbriand, Rocheleau, Starbird.

Yes, 101; No, 36; Absent, 13.

The SPEAKER: One hundred one having voted in the affirmative and thirty-six in the negative, with thirteen being absent, the motion does prevail.

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

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

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House reconsider its ac-

tion whereby it accepted the Majority "Ought not to pass" Report. All in favor of reconsideration will say aye; those opposed, no.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Repealing the Prohibition Against Public Dancing on Sunday" (H. P. 855) (L. D. 1180)

Report was signed by the following members:

Messrs. KELLAM of Cumberland
CLIFFORD

of Androscoggin
—of the Senate.

Messrs. SMITH

of Dover-Foxcroft
COTE of Lewiston
FECTEAU of Biddeford
NORRIS of Brewer
EMERY of Rockland

—of the House.

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

Report was signed by the following members:

Mr. QUINN of Penobscot
—of the Senate.

Messrs. CURTIS of Bowdoinham
SILVERMAN of Calais
CROSBY of Kennebunk
BRAWN of Oakland

—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 the Majority "Ought to pass" Report of the committee.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. CURTIS: Mr. Speaker and Members of the House: As a signer of the Minority Report I feel that I should say a few words on this. At the hearing there were no proponents other than the gentle-

man who presented the bill; as a matter of fact, the sponsor of the bill wasn't even there. So I don't believe there is a great move afoot to promote this legislation; I don't believe there are too many too interested in it.

There were two opponents, and I feel that they had some good arguments. I have had the pleasure — if I could call it a pleasure, of working on a dance committee for two winters at public dances and I know some of the conditions that go on at a Saturday night dance, and I would hate to see these conditions carried over to Sunday evening.

At the time, this was four or five years ago that I served on this committee and this was in a dry town, and if you had ever attended those dances you would know that there certainly wasn't a dry area around that dance hall. So I believe that with conditions like this around the public dance hall on a Saturday evening, and I have talked with law enforcement officers and there are some problems with these Saturday night dances, with drinking and driving, and I feel that we shouldn't carry these over to Sunday evening.

So I hope you will not go along with the Majority Report.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would first point out that I am speaking as an individual legislator, certainly not as leader of any group. This particular bill happens to be a little gem of mine, that I decided I had enough bills and I didn't want to have anything to do with it. So I gave it to the gentleman from Bangor, Mr. McCloskey. On the occasion of the hearing he gave it to the gentleman from Bangor, Mr. Murray.

Let me try to put it in such a way that maybe you will be sympathetic towards the approach. I don't come from a dry community, and as you well know the St. John River Valley is well noted for its hospitality on any day of the week including Sunday.

One of the things that has always bothered me and many people is that there is dancing going on and yet for some reason it is illegal. This bill actually arose from a number of high school students who attempted to have a dance advertised and found that they could not because they were getting themselves in trouble.

Now obviously I am not interested in having any repercussions from House people that are opposed to the Saturday night dance versus those that are opposed to having it on Sunday as well. But my impression always has been that there was nothing wrong with dancing. First of all, that dancing was not a sin, that it didn't create any real problems, and that I didn't see anything wrong with it.

And then I took a look at the law itself on the books and you will find the exemptions to the Sunday law. It says that you could operate a taxicab on Sunday, you could operate a drugstore, a greenhouse, a seafood or Christmas tree outlet; you could sell boats on Sunday; you could operate a store with sporting equipment; you could have a store with souvenirs, novelties; you could have motion pictures; you could have religious and educational scientific lectures; you could have historical tours and amusement facilities; and even real estate brokers and salesmen could operate on Sunday. And yet the kids could not dance on Sundays. To me it seemed kind of ridiculous.

And so I perhaps at this point ought never to take responsibility for anything, but rather than let someone else sink with it I thought I ought to. I would hope that you would vote with the majority of the committee in supporting that position.

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

Mr. NORRIS: Mr. Speaker and Members of the House: To sum up the Majority Report of the committee, I think that the opponents to this legislation considered dancing some sin, and I don't and I don't think the members that signed it — and as far as Mr. Curtis of Bowdonham goes I would suggest that they vote wet and

keep the drinkers in the cocktail lounges and bars where they belong and not in the public dance halls.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I don't see anything wrong with this dancing on Sunday. We play golf, football and everything else, boating, yachting and everything else that goes along the line for Sunday entertainment. If there are people who want to dance on a Sunday I see nothing wrong with it. The other states in New England passed this thing through twenty-five or thirty years ago.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I didn't realize there were so many for this bill and I didn't realize that so many weren't too proud to have their names hitched to it. I am glad to find this out.

I would like to inform the gentleman from Brewer, Mr. Norris that the town that I referred to is not a dry town now, and so we don't have this problem. I enjoy dancing myself, I am not against dancing; it is a good recreation and I enjoy it very much. But I do feel that it is going a little bit too far to carry it over to Sunday evening.

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

Mr. MORRELL: Mr. Speaker and Members of the House: As one who doesn't particularly like to dance, I want you to know that I will support John "Fred Astaire" Martin this morning.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I am perfect, and I don't want any of you to think so. But I do attend church every Sunday and I think when we stoop so low that we do not have time to go to church something is wrong with us. And when we go away from the Bible, it says "Six days thou shalt labor and the

seventh thou shall rest"; and I think that this is what we should do, and I would ask for a roll call on this.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let me assure the gentleman from Oakland, Mr. Brawn, that I attend church every Sunday. I do not believe that the Lord ought to be ignored, but for that reason I ought to perhaps ask a question of those people that are opposed to the bill, as to whether or not they have ever participated in dancing on Sunday, which of course they ought to remember up to now has been illegal.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I have danced on Sundays and furthermore I have won many medals waltzing, and I have probably have won, my wife and I, as many medals waltzing as any couple in this hall. So it is not the idea that I don't know how to dance, but I think Sunday is a day of rest.

Mr. Curtis of Bowdoinham was granted permission to speak a third time.

Mr. CURTIS: Mr. Speaker, Members of the House: One thing I would like to remind the gentleman in his remark about is that private clubs, as I understand it, are allowed dancing on Sunday. And this is public dancing where there is paid admission.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: I didn't realize that I was sitting next to such a talented person as Mr. Brawn from Oakland. I would remind the House that not everyone recognizes Sunday as the Sabbath, so that in effect a lot of people don't have Sunday as a day of rest and I don't see any reason that we should infringe upon their rights or anyone's rights to participate in dances. Dances are usually held in the evening and I don't know of too many church

services that are held in the evening.

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

Mr. TANGUAY: Mr. Speaker and Ladies and Gentlemen of the House: Just to correct the record, Mr. Curtis of Bowdoinham noted that private clubs can dance on Sunday. They can dance on Sunday provided liquor inspectors don't nab them; in other words, you are on your own. It is against the law to dance on Sunday.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House accept the Majority "Ought to pass" Report on Bill "An Act Repealing the Prohibition Against Public Dancing on Sunday," House Paper 855, L. D. 1180. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Ault, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bourgoin, Bustin, Call, Carey, Carter, Churchill, Clemente, Collins, Conley, Cooney, Cote, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gagnon, Gill, Goodwin, Hancock, Hardy, Henley, Herrick, Hodgdon, Jutras, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Label, Lee, Lessard, Lizotte, Lucas, Lund, Lynch, Manchester, Martin, McCloskey, McCormick, McTeague, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Parks, Pontbriand, Pratt, Rand, Ross, Santoro, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Vincent, Webber, Wheeler, White, Whitson, Woodbury.

NAYS — Albert, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bragdon, Brawn, Brown, Bunker, Carrier, Clark, Cottrell, Crosby, Curtis, A. P.; Donaghy, Drigotas, F i n e m o r e, Gauthier, Hawkens, Hayes, Hewes, Immonen, Kelley, K. F.; Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Mahany, Marsh, Marstaller, McNally, Millett, Mosher, Page, Payson, Porter, Rollins, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Starbird, Trask, Tyndale, Wight, Williams, Wood, M. W.; Wood, M. E.

ABSENT — Dam, Evans, Genest, Good, Hall, Hanson, Haskell, Jalbert, Lawry, McKinnon, Rochelleau, Sheltra.

Yes, 85; No, 53; Absent, 12.

The **SPEAKER**: Eighty-five having voted in the affirmative, fifty-three in the negative, with twelve being absent, the motion does prevail.

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

Divided Report

Majority Report of the Committee on State Government on Bill "An Act Establishing a Human Rights Commission" (H. P. 507) (L. D. 659) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. **JOHNSON** of Somerset
CLIFFORD
of Androscoggin
— of the Senate.
Messrs. **COONEY** of Webster
MARSTALLER
of Freeport
STARBIRD
of Kingman Township
Mrs. **GOODWIN** of Bath
Messrs. **FARRINGTON**
of Old Orchard Beach
HODGDON of Kittery
CURTIS of Orono
STILLINGS of Berwick
— of the House.

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

Report was signed by the following members:

Mr. **WYMAN** of Washington
— of the Senate
Mr. **DONAGHY** of Lubec
— of the House.

Reports were read.

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

Mr. **DONAGHY**: Mr. Speaker, I would move that the Minority "Ought not to pass" Report be accepted and would speak briefly to my motion.

The **SPEAKER**: The gentleman from Lubec, Mr. Donaghy, moves that the House accept the Minority "Ought not to pass" Report; and the gentleman may proceed.

Mr. **DONAGHY**: Mr. Speaker and Ladies and Gentlemen of the House: I do feel and know that I am a vast majority as far as the signers of this report is concerned. I don't feel that I am against human rights in that I am against this bill. I think that the best way of explaining this to you very briefly is what happened at the hearing. As the best that I can recall there were only three people that spoke in favor of this bill who were directly involved; in other words, members of minority groups.

One was the head of the NAACP in Portland and he told us of how he had used the federal law and had twice, as I understand it, taken the landlords into court because he was of lighter color than his wife and children and they would rent a house to him and then wouldn't let his wife and children in. Now I think that this is wrong, but so does the court, and the landlord was fined for this.

The second one was another gentleman of a minority group who told us how when he got out of his car here in the parking lot someone had called him not only black but questioned who his father was. This isn't right; but it is a matter of education. It is nothing that you can legislate.

And the third was a lady from Old Town who felt that she should have the same benefits off the Reservation as she could get on them.

Now this bill is going to be costly and, in my opinion, unnecessary, because we already have federal

laws on the books, and until we find some real need, other than those propounded by the sponsor of the bill and a few do-gooders who spoke with him and not the people who are actually involved in this thing, I just don't think we need the bill. And this is the reason I signed the "Ought not to pass" Report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: During the last regular session, in the waning hours I opposed the Human Rights Bill and I spoke against it in the hall of this House, not on the principle but only because of the way the bill was drawn. Not only was I chastised editorially, but also by my church, which had passed resolutions in general convention favoring human rights legislation. Today I am happy to support this bill because the objections have been amended out. It properly sets up a commission, it treats employment with fairness, there is an excellent selection on fair housing, it gives rights for public accommodation, it provides sensible civil action procedure. And to accomplish all this it is not all that expensive; it costs \$30,000 per year.

So I am delighted, not only as an individual but as a member of the Republican Party, to wholeheartedly support this concept and this specific piece of legislation. And when the vote is taken I request it be taken by the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This bill, as you have been told, only costs \$30,000. Now I have been here a long time and I have seen these commissions, and they all don't cost much the first year. This is just the beginning. Nobody knows how much it is going to cost the next year, but the third or fourth year it gets way out of hand.

I don't anticipate this year that we are going to build any new buildings for more commissions, and I think we have got too many commissions now.

I don't see any problem in this field; it is well taken care of by the federal government. I don't see where we should stick our fingers in something that is not giving us any problem and make a problem for the State of Maine. And we do make a problem if we vote for this bill because we are bringing in another commission and eventually building housing for them and all these kind of things. But I only want to remind you before I sit down that every one of these commissions that are before us started small, some even smaller than this, that now are taking a lot of the taxpayers money, and there is absolutely no need for this type of commission.

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

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: I am opposed to this bill for many reasons. The main reason is that you cannot legislate morals or feelings of prejudice. Love of fellow man comes from the heart, not from laws.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I signed the Majority "Ought to pass" Report on this, and I would like to report that those at the hearing were overwhelmingly in favor of the bill. As I recall, the only two opponents were a landlord who felt this might interfere with his renting of property and one person who felt this kind of legislation was a communist plot.

I think that as I look around the room this morning, I see we have an awful lot in common. Most of us are white, most of us are well fed, most of us have no trouble finding decent housing. But there is a small minority of people who live in this state who are, because of ethnic or religious or racial backgrounds, are not so fortunate as we. And I think that we here must protect that minority in some way, and I think the Human Rights Commission is the way to go.

I hope you will defeat first of all the motion to accept the minority report and then accept the majority report.

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

Mr. McCLOSKEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to relate an experience to you that a friend of mine had in the State of Maine back a couple of summers ago. He was a black individual from New York who had come to Maine during the summertime to live on the coast and play the piano in one of the finer restaurants that we have in the State of Maine.

This individual perhaps is one of the most talented concert pianists in the United States at this time. He studied under Madame Levine in New York at the Julliard School of Music, which has nurtured and taught very many fine pianists like Van Cliburn. He came to the State of Maine during the summer and tried to find a house or an apartment during the summer on the coast of Maine. He was not able to find this apartment, and the reason being was that he was black; and this was documented by me, I observed this myself.

So I think that we do experience racial prejudice in the State of Maine. Certainly it is not the magnitude that you find in other areas of the country, but it is here.

Secondly, I would like to speak to the remarks that one cannot legislate morals or how we act towards our fellow man. Perhaps this was the attitude when the Supreme Court case, *Byron versus the Board of Education*, was decided back in 1954 concerning racial integration in the school systems. I think that movement has been very successful, and it has been brought about by legislation. The black people in this country have gained the rights and privileges that they have gained because of legislation enacted by the federal government and by state governments outlawing such practices.

So I would hope that you would vote against the Minority "Ought not to pass" Report and accept

the Majority "Ought to pass" Report.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: To set the record straight let's remember this. If you cannot find a place on the coast to live in the summertime it is not due because of your race, religion or anything else, it is because you have not made the reservations in due course of time.

I am sick and tired of hearing these racial arguments on discrimination because some people cannot find a rental on the coast. I defy any state employee in the State of Maine to get a summer residence right now if they haven't made the reservation two or three months ago.

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

Mr. CALL: Mr. Speaker and Members of the House: If this legislation is passed, everybody will be at his neighbor's throat. Even if remotely the concept for a law of this kind could be called good, I can assure you that actual practice of the proposed program would cause much more harm than benefit. A more suitable name for this proposed legislation would be "Human Wrongs."

If this legislation should materialize, have the members of this House given any thought to what the makeup of the personnel on the commission would be? Would they be persons that free of past irregularities that they would be eligible to cast that first stone? I don't think so—not with human nature being what it is. I fear that the commission would be run like a kangaroo court, with the accused being subjected to unfair treatment.

Let me conclude what I have to say for now with an appropriate poem. This poem is directed to the sponsor and those of his associates who feel so strongly in favor of this bill. And let me state briefly what we all know but would bear repeating, and that is than when somebody writes a poem, he really

is expressing the thoughts that have gone into many many many of our minds. But he, the poet, is the one who did something about it.

This poem, which I know you will agree with me is very beautiful and has sound common sense to it, was written by Sam Walter Foss, and it is entitled, "The House by the Side of the Road."

"There are Hermit souls that live withdrawn

In the peace of their self-content;
There are souls, like stars, that dwell apart

In a fellowless firmament;
There are pioneer souls that blaze their paths

Where highways never ran;
But let me live by the side of the road

And be a friend to man.
Let me live in a house by the side of the road,

Where the race of men go by —
The men who are good and the men who are bad,
As good and as bad as I.

I would not sit in the scorner's seat,

Or hurl the cynic's ban;
Let me live in a house by the side of the road

And be a friend to man.
I see from my house by the side of the road,

By the side of the highway of life,
The men who press with the ardor of hope,

The men who are faint with the strife.

But I turn not away from their smiles nor their tears —

Both parts of an infinite plan;
Let me live in my house by the side of the road

And be a friend to man
I know there are brook-gladdened meadows ahead,

And mountains of wearisome height,

That the road passes on through the long afternoon

And stretches away to the night.
But still I rejoice when the travelers rejoice

And weep with the strangers that moan,

Nor live in my house by the side of the road

Like a man who dwells alone.

Let me live in my house by the side of the road

Where the race of men go by —
They are good, they are bad, they are weak, they are strong,

Wise, foolish — so am I.
Then why should I sit in the scorner's seat

Or hurl the cynic's ban? —
Let me live in my house by the side of the road

And be a friend to man."

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

Mr. MORRELL: Mr. Speaker and Members of the House: I hope we will defeat the Minority Report and then vote for the Majority Report and for the bill. I think this country is a long way from solving its problems in the area of civil and human rights, and in my opinion legislation is needed in such areas to require us to do certain things which, of course, we ought to do without it but don't. And so I hope that you will not support the Minority Report, but ultimately pass this bill along.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just to go on the record, I was in favor of the Human Rights Bill in the last session, in the special session, and I am in favor of it today. I was glad to see my friend, Representative Call from Lewiston, perhaps unwittingly so, become a proponent of this bill in the last part of his debate with the fine poetry that he gave us.

Now I would address myself to the cash proposition brought up by Mr. Dudley and say that perhaps if we had a Human Rights Commission we could do away with a lot of these special investigations and special committees that have cost a lot of money, and handle it under one commission. And it might be much less expensive to us all.

So I would hope that you would vote against the Minority "Ought not to pass" Report and accept the Majority "Ought to pass" Report.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: This bill has led to poetry. I thank the gentleman from Lewiston. It has also led—at the hearing we did have some opponents. We had the gentleman from Lewiston who expressed his views in a very calm and dispassionate way. We had another gentleman at the hearing that was little bit confused about the political party that I belong to, and probably by implication, Jack Norris and Rodney Ross and Dick Morrell. He felt that the impetus behind this bill was some type of communist movement.

Jack Norris has just mentioned going on the record, and I would like to go on the record, although I hope with my friends it is hardly necessary, that I am not a member and don't want to be a member of the communist movement and never have been. Like the Democratic system under the Republic which we live, they are very happy to see on this bill this year, that the support is bipartisan, and saddened to see that the opposition apparently is also bipartisan.

I thank very deeply the gentleman from Bath, Mr. Ross, who I know is a sponsor of some of the original civil rights statutes in our state back in the early sixties.

I would like to go over a few of the items in the bill. I know we have many things on the calendar, so I won't try to touch on them all. First of all, if my ears serve me right, I was rather intrigued by the statement by Mr. Donaghy, the gentleman from Lubec, ought somehow be in a majority on some of these. As I read the report, he is a member of a two-man minority, the only House member of the committee to feel that this bill ought not to pass. Perhaps Mr. Donaghy divines things that don't appear on the record, and I am certain that he can explain this to us. But I have always felt that when I was on the two side of a 10 to 2, that I had lost the ball game, that I was in the minority.

I would like to mention one thing that Mr. Donaghy brought out about

the landlord-tenant situation. I know this is a very sensitive matter in the legislature because we are dealing with the rights of the landlords as well as the rights of the tenants, and both of them deserve respect and consideration. You recall that Mr. Donaghy mentioned the testimony of the gentleman from Portland regarding a court case on discrimination in the realm of the housing field. I want to make this point clear and ask that you consider it carefully.

That case that Mr. Donaghy talked about was a case that arose under our existing Maine law. Existing Maine law makes discrimination on a racial or religious or ethnic origin violation, in regard to rental housing, a crime for which an individual may be convicted, fined, and receive a criminal record. We want to change that and we want to change it for a primary reason, that making something a crime, fining a landlord and calling him a criminal, doesn't get a man that has been discriminated against a place for he and his family to live. In other words, it punishes rather than helps. We tried that for a while and it hasn't worked very well.

This case that came up in Portland that was discussed at the hearing, the man went to the district court, after much delay the landlord was convicted by the district judge. The landlord apparently incurred the stigma of being characterized as a criminal. He appealed the case to the superior court. There was a trial there, made all over again before a jury. There was a hung jury — that means no results. The trial was held again. The second jury convicted him and the judge imposed a fine.

So in that case, under our existing housing law, we had three trials, if you will, two convictions, one landlord characterized as a criminal, and the fellow who had been discriminated against probably eight or ten months or a year before still didn't have a place to live. It doesn't make very much sense. It makes a lot more sense to say we do something like this when you have a situation involving alleged housing discrimination.

Number one, you have the person who claims to be discriminated against tell his story to someone impartial to see if it holds water. There is no presumption of guilt here; indeed, there is a presumption of innocence as there is throughout our law.

What about the members of this commission? Will these be people with two or three heads or will they be ordinary people? If you look at the bill, you will see two things about them. Number one, they are appointed by the Governor with the consent of the Council. I am not aware that any two-headed people go through that appointment and confirmation process. Number two, we also have a provision in there that no more than three of the five members may be of any one political party. We want to balance the thing. We recognize that the support for the bill has been bipartisan; we want the commission to be bipartisan.

Prejudice is not a Republican or a Democratic problem; it is an American problem.

After the gentleman who claims to have been discriminated against tells his story to the representative of the commission, if the story appears to hold water and not if it doesn't, the landlord is invited in to tell his side of the story. If he does, he might say, "Sure he was black, but I checked up with his prior landlords and he didn't pay his rent. I don't care if he is black or green or blue, I don't want a tenant who won't pay the rent." Fine, he can keep them out.

The same thing about a tenant that destroys the landlord's property. This doesn't create a privileged class. All this asks for is color blind, equal treatment of all our citizens. And on that point, Mr. Speaker, as we wind down the war in Vietnam, and I know that we have different positions on the war in this House and throughout our country. But I think if we look at the statistics about the number of men serving in line combat units, the number of men killed, whether or not they like the war are killed serving their country in Vietnam, and the awards for valor are handed out, black Americans have stood high in this.

And I, for one, can't stand here and say when these people have gone off and fought for their country, oftentimes even though they didn't particularly believe in the cause but they did believe in their country, I can't say, regardless of poems "From the Side of the Road," or majorities that are two out of ten, I can't say that I want to vote against those people, because they are Americans and if they live in Maine they are Mainers the same as you and me.

And perhaps, Mr. Speaker, I would aspire to being a do-gooder, although I have heard some prior talk about making church every Sunday, I will have to admit that I have missed a few times and perhaps some of the other members have too. But I do think if you think about this and if you think about what is right, we don't need to go and say, what does the Catholic Bishop say and the Episcopal Bishop and the Congregational Conference and the Methodist Conference, because they have all endorsed this bill. But if you think yourself, is it right, is it proper, is it American, and is it Christian or according to the Jewish faith, to discriminate on the basis of race? You know it isn't, and we should do something about it, and that something is not to punish anyone.

If you look at the last section of the bill, we repeal all the criminal laws for anything but violence. We think that action like that in the Klu Klux Klan — which has been gone in Maine, we hope, for forty or fifty years, violent action to preserve discrimination should be a crime and we want to keep it the same. But the act of discrimination that doesn't involve violence or coercion is not a criminal problem. We don't want to prosecute the man. We want to help the person discriminated against. We want to make this in America and in Maine, to keep its promise not only to 98 per cent of our people but to all of our people.

Mr. Speaker, when the vote is taken, I ask for a roll call and I ask that you vote against the Minority "Ought not to pass" motion of the gentleman from Lubec.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I move the indefinite postponement of this Bill and Reports and would speak briefly to my motion.

The SPEAKER: The gentleman from Machias, Mr. Kelley, moves the indefinite postponement of both Reports and Bill, and the gentleman may proceed.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: Let me point out for the benefit of our freshmen legislators that the 104th Legislature spent much time and money on this proposal. The bible on which this gospel was based was something called the Report of the Governor's Task Force on Human Rights. This report was a hodgepodge of lurid newspaper clippings, plus some photos of Indian Island and Passamaquoddy Indian Reservations. The whole package was liberally sprinkled with the usual pious cliches which have become the hallmark of the professional dogooders. The literary content was about on a par with a high school theme.

The report tried mightily to create a myth, a myth that Maine treats its minorities rather badly and needs corrective legislation.

The Human Rights bill offered in the 104th Legislature, or rather the Human Rights bills because there were more than one, ranged in price from \$89,000 down to a cut-rate model which had a price tag of around \$40,000. Fortunately for Maine's citizens, the 104th Legislature refused to midwife this aberration, and it died. Now we are asked again to accept a Human Rights bill, and this latest venture on the road to Utopia has been watered down from previous versions. In fact, at the committee hearing I was interested to hear the sponsor say that this bill contains none of the objectionable features included in the previous bills, which was a tacit acknowledgement that the previous bills did contain objectionable material.

Now before you vote on this matter this morning, ladies and gentlemen, ask yourselves if you personally have ever witnessed any acts of discrimination among your contemporaries — any acts of discrimination which would warrant this type of legislation? Because let me remind you that if you permit this to become law, the next legislature will not only amend it to make it more restrictive, but they will be asked also to increase the budget, because these little monsters never remain static.

As I said once before, the nearest thing to eternal life here on earth is a government bureau — they never die. This year they want \$40,000, next year \$70,000 and so on and so on. The principal beneficiaries of this legislation will be the five new job holders which it creates, plus the secretary and the clerk.

What we seek here this morning, what we are witnessing here here this morning, is an attempt to do by steps that which could not be accomplished in one fell swoop in the last legislature.

Somehow this reminds me of a story at a downeast camp meeting. The minister started to sing a solo. The title of the hymn was "Ten Thousand Times Ten Thousand." When he reached a high note his voice broke, and in the embarrassed silence that followed, some old farmer in the back row said, "Try five thousand, Brother." Now that is what we are doing this morning. And let's not kid one another as to the intent of this type of legislation.

This Legislature has considered and has adopted some very restrictive bills. We have tightened the restrictions and increased demands on Maine's employers, even in the face of the current recession. We continue to prosecute small loan companies and landlords have been made to appear as the heavy villains of the 105th Legislature. Now as a final gesture towards big brotherism, we are asked to accept this Human Rights bill. Ladies and gentlemen, for your sake, for the sake of the people of the State

of Maine, I ask you, please, please, indefinitely postpone both bill and reports. And, Mr. Speaker, when the vote is taken, I would ask for a roll call.

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

Mr. BITHER: Mr. Speaker and Members of the House: I never thought for one moment that I would rise on this bill. It never occurred to me until just a few minutes ago that I, perhaps, was the worst discriminator of the lot. I have been teaching for years, many years, and I expect to teach a course this summer, and I based the students that I have in my class on whether they have — I have been accused of not allowing students in my class with long hair. I detest long hair, not because it is long hair. Now my seatmate here disagrees with me violently, but I detest not just long hair, I detest long dirty hair. And I have a few straight students that were not dressed in old dirty dungarees. I have even had them come to take geology in their bare feet and I have kicked them out.

I think I have discriminated against these students, and I just wonder if this bill is going to allow me to do that any longer, if I teach another course. Now I think this is going to prevent me. I have been threatened, incidentally, of being arrested for this very thing in the past, but so far I have gotten away with it, probably just by the skin of my teeth. It is probably a darn good thing I retired when I did.

But I just wonder if this isn't going to be much more far-reaching than we think. For example, in my classes — and I still continue to choose my students as I want to, and I doubt very much if I can. I am not so sure but I agree with Mr. Kelley that this bill should be killed right here and now.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would like to attempt to answer the questions of Mr. Bither by reference of the bill. Number one, the bill, Mr. Bither, is uncon-

cerned with the length of hair or the dirtiness or cleanliness of it. And I assure you, sir, that you will be able to continue to require short hair of your students. I would hope that if I might apply for one of your geology classes you might not discriminate against thin hair.

Seriously, there is nothing in the bill which prohibits the right of anyone concerned with the bill, who are basically employers, labor unions—because it applies to unions as well as employers, proprietors of places of public accommodations, or owners of rental housing, from discriminating against a man because he is tall or short, fat or thin, long-haired or short-haired, bald or with an ample head of hair. There is nothing in the bill like that at all. If you doubt the article, read it. Read the definition of discrimination.

Discrimination means, as it is used in the bill and it is defined in it, to discriminate on the basis of race, basically the color of a man's skin; to discriminate on the basis of ethnic origin, where his grandfather came from; on the basis of creed and what church he worships his God. There is nothing in the bill, Mr. Bither, regarding the length of a man's hair and I assure you there is nothing in there that would prohibit you from keeping the long hairs out of your class.

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

Mr. WHITSON: Mr. Speaker and Ladies and Gentlemen of the House: Being a presumptuous freshman, I would answer Mr. Kelley of Machias, and perhaps needing a hair cut and a shave, I answer Mr. Bither, by saying that the price of freedom is eternal vigilance. This commission establishes vigilance for the oppression of the rights of all our citizens. Perhaps the law cannot affect the morals of society, but it can, in its wisdom, guide the citizenry to right and just actions, and perhaps in time that citizenry will see that a man is a man, regardless of any accidents of birth.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I want to clear up the confusion which Mr. McTeague seemed to labor under. I may have made a misstatement on whether or not I was a member of the minority, but somewhere along the line someone here in this House, and prior to that someone else, a great man by the name of Churchill, I believe, that said that one man in his conscience is a majority. And when I stood up here, I sort of thought I was that one man. But I find that I have quite a few here that feel much the same as I do.

The cost has been mentioned here, and it has been blown up and it has been deflated. But we have to look at costs beyond what is in the bill, and we also should look at priorities. And the State of Maine has a great many needs. I am not sure that one of these, this is one of the great needs that we have. As far as cost goes, one of our big problems is the overcrowding of our courts, and we are being asked to add judges and courtrooms and all this sort of thing.

Certainly if there was any real need for this in any volume, we are going to have some extra court costs that are going to have to be borne by the taxpayers, not just for the executive secretary and his assistant and their secretary and the other people, the commissioners and other people lined up in this bill this time. Lord knows what they will have the next time.

And as far as Mr. Ross, to get back to him, somewhere along the line he and Mr. McTeague and I had better get together, because Mr. McTeague says that this is the same bill that we wound up with last session. Everything was taken out of it the last session that was objectionable, and this is the same bill back before us. Now I am not sure whether it was church or party or self or what it was, but I think the good gentleman from Bath better read the bill and see if this isn't the same one that we, in our wisdom, killed last session.

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

Mr. ROSS: Mr. Speaker and Members of the House: I just must reply to those remarks. This is very similar to a bill that we had during the last special session, not the last regular session. I supported that bill at the special session. I opposed the one at the regular session.

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

Mr. LUCAS: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I would like to indicate my support for this legislation as a means of correcting existing inequities, and more so because I think it can avoid future problems that have encumbered other parts of our nation.

This commission will help create a vehicle through which people will have a recourse to correct the inequities and the discrimination that does exist, and it does exist simply because people do not always practice the policy of being a friend of man. And I would contend that today we would be practicing the policy of being a friend of man. And I would contend that today we would be practicing the policy of being a friend to man if we would vote against the indefinite postponement.

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 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 the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Machias, Mr. Kelley, that both Reports and Bill "An Act Establishing a Human Rights Commission," House Paper 507, L. D. 659, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brawn, Bunker, Call, Carrier, Clark, Cote, Crosby, Curtis, A. P.; Donaghy, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Finemore, Gauthier, Hardy, Hawkens, Hayes, Henley, Jutras, Kelley, K. F.; Lee, Lewin, Lincoln, Littlefield, MacLeod, Manchester, McCormick, McNally, Mosher, Page, Porter, Pratt, Rand, Rocheleau, Rollins, Shaw, Silverman, Simpson, L. E.; Trask, Webber, Wight, Williams, Wood, M. W.

NAY—Albert, Bartlett, Bedard, Bernier, Berube, Binnette, Boudreau, Bourgoin, Brown, Carey, Carter, Churchill, Clemente, Collins, Conley, Cooney, Cottrell, Cummings, Curran, Curtis, T. S. Jr.; Cyr, Dam, Dow, Doyle, Drigotas, Farrington, F a u c h e r, Fecteau, Fraser, Gagnon, Gill, Good, Goodwin, Hancock, Herrick, Hewes, Hodgdon, Immonen, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lewis, Lizotte, Lucas, Lund, Lynch, Maddox, Mahany, Marsh, Marstaller, Martin, McCloskey, McKinnon, McTeague, Millett, Morrell, Murray, Norris, O'Brien, Orestis, Parks, Payson, Pontbriand, Ross, Santoro, Scott, Sheltra, Shute, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stilings, Susi, Tanguay, Theriault, Tyndale, Vincent, Wheeler, White, Whitson, Wood, M. E.; Woodbury.

ABSENT—Bustin, Genest, Hall, Hanson, Haskell, Jalbert, Mills.

Yes, 54; No, 89, Absent, 7.

The SPEAKER: Fifty-four having voted in the affirmative and eighty-nine having voted in the negative, with seven being absent, the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted. The Bill was given its two several readings. Committee Amendment "A" (H-245) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

Order Out of Order

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

ORDERED, that David Lord and Charles Strout of Charleston be appointed to serve as Honorary Pages for today.

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

Passed to Be Engrossed

Bill "An Act relating to Board of Visitors for Each State Institution under the Department of Mental Health and Corrections" (S. P. 431) (L. D. 1245)

Bill "An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (S. P. 569) (L. D. 1710)

Bill "An Act relating to Definition of Resident Trainee, Licensing and Compensation of Board under Laws Relating to Funeral Directors and Embalmers" (H. P. 528) (L. D. 690)

Bill "An Act Revising Licensing of Hearing Aid Dealers and Fitters" (H. P. 593) (L. D. 788)

Bill "An Act relating to Salary and Duties of Executive Director and Assistant Director to the State Board of Nursing" (H. P. 594) (L. D. 789)

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

**Third Reader
Amended**

Bill "An Act relating to Steel Guardrails on the Maine Turnpike" (H. P. 619) (L. D. 830)

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

Mr. Lizotte of Biddeford offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-247) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker, I would like to pose a question through the Chair to anyone who might answer, if they could tell us what the cost of this amendment would be.

The SPEAKER: The gentlewoman from Union, Mrs. McCormick, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker, as I recall from the argument yesterday that it would cost \$186,000 for a five mile stretch and at that rate it would cost \$3.5 million for a hundred miles.

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

Mr. LIZOTTE: Mr. Speaker and Members of the House: Again I repeat what I said yesterday. We are not putting dollars in front of human lives. In the last four years we have had 32 people losing their lives on the Maine Turnpike. This is not a cost to the State of Maine, this is a cost to the Maine Turnpike Authority. So I believe that this is a good bill and I hope that you would go along again with me and vote for its passage.

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

Mr. JUTRAS: Mr. Speaker, may I pose a question through the Chair to Mr. Lizotte?

The SPEAKER: The gentleman may pose his question.

Mr. JUTRAS: Well, in large conclusion why should we not erect a guardrail from Augusta to Orono?

The SPEAKER: The gentleman from Sanford, Mr. Jutras, poses a question through the Chair to the gentleman from Biddeford, Mr. Lizotte, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. LIZOTTE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to Mr. Jutras, the reason that I put this bill in was because in the last four years we have had 32 fatalities, and as you go from Augusta to Waterville you will notice the median strip does not need a guard rail because of the width; and this is something that we do not have on the Maine Turnpike.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This was heard before the Transportation Committee of which I am a member. First of all, there were quite a few people killed and I think that if there was a guardrail there may be more people killed. This is my personal opinion. Because this guardrail is not high enough. And most of the people were killed went to sleep, driving. And so if you slipped up against this guardrail you are going to flip over into the other turnpike, in the other lane, and I don't see that it is a benefit.

And where necessary, these people that are managing the turnpike, are now putting it up where they think it will help, they are putting it up double. This only calls, as I remember, for a single barrier. And it is my opinion that a single barrier — it is my honest humble opinion that this single barrier would actually cause more accidents, especially if they go to sleep. They will roll over because it isn't high enough, the one that is proposed.

So I think that this is bad legislation in view of the fact that the people on the Turnpike recognize the need for something to be done and they are trying to do something about it where it seems necessary, as fast as they can; as a matter of fact, I think they went into great detail where action was being taken as fast as possible, and they too don't know that this could be traced to accidents. And all over the nation they are experimenting with items that might save lives, but none of them have proven that they will. You can't help it much when people go to sleep, somebody is going to get hurt.

So I think that I would like to move that this bill be indefinitely postponed.

The SPEAKER: The Chair would advise the House that the only pending question is the adoption of House Amendment "A".

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

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Representative McNally, who I consider to be a friend's question yesterday when I left here, I started telling myself — well perhaps I might have missed something with the naked eye. Who knows, my lovely wife could have engaged me in conversation going from Kittery to the Mass. border. So not being entirely sure I decided to do a little homework. I made about five calls to the New Hampshire State Highway Department and finally reached a Mr. Roberts who was Assistant Design Engineer for Safety.

The New Hampshire Pike was prompted back in 1967 by the then State Highway Commissioner, who saw in his wisdom the dire necessity for such a structure. In 1967 they constructed that portion that consists of between Kittery and Seabrook, New Hampshire. The following year of '68 they completed its construction. Since that time there has been no incident whereby one car has crossed or broken through that double guard-rail which they have. The guard-railing itself, the way it is set up, it is set up on six by eight posts, with a so-called six inch block as to where the railing itself is attached. It is a double guardrailing. The principle involved because of the six inch block is this, that when the car hits that railing the front wheel is kept away far enough so that it does not veer through the median strip.

I want to tell you ladies and gentlemen that they haven't had one occurrence or one fatality resulting by anyone crossing that strip. We are, and we should be, concerned with safety. It seems to me today that the newspapers are filled with two major issues today, one ecology and the other one public safety; and if we can do anything to promote either one I think we should.

New Hampshire has also elected — and they are having public hearings presently, whereby they intend to build or add to two more lanes in one direction, mainly going south. And some of the railing was torn down, and they have

a new precept that they will increase their median strip from the present 24 feet to 66 feet; and they will try to construct perhaps a concave or a convex elevation whereby a car, because of the new length or the new width, could perhaps regain control.

But, as this Mr. Roberts informed me and also his assistant by the name of Mr. Hawkens, the intent might still be as far as they are concerned, even though it becomes an 8-lane highway, they still are concerned and still would like to see a guardrailing erected. And what will determine this, because naturally it is a state issue, is what will be the result of the public hearings which are being held presently. My only bone of contention is the fact that our pike has been in existence for quite some time and even though when it was in its present state that these guardrailings did not go up faster.

I think that this is a good bill. I think the length of time on the amendment is considerate. And let us not forget that this is a private enterprise and they are in there to make money. And naturally being a private enterprise you can look to many other industries within the state — take like your insurance people for instance, when the State can come out and tell you well such and such a home needs a sprinkler system, at a tremendous additional cost. You have to force these people into action. Otherwise they will keep delaying a situation.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I have been waiting for perhaps somebody else on the Transportation Committee to a little bit more fully explain this guardrail situation. To start with, the first six miles to the Piscataqua River bridge is going to be rebuilt, for the reason that you come off the Piscataqua River bridge with six lanes. And they have been able to get an agreement from the government that they may use interstate money to rebuild this piece of the road of six lanes up to York line.

Now that takes care of six miles of guardrail. There will be no question but what that particular stretch would be built according to federal specifications and it cannot be built by any other specifications and use the federal money.

Now we will go on from there. Most of the accidents in the years past have been at the entrance of the bridges, and the first thing that the Turnpike Authority did was put metal guardrails of the type recommended by the engineers, who are the consulting engineers out of Kansas for this turnpike, along with the Highway Commission here, the proper type guardrail that they thought would eliminate the accidents, the very bad accidents which have been at the bridges.

Then, since the only thing that has been mentioned about guardrail runs as far as Portland is due to the fact that that median strip is hollow; in this way it is hollow, and coming from Portland this way it is a raised median strip between. So, this is what they are doing now and why the necessity is of having two guardrails is because the place is hollowed out. If you should put one steel guardrail down in the middle, any car or any truck that ran down into that hollow would either become impaled upon it or jump over and still be in the other lane, and you would probably have worse fatalities than you have got now.

The only reason that they are not considering from Portland up here is the fact that the median strip is a raised median in between. Now since the Turnpike Authority has already seen the dangers of the median strip in the years past, they have already had a contract that is being started, to build twelve miles in the worst locations, the most dangerous locations, of a double guardrail which is what is recommended by the engineers, and knowing that they will pursue another one the following year, there doesn't seem to be any reason why we should say — well, now this is a private outfit that is making a lot of money. Let us be glad that they are making money, that they are paying their bonds, that they are doing their work as they

are set up to do, and be satisfied that they have really tried and are still trying, and shouldn't be condemned for it.

The SPEAKER: The pending question is on the adoption of House Amendment "A". All in favor of the adoption of House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

76 having voted in the affirmative and 57 having voted in the negative, the motion did prevail.

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

Mr. DUDLEY: Mr. Speaker, I now move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Enfield, Mr. Dudley now moves the indefinite postponement of L. D. 830.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me just lately I read somewhere that our turnpike is one of the safest ones in the country. Now the people have told about fatalities, and there certainly have been fatalities. The members of the Highway Committee were not against this either. We hope that everything can be done for safety. Mr. Sheltra, our representative, spoke very well on what the New Hampshire turnpike did. They did do it; no argument about that. They did it for safety reasons. Our Maine Turnpike isn't being driven to it; they are offering to do it. New Hampshire took two years to do 19 miles approximately as I remember it, and the liberal amendment he just put on would give them two years to do 100 miles.

The Turnpike had a study. They already have plans to improve their turnpike to six lanes clear to Scarborough. This is all going to be done with toll money. Mr. McNally told about the progress that he had made already on the guardrails, they are going to be extended, and I think that the situation should be and I hope that you do indefinitely postpone it.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I was questioned yesterday, and in the amendment that I presented it specifies that the guardrail which I propose will be erected in the center of the median strip and not on both sides, and I hope that this will clarify the question.

I also would like to add that Mr. Wood mentioned that the Turnpike will erect 12 miles of guardrail this year, but if they do something else on the turnpike next year then no guardrails will be erected. I would not want to wait another 20 years for this safety piece of legislation to be done. That is why I have also put a deadline in the amendment as to when this should be completed.

I hope that you will support this bill and continue to place safety of the travelling public above all. I hope that you will not go along for the indefinite postponement, but go along with the bill.

Mr. Vincent of Portland requested a roll call.

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

Mr. SHELTRA: Mr. Speaker and Members of the House: About the only point that I would like to add, in talking to this design engineer from New Hampshire yesterday, he mentioned the fact that by today's standards the traffic is so heavy that invariably if someone crosses that median strip he could well establish an accordion type reaction whereby fifteen to twenty cars could easily be involved; and in this instance you would have a heck of a lot of people hurt. And if they considered it in their wisdom back in '67, I am sure that the traffic count has increased immeasurably since then.

I can remember well last summer coming back from Boston, whereby from the New Hampshire tollhouse where you put your quarters in there, well into our new tollhouse in Maine, which is a 25 mile area, I went bumper to bumper and it took me about an hour and a half to just go those 25 miles. That is what the traffic count is getting to be, gentlemen, and I think it is time for action.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that Bill "An Act relating to Steel Guardrails on the Maine Turnpike," House Paper 619, L. D. 830, be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA — Baker, Barnes, Bernier, Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brown, Bunker, Call, Carter, Clark, Collins, Crosby, Curtis, A. P.; Donaghy, Dudley, Finemore, Fraser, Gauthier, Hardy, Haskell, Hawkes, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Lee, Lewis, Lincoln, Maddox, Mahany, Marsh, Marstaller, McCormick, McNally, Morrell, Mosher, Norris, Page, Payson, Porter, Pratt, Rand, Rollins, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Susi, Trask, White, Wight, Williams, Wood, M. W.; Wood, M. E.

NAY — Albert, Ault, Bailey, Bartlett, Bedard, Berube, Boudreau, Bourgoin, Brawn, Carey, Carrier, Churchill, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Drigotas, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Gagnon, Gill, Good, Goodwin, Hancock, Kelleher, Kelley, P. S.; Kilroy, Lawry, Lebel, Lessard, Lewin, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Manchester, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis,

Parks, Pontbriand, Rocheleau, Ross, Santoro, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Stillings, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Woodbury.

ABSENT — Binnette, Bustin, Cummings, Dyar, Evans, Genest, Hall, Hanson, Jalbert, Millett, Starbird.

Yes, 65; No, 74; Absent, 11.

The SPEAKER: Sixty-five having voted in the affirmative, and seventy-four in the negative, with eleven being absent, the motion does not prevail.

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

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

Mr. CAREY: Mr. Speaker, I now move that we reconsider our action whereby this Bill was passed to be engrossed.

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

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

Passed to Be Engrossed (Cont'd)

Bill "An Act Appropriating Funds to Continue Housing Services for Older People" (H. P. 675) (L. D. 912)

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

Third Reader Indefinitely Postponed

Bill "An Act relating to Use of Motor Vehicle Dealer Registration Plates" (H. P. 900) (L. D. 1220)

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would now move that this Bill and all its accompanying papers be

indefinitely postponed, and I would like to speak briefly to my motion.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore now moves that L. D. 1220 be indefinitely postponed.

The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of the committee 10 to 3 "ought not to pass." There was a similar bill like this in the 104th that was killed. I have listened to this bill quite a few times in the committee that I was on last year. Due to the fact that the dealers now are pretty well restricted what they can do with registration plates, they still have to do business, we have to give them some chance to do business or else tell them to quit. So I hope you will go along with the indefinite postponement of this bill. When the vote is taken I ask for a division.

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

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: I am against that motion that he has just made. We are not restricting the dealers at all, and we are not restricting salesmen either. The ones that we would like to restrict are the managers — I will show you here. We have here seven different kinds of titles. The ones that we would like to restrict are the general managers, fleet managers, used car managers, truck managers, assistant service managers, service managers, and part managers.

Just imagine, the dealers plate when they were in 1919, when they were first given out was for the dealers to sell cars to use on their own cars that they had in stock — and not for everybody. And that car is not — the license is paid, and it was not the regular price. That is the privilege, they give them the privilege to pay only \$10 a plate.

And the others that operate on the roads they have to pay \$15 a plate. And then they do not have to pay any excise tax on it; they pay a stock tax, which is very small compared to the excise tax. I feel that that license, it is O.K. for the dealer himself, and still we

give him the privilege of the salesman to use it as he wishes. But I don't think it is right to letting the use to Tom, Dick and Harry, just because he is working for him. So if we do let him, all these managers use the plate I feel that the State is paying a part of the wages of this guy. So we are helping these dealers.

I will be frank with you. The other day I was in a hearing and the people came out to see — the Health and Welfare, they came out direct, and they asked for help. They needed help, and they asked for help for their children. But these guys here, the automobile dealers, especially the new ones, because the new ones will get the price of plates — I will let you know later on. And they come out by the back door and they want welfare. I call that welfare. If you give away a license pretty near free I don't see that it isn't welfare, and if you can show me better I would like them to let me know what it is.

I hope that you vote against that motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Ladies and Gentlemen of the House: As much as I hate to, I have to oppose my good friend, Mr. Lebel, because in our area there certainly has been no abuse of dealers' plates. We already have laws on the books which would prevent the dealers from letting every Tom, Dick and Harry drive with them.

It would require some of these people who sell cars to register a car just especially on Sunday. Now they will say you don't sell cars on Sunday, but let's not kid ourselves. When a dealer is out on Sunday and his dealer plate is exhibited somebody is going to talk to him about buying a car. We are all out to sell as much as possible. I can remember when I was in the insurance business and if anybody called me up on Sunday about life insurance and you can bet your sweet boots I was at his house and made the sale.

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 very brief, but I will suggest that if Mr. Lebel keeps putting in and trying to pass legislation like this, and it does pass all of the dealers will be on welfare.

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

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: Here I have the book of the dealers. Maybe a lot of you didn't read what the dealer's plate is for. I think I better take two or three minutes to read it. I hope you understand my reading, my English. An automobile, motor truck, or truck tractor owned or controlled by a new or used car dealer — that doesn't mean those managers — be operated under the distinguishing number assigned to him for the following:

First, for the purpose of testing or adjusting such automobile, motor truck or truck tractor in the immediate vicinity of his place of business. Second, for purpose directly connected with the business of buying, servicing, selling or exchanging of automobile, motor truck, or truck tractor by such dealer. Three, for demonstrating when the prospective purchaser is operating in the automobile, motor truck, or truck tractor with or without being accompanied by the owner or his employer. Four, that is where we gave the privilege to the dealer — for the personal use of such dealer or the immediate family, members of this family provided that are members of the household. And for the use of an automobile, motor truck, truck tractor at funerals, in or for public parades when no charge is made for such use.

This is the privilege we give to the dealer. Now the next one is for the use of full time salesmen. And they added last year when we wanted to pass the bill, they wouldn't accept it unless we go along with Mr. Bill Hood, which

is the dealers' representative. So I had to accept general managers, sales manager, and they even put an S on managers. And before it went for reprint I asked him to take the S off. He said yes, but it came in the House with the S. So now that is why there are so many managers on this here, and I hope we kill this.

So I think we are giving the privilege of those plates a little too far right now. We are not taking it away to anybody that is working for a dealer. We don't take the privilege away, because during the working hours he can use that plate any time. I hope you go along with me.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Just briefly, I also regret that I must disagree with my good friend, Mr. Lebel from Van Buren. I know he brings these bills out every session. I often wonder just why.

I have worked, as I stated before, with dealerships, and it looks to me as though this would impose quite a hardship. For instance, it would impose a hardship on salesmen's families if they could not drive the car. It means that a salesman has got to have two cars, whether he can afford it or not.

It seems to me that the policy of dealers to give slight fringe benefits, also to have different models of vehicles available for showing without taking a brand new car out of the showroom and driving it. You know very well that if you are going to buy a new car you would like to know that it didn't have even a mile on it. You wouldn't like to feel that the car had been tried out maybe 25 or 30 times, somebody hotrodding it, or something like that. That is one of the reasons for putting out several demonstrators.

It includes salesmen, and it includes sales manager because the sales manager is also a salesman, and he also has a family. So I feel if it had been possibly restricted so that the service managers

might not work into the scheme of things, and have the fringe benefit, it would be more sensible. But even the sales manager, usually sells a car now and then, and he has a car that he can demonstrate. I really feel that this bill should be indefinitely postponed, and I will so vote.

The SPEAKER: 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. 95 voted in the affirmative and 30 voted in the negative.

Whereupon, Mr. Lebel of Van Buren 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 Bridgewater, Mr. Finemore, that Bill "An Act relating to Use of Motor Vehicle Dealer Registration Plates," House Paper 900, L. D. 1220, be indefinitely postponed.

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

Mr. LEBEL: Mr. Speaker and Members of the House: I do hope this time that you go along with me and vote no.

The SPEAKER: All those in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Binnette, Birt, Bither, Brown, Bunker, Call, Carey, Carter, Churchill, Clark, Conley, Cooney, Cote, Crosby, Cummings, Curran, Curtis, T. S. Jr.; Cyr, Dam, Donaghy, Drigotas, Dyar, Farrington, Finemore, Fraser, Gagnon, Good, Goodwin, Hancock, Hardy, Haskell, Hawkens, Henley, Herrick, Hodgdon, Immonen, Ju-tras, Kelleher, Kelley, K. F.; Kel-

ley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lee, Lessard, Lewis, Lincoln, Littlefield, Lucas, MacLeod, Maddox, Manchester, Marsh, Marsteller, McCormick, McKinnon, McNally, McTeague, Morrell, Mosher, Norris, O'Brien, Orestis, Page, Payson, Pontbriand, Porter, Pratt, Rand, Rollins, Santoro, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Starbird, Susi, Trask, Webber, White, Wight, Wood, M. W.; Wood, M. E.

NAY — Albert, Berry, P. P.; Berube, Boudreau, Carrier, Clemente, Cottrell, Curtis, A. P.; Dow, Doyle, Emery, D. F.; Emery, E. M.; Faucher, Fecteau, Gauthier, Gill, Hewes, Lebel, Lewin, Lizotte, Lund, Lynch, Mahany, Martin, McCloskey, Mills, Murray, Parks, Rocheleau, Ross, Sheltra, Slane, Smith, D. M.; Stillings, Tanguay, Tyndale, Vincent, Wheeler, Whitson, Woodbury.

ABSENT — Bourgoin, Bragdon, Brawn, Bustin, Collins, Dudley, Evans, Genest, Hall, Hanson, Hayes, Jalbert, Lawry, Millett, Theriault, Williams.

Yes, 94; No, 40; Absent, 16.

The SPEAKER: Ninety-four having voted in the affirmative, forty in the negative, with sixteen being absent, the motion does prevail. It will be sent up for concurrence.

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

Mr. FINEMORE: Mr. Speaker, I now move we reconsider our action whereby we voted by roll call, and I hope when you vote you vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the House reconsider its action whereby this bill was indefinitely postponed. All in favor say aye; those opposed say no.

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

Passed to Be Engrossed (Con't.)

Bill "An Act relating to Election of Officers of Hospital Administrative District No. 3 in Aroostook and Penobscot Counties" (H. P. 970) (L. D. 1330)

Bill "An Act to Validate Certain Proceedings Authorizing Ambul-

ance Service for Town of Skowhegan" (H. P. 998) (L. D. 1360)

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

Third Reader Tabled and Assigned

Bill "An Act Permitting Trials for Petty Offenses without a Jury" (H. P. 1305) (L. D. 1711)

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

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: This item on our calendar represents an effort to deal with a serious problem which is plaguing us in the state, and that is the overcrowding of our dockets by appeals of misdemeanors from the District Court. And the bill would authorize the trial of certain types of these lesser offenses without a jury.

It was presented to the Judiciary Committee, and the committee realized that there is a serious problem, and a question whether or not there is a conflict between the avenue which is proposed by this bill, and our constitutional guarantee of jury trial.

For this reason the Judiciary Committee agreed that it was most desirable to request an opinion of the Justices with respect to the validity of this legislation in regard to the guarantee for jury trial. And for this reason this item has been tabled and retabled for several days in order to have this question prepared.

You have now had distributed on your desks an order which I will present later in the day requesting an opinion of the Justices on this legislative document. It is quite likely that the Judiciary Committee, depending on what answers the courts may give, may ask that this bill be recommitted to the Judiciary Committee. And this was the reason that we had intended to have it kept on the table until we had the opinion of the Justices in order to have it in a posture where it could be re-

committed to the Judiciary Committee if that was the desire of the committee. The only way we can obtain this question from the Justices is if the House has the document before it. So we could not request this opinion while the bill was still in committee.

The SPEAKER: The Chair would advise the gentleman that this bill is up for its third reading, and it still could be recommitted even up to the enactment stage by reconsideration.

Mr. LUND: In that event I would request that someone table the bill for two legislative days.

(On motion of Mr. Ross of Bath, tabled pending passage to be engrossed and specially assigned for Thursday, May 13.)

Order Out of Order Tabled and Assigned

Mr. Lund of Augusta presented the following Order and moved its passage:

WHEREAS, it appears to the House of the 105th Legislature that the following are important questions of law, and that the occasion is a solemn one; and

WHEREAS, there is developing a large backlog of criminal cases in the Superior Court throughout the State because of appeals of petty offenses from the District Court ostensibly for the purpose of having a jury trial; and

WHEREAS, many of these petty offenses are never tried before a jury but are dismissed or otherwise disposed of, they being matters which involve an inordinate amount of time of the court and court officials; and

WHEREAS, there is pending before the 105th Legislature H. P. 1305, L. D. 1711, AN ACT Permitting Trials for Petty Offenses Without a Jury, a copy of which is attached hereto; and

WHEREAS, serious questions as to the constitutionality of the provisions of the above-cited legislative document have arisen; and

WHEREAS, it is important that the legislature be informed as to the answers to the important and serious constitutional questions hereinbefore raised:

NOW, THEREFORE BE IT ORDERED, that the Justices of

the Supreme Judicial Court are hereby respectfully requested to give to the House, according to the provisions of the Constitution on its behalf, Article VI, Section 3, their opinion on the following questions, to wit:

If Legislative Document 1711, House Paper 1305, is enacted by the Legislature, will it be constitutional in view of the language concerning trial by jury in all criminal prosecutions as expressed in the Constitution of Maine, Article I, Section 6 and Article I, Section 7?

If Legislative Document 1711, House Paper 1305, is enacted by the Legislature, will it be constitutional in view of the language concerning trial by jury as expressed in the Sixth Amendment of the United States Constitution?

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

Thereupon, the Order was tabled pending passage under the rules and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act to Improve the Procedure for Correcting Vital Statistics" (H. P. 1311) (L. D. 1719)

Bill "An Act to Improve the Enforcement of the Marriage Blood Test Requirement" (H. P. 1312) (L. D. 1720)

Bill "An Act relating to Acceptance of Gifts and Purchase of State Lands" (H. P. 1313) (L. D. 1721)

Resolve Appropriating Moneys for the Acquisition of Property at Meddybemps by the Atlantic Sea Run Salmon Commission (S. P. 198) (L. D. 583)

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

Amended Bills

Bill "An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics" (S. P. 3) (L. D. 17)

Bill "An Act to Provide an Automatic Pay Increase to Classified State Employees Who Pass the Certified Professional Secre-

tary Examination" (H. P. 973) (L. D. 1334)

Bill "An Act relating to Weight Tolerances of Vehicles Loaded with Refrigerated Products" (H. P. 976) (L. D. 1338)

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.

Third Reader

Tabled and Assigned

Bill "An Act relating to Transportation of Seriously Injured People Directly to a Hospital" (H. P. 1051) (L. D. 1443)

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

(On motion of Mr. Dam of Skowhegan, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act relating to the Laws of the Maine Industrial Building Authority" (S. P. 496) (L. D. 1372)

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

Enactor

Tabled and Assigned

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

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: As the members of the House will recall, the other body put an amendment on this bill entitled Senate Amendment "C". Yesterday I asked the Attorney General's office for an opinion concerning the constitutional validity of Senate Amendment "C", and this morning had delivered to me a copy of an opinion which concluded that there was grave doubt regarding the constitutionality of this matter.

About ten minutes ago Deputy Attorney General West called me out of the House and told me that he would like to have the opportunity to do further research on the question, that additional cases had been called to his attention.

I think therefore it is fair to say that we don't have the legal advice from the Attorney General's office that we need. We hope it will be forthcoming within a day or so. I would, therefore, hope that some member would move to table this item for one legislative day.

(On motion of Mr. Mills of Eastport, tabled pending passage to be enacted and tomorrow assigned.)

Passed to Be Enacted

An Act Creating the Cobboossee Watershed District (S. P. 202) (L. D. 587)

An Act relating to Use of Electronic Recording Equipment in the District Court (S. P. 298) (L. D. 855)

An Act Defining the Standards of Judicial Review in Appeals from Orders and Decisions of the Environmental Improvement Commission (S. P. 565) (L. D. 1703)

An Act relating to Definition of Construction under Board of Construction Safety Rules and Regulations (H. P. 152) (L. D. 207)

An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education (H. P. 475) (L. D. 836)

An Act Creating the Maine Health Facilities Authority (H. P. 1189) (L. D. 1664)

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

Orders of the Day

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

Bill "An Act relating to Requirement of Schools of Barbering and Training for Registration as a Barber" (H. P. 740) (L. D. 1002)—In House, indefinitely postponed.—In Senate, passed to be engrossed in non-concurrence.

Tabled—May 7, by Mr. Ross of Bath.

Pending—Motion of Mr. Kelley of Machias to recede and concur.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I would again urge the members of the House to recede and concur with the Senate. This is an attempt on the part of the professional barbers to upgrade their profession. As I said before, the other day, right now a trainee can go to school for six months, then work, say, in the family shop for six months, and then he may take the exam for his master barber's license.

Unfortunately all too often the six months is spent in housekeeping duties in the shop, and the trainee is ill equipped to acquire his license if he indeed wants one.

Now every other profession has over the past 25 years raised its training requirements. Plumbers, electricians, doctors, lawyers, even an Indian chief nowadays has to have certain expertise not required years ago; particularly in the field of civil rights or obtaining state or federal money. But for some reason many people feel that a barber needs no more training than he did a quarter of a century ago.

This bill was submitted by a respected member of this body who has had considerable expertise with the profession of barbering and if he were here today he would urge you, as I am now urging you, to support the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to battle this to the end. It is not that important. I still feel that the longer time that you expect someone to go to school, and the more expensive it becomes, you automatically cut out the very people that we are trying so hard to give some training in order to give them a method of employment so that

they can lead a life without getting onto welfare or some other things.

I would suspect that this would be something that the barbers would all be for, because obviously it would cut down on their competition. Naturally the schools would be for it; they will be able to have their students longer and eventually they will be able to charge more for their training. I would hope you would defeat the present motion.

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

Mr. BITHER: Mr. Speaker and Members of the House: I did a little inquiring on this bill too, and I asked my barber down in Jonesport what he thought of the bill. And he said that the barbers were in favor of it. And he told me, at least for the benefit of the boys in the north country, he told me that he was called to a meeting in Presque Isle at which most all the barbers in Aroostook and Washington County were represented, and that they favor this unanimously.

Now I thought there was some funny thing going on here, a little skin game, or something. But he said, no, that what this amounts to is that now, under the present situation, a young man studies in school for six months and then he must, under the law, get an apprenticeship, and it is getting harder and harder for a young man coming out of barber school to get an apprenticeship.

Now that is his story, believe it or not. He says that he thinks this will really shorten his time; the idea is that he will get more intensive training those last two months. He can go right into his own shop right from the school.

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

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: I voted against this bill in committee and I am still against the bill. I think that six months is a sufficient time in which to train a barber. He can then go on to an apprenticeship.

It seems to me that the barbers who have their own shops do

not want to take on apprentices. I fail to see where it takes nine months to train someone to cut hair when it only takes twelve months to train a licensed practical nurse.

I am sorry that the barber profession is suffering from the current hairstyles sported by some men, but I do not think that this type of legislation will improve the profession. It will increase the fees of barber students \$200 per course, and I think that it is a self defeating bill.

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

Mr. DYAR: Mr. Speaker, Members of the House: I would like to point out that during this six months apprenticeship that a barber would take if he only took a six month course, that in order for him to cut hair in a barber shop, a master barber would have to be present. Now there are very few shops in the State of Maine that have at this time — unless they are in the cities — have over two chairs, which would mean that if a barber wanted to leave he would have to close his shop because all the boy who was in the shop under apprenticeship could do would be sweep the floors.

I have spoken to five young men who have taken the nine months course and they are all in favor of it. They felt that nine months, with the additional cost of \$200 or \$300 was far better than taking a six months course for \$200 less money and then having to spend six months in somebody else's shop.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Having checked at home with my barber, even though perhaps I don't look like it at times, I found the same as Representative Dyar and the people in favor of this bill. Actually what it does, if I understand this correctly, is that it does away with the apprenticeship clause, and a person can go for nine months to barbering

school, and then go directly into the profession, whereas now they go six months and have to serve an apprenticeship. So I would say that I would be in favor of receding and concurring.

The SPEAKER: The pending question is on the motion of Mr. Kelley of Machias that the House recede and concur on Bill "An Act relating to Requirement of Schools of Barbering and Training for Registration as a Barber," House Paper 740, L. D. 1002. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 37 having voted in the negative, the motion did prevail.

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

Bill "An Act to Amend the Municipal Public Employees Labor Relations Law" (H. P. 420) (L. D. 547) — In House, passed to be engrossed as amended by House Amendment "A" (H-146) in non-concurrence.—In the Senate, passed to be engrossed as amended by Committee Amendment "A" (S-120) and Senate Amendment "A" (S-132) in non-concurrence.

Tabled — May 7, by Mr. Susi of Pittsfield.

Pending — Motion of Mrs. Lincoln of Bethel to recede and concur.

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

Mr. GOOD: Mr. Speaker, I respectfully request this be tabled for one legislative day.

The SPEAKER: The gentleman from Westfield, Mr. Good, moves this matter be tabled for one legislative day pending the motion of the gentlewoman from Bethel, Mrs. Lincoln, to recede and concur. Is this the pleasure of the House?

Mr. Finemore of Bridgewater requested a division.

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

95 having voted in the affirmative and 24 having voted in the negative, the motion did prevail.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought not to pass" — Minority (3) "Ought to pass" — Committee on County Government on Bill "An Act to Place Full-time Deputy Sheriffs under Personnel Law" (H. P. 431) (L. D. 566)

Tabled — May 7, by Mr. Binnette of Old Town.

Pending — Motion of Mr. Wight of Presque Isle to accept Minority Report.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Because of a doctor's appointment I wasn't able to be here until the session was over yesterday afternoon. I have prepared an amendment which is going to be necessary to even understand the bill. And the amendment is on your desk, but even I haven't had time to coordinate it with the bill.

The bill was improperly written, and I had hoped that the amendment would be attached in committee, but it was not. So you have it on your desks, and if the minority motion will be finally accepted, the amendment would be necessary to make the bill workable.

Now I know there is going to be debate on it, and so to give you time to check it I would hope that someone would table it for one day.

Thereupon, on motion of Mr. Smith of Waterville, retabled pending the motion of Mr. Wight of Presque Isle to accept the Minority Report, and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Report "A" (6) "Ought to pass" — Report "B" (6) "Ought not to pass" — Committee on Labor on Bill "An Act to Eliminate the

Waiting Period for Eligibility under Unemployment Compensation" (H. P. 268) (L. D. 357)

Tabled — May 7, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Good of Westfield to accept Report "B."

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

Mr. EMERY: Mr. Speaker and Members of the House: I oppose the motion to accept Report "B." The amendment providing for elimination of the waiting period has been introduced session after session without success, although some measure of relief was enacted four years ago providing payment for the waiting period if a claimant was unemployed for five consecutive weeks.

Originally all state laws included a waiting period of at least two weeks. During that period a worker was required to meet all the conditions for receipt of benefits, but no benefits were payable. The basic reason was to keep benefit payments down for short periods of unemployment and to provide time for the processing of the first claim.

These reasons are no longer valid. It would cost very little more to pay benefits to all claimants over what it now costs to compensate those now receiving waiting period payment for being unemployed five weeks and the waiting period is no longer needed for administrative processing of a first claim. As you may know, Employment Security with its computer and central wage reporting hopefully will be in a position to speed needed benefits to claimants within a matter of a few days. Under the present law, the earliest benefit payment can be issued is the Wednesday of the third week of a claimant's unemployment. In too many instances, it is Tuesday of the fourth week of a claimant's unemployment. During this period of no work or earnings, a claimant is expected to spend money by making an active search for work; money, incidentally, that has to also provide food, rent, heat and the bare necessities for his family.

Unfortunately, for the unemployed, the super markets extend

no credit for the hungry families of the unemployed. The elimination of the waiting period is not new. Several progressive states have discarded it. In these days of a cash requirement for every transaction the average unemployed worker needs immediate assistance to maintain the dignity, decency and morale of himself and his family. I feel this is decent and required legislation.

I also feel that this legislation would keep a considerable number of people off the welfare rolls and assist the smaller communities, and all the communities of the state.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: As a signer of the Report "B" I have a few things I would like to state. Maine already has one of the most liberal waiting period requirements from the working man's point of view in the nation.

Of the four states having no waiting period, three of these states, Connecticut, Delaware and Maryland, are rich industrial states having large concentrations of heavy industry. The fourth state, Nevada, is also a so-called rich state.

As everyone knows the employment security fund in the State of Maine is in a rapid state of decline as a result of recent high unemployment. The 105th Legislature has already passed an extended period unemployment bill which is causing an additional strain at the present rate, of some \$4,576,000 per year. The Employment Security Commission estimates that the elimination of the benefit period would cost about six percent of the total benefit paid during the preceding year. At this rate, this legislation would cause an additional drain on the fund of 1,053,916.

I certainly hope you will go along with the motion "ought not to pass."

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: After hearing about medals

for dancing and that sort of thing I hesitate a little bit to get up here but in past years I have been a field advisor for Unemployment Compensation, and from the experience that I have had I too would ask you to go along with the gentle lady from Bethel.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: For the benefit of the House there is another bill that will bring in \$5 million more in federal funds, and the hearing has already been heard on this bill. This bill is going to require only ½ of one percent more on an average of the employer's contribution in the State of Maine. For the benefit of the House I would like to read from statistics compiled by the Employment Security Commission in January 1971. The average weekly earnings in Springfield-Holyoke, Mass. \$130.67; Worcester, Mass. \$129.46; Hartford, Conn. \$151.81; New Britain, \$139; Springfield, Vermont, \$130.94. The average weekly earnings in the State of Maine were \$110.60. I feel that this bill is needed and I feel that there are many people that have to go down to welfare this week, they are unemployed, and I think that this would help many of our people.

As I said before, I think that it will keep the cost down to the communities, because people are not going to let their children go hungry.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am sure all of us have been contacted by the people back home every time that they try to call on the Unemployment Compensation Fund. They all get extremely concerned because it takes at least four weeks to get that first check. Of course there is a valid reason for that. One of them happens to be this particular problem that is in the law today.

If all of us had to wait four weeks to get any amount of money whatsoever when we are working and not here in Augusta from this

day on, and trying to use that money to keep our families together, then I would think that we would be concerned with it.

It is pointed out that only the four richest states have no provision as far as the waiting period is concerned. I see no reason why Maine ought not to have that law. If we stop and think of the amount of money that Connecticut pays to those people who are unemployed, as compared to the amount of money that we pay our people in Maine when they become unemployed, there is a very slight difference and that is where the question of rich versus poor probably comes in, I would hope that you would vote against the motion to accept the Majority Report today and I would ask that the vote be taken by the yeas and nays.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I worked administering the unemployment insurance laws when it was first inaugurated back in 1937, and at that time without the aid of computer checks were gotten out in much less than a month's time as was suggested now. So perhaps we haven't really made progress.

I think you have to think in terms of the reason why a waiting period was put into the Unemployment Insurance Law initially. The reason is that the experience of a great many workers is that after they are laid off they do find employment within a one or two week period following the time that they do become unemployed. It did not seem reasonable to drain the fund with these short term periods of unemployment, and for that reason ever since the law was put on the books there has been a waiting period.

Now the waiting period in the State of Maine is among the top 11 most liberal waiting period requirements in the nation. The waiting period is compensated if the period of unemployment lasts more than four weeks. So that in effect what we are talking about

here this morning is whether a worker should be compensated if he experiences a one week period of unemployment.

This does cause a very substantial drain on the fund. It is estimated that the impact on the fund would be in the area of \$1 million a year. Now I should point out that this is an additional drain on the employers of the state to implement what is not a serious problem. We are simply talking about a one week period of unemployment, and it is suggested now that this should be compensated for.

I think we would be well advised to accept the motion that is on the floor.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: We have had these here in previous sessions. We had one before that would change the quarters of earnings. This in effect would have affected all of our seacoast towns that depend on fish for a living. Now a strong effort was made at that time.

Now we have another LD coming through in this session here which would change the quarters again. This means that if it passes that all of our seacoast towns that depend on fishing, which is a very erratic process, will be affected by this thing here. The mere fact that they have this scattered work along the coast is the most prime reason I know of for eliminating this waiting period.

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 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 gentleman from Westfield, Mr. Good, that the House accept Report "B" on Bill "An Act to Eliminate the

Waiting Period for Eligibility under Unemployment Compensation," House Paper 268, L. D. 357. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Ault, Bailey, Baker, Bartlett, Berry, G. W.; Bither, Bragdon, Brown, Bunker, Carter, Collins, Crosby, Cummings, Curtis, A. P.; Dow, Dyar, Emery, D. F.; Finemore, Gagnon, Gill, Good, Hardy, Haskell, Hawkens, Henley, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marstaller, McCormick, Morrell, Mosher, Norris, Page, Payson, Porter, Pratt, Rand, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Stillings, Susi, Trask, White, Wight, Williams, Wood, M. W.; Woodbury.

NAYS — Albert, Bedard, Bernier, Berube, Binnette, Birt, Boudreau, Bourgoin, Call, Carrier, Churchill, Clark, Clemente, Conley, Cooney, Cote, Cottrell, Cyr, Dam, Drigotas, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Goodwin, Hancock, Herick, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Pontbriand, Rocheleau, Rollins, Ross, Santoro, Simpson, T. R.; Siane, Smith, D. M.; Smith, E. H.; Starbird, Tanguay, Theriault, Tynedale, Vincent, Wheeler, Whitson, Wood, M. E.

ABSENT — Barnes, Berry, P. P.; Brawn, Bustin, Carey, Curran, Curtis, T. S., Jr.; Donaghy, Doyle, Dudley, Evans, Genest, Hall, Hanson, Hayes, Jalbert, Lawry, Lebel, McNally, Millet, Parks, Sheltra, Webber.

Yes, 61; No, 66; Absent, 23.

The **SPEAKER**: Sixty-one having voted in the affirmative, sixty-six in the negative, with twenty-three being absent, the motion does not prevail.

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

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

Bill "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses" (S. P. 450) (L. D. 1296) — In Senate, Majority Report accepted. — In House, Minority Report accepted in non-concurrence.

Tabled — May 7, by Mr. Stillings of Berwick.

Pending — Passage to be engrossed.

On motion of Mr. Stillings of Berwick, retabled pending passage to be engrossed and specially assigned for Thursday, May 13.

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

An Act relating to Voters Resigning or Removed from the Voting List (S. P. 561) (L. D. 1701)

Tabled — May 7, by Mr. Binnette of Old Town.

Pending — Passage to be enacted.

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

Mr. **ROSS**: Mr. Speaker and Members of the House: I have a memo received from the Attorney General just this morning that this should be amended to be in the right order and I would appreciate it if somebody would table it for two days.

Thereupon, on motion of Mr. Scott of Wilton, retabled pending passage to be enacted and specially assigned for Thursday, May 13.

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

SENATE REPORT — "Ought to pass" in New Draft — Committee on Natural Resources on Bill "An Act Prohibiting the Sale or Use of Detergents Containing Phosphate" (S. P. 33) (L. D. 79) — New Draft (S. P. 564) (L. D. 1702) under new title "An Act Restricting the Sale or Use of Detergents Containing Phosphate" — In Senate, Report accepted and Bill passed to be engrossed.

Tabled — May 7, by Mrs. Brown of York.

Pending — Acceptance in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker and Members of the House: I would like to thank Representative Brown for tabling this in my absence the other day. However, at this time our problems have been resolved and I would move concurrence.

Thereupon, on motion of Mr. Hardy of Hope, the "Ought to pass" Report was accepted in concurrence. The New Draft was given its two several readings and tomorrow assigned.

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

HOUSE DIVIDED Report — Majority (7) "Ought to pass" — Minority (6) "Ought not to pass" — Committee on Legal Affairs on Bill "An Act to Amend the Ogunquit Village Corporation Charter to Equitably Allocate School and Other Common Costs with the Town of Wells" (H. P. 1092) (L. D. 1480)

Tabled — May 7, by Mr. Norris of Brewer.

Pending — His motion to accept the Majority Report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I strongly support the Majority "Ought to pass" Report.

Last week in discussing Ogunquit and their very selfish demands I told a couple of tales to justify me for jumping from Sagadahoc into York County affairs. Today I will start with a couple of others.

My forebears once owned the land on both sides of Branch Brook which lies between Kennebunk and Wells. For the enlightenment of fishermen, especially the gentleman from Oakland, Mr. Francis B. B. Brawn, when this was deeded to the Water District over there there was a proviso that any Ross heir could always fish that brook. It used to be pretty good, but it probably is not now, since we were silly enough to remove the six inch limit on trout.

Now I have still another more salient reason to favor this bill. I had a great, great, great, great, great, great grandfather by the name of McCulloch. He was Secretary of the United States Treasury under President Lincoln. And being interested in finances and coming from Kennebunk I am sure that he would oppose any scheme which would discriminate against any of the people of Wells, primarily by wealthy out-of-staters.

They now receive 60 percent of their tax dollars just like Birch Point did from West Bath down in my area and they only have to use that for fire protection, police and roads. They are magnanimous enough to give Wells, the parent town, 40 percent for school costs, welfare, health services, assessors, county taxes and so forth. For these inequities, Ogunquit is now an extremely affluent place at the expense of poor little Wells. They are able to pay \$35 per taxpayer for fire protection when Wells can only afford \$21. They pay \$31 per taxpayer for police protection as compared to \$15 from Wells. They pay \$50 per taxpayer for their roads where Wells can only dig up \$21.

On top of these inequities they now are paying very little for schools, so Wells has to assume all of these costs plus others, with only this very unfair share of 40 percent.

Personally I think that they should be allowed — and we could perhaps even make them do like the Birch Point Village Corporation did, they could stay a village corporation in name only and do what they want to with zoning, police and fire and let Wells handle all of the other aspects, using all of the tax money collected. This was peacefully resolved down our way but evidently someone down that way is a bit too stubborn and this bill is not the very best solution but it certainly is much fairer than the present scheme that they are going under.

Now these wealthy people of Ogunquit would like very much to see this bill defeated this morning because then they could continue to live in the lap of luxury with

their 60% and let Wells assume the lion's share of all the burden.

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

Mr. CURTIS: Mr. Speaker and Members of the House: We are again confronted with a bill involving Wells and Ogunquit. We killed this other bill a few days ago and I hope we kill this one. The situation—similar as it may sound to other communities with areas which have dissident groups—is quite unique. Ogunquit has a territory of about six square miles and a winter population of approximately 1,000. Its summer time population goes up to 15 or 20,000 people. Even Old Orchard, with its great influx of tourists, has seven miles of beach.

Ogunquit provides all its own services and then contributes to Wells. It floats its own bond issues and then participates in the bond issues put out by Wells.

Wells has 5 or 6 times the area of Ogunquit. Wells has 2 or 3 times the frontage on Route 1. It has 2 or 3 times the beach area. Both areas have wealthy, middle class, and those not so fortunate. Both are resort areas.

With this kind of background it seems to me that these communities can settle their own affairs. It does not seem to me that their plight is so drastic that the State must step in and say by law that this is the formula by which the finances will be determined.

This is an unwanted and dangerous precedent for the State. I think the bill should be indefinitely postponed and let home rule take over. Let these communities work it out.

Therefore, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. LITTLEFIELD: Mr. Speaker and Ladies and Gentlemen of the House: Once again I rise to speak from a very precarious situation, being the Representative of both the Town of Wells and the Ogunquit Village Corporation. Last week we defeated the Ogunquit Village Corporation bill which

called for a complete separation. The next bill on the calendar called for an equalization of taxes to be shared by the Town of Wells and the Ogunquit Village Corporation. My good friend Representative Norris tabled this bill for two legislative days at my request. The reason for this tabling motion was that I wanted a Committee of Conference with the aggrieved parties. We had that conference yesterday morning and I am very sorry to report that they could not come to any agreement.

Therefore, ladies and gentlemen, I ask you to support me in my defense of L. D. 1480 and I would hope that you would pass it and vote against the motion to indefinitely postpone.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I hope that the House this morning will go along with the Majority Report, to set a precedent here in the state. I realize that Wells and Ogunquit is not in my bailiwick, but I do represent the Sugarloaf and Saddleback area and I think in the very near future we will be faced with the same basic problem, out-of-state and corporate interests coming into the area and not paying their fair share of the taxation and without any action resolved to force them into it. I am a firm believer in home rule but there comes the point at times when I feel that we need laws on the statutes that will set a precedent that will guide these small towns in future problems.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I speak as a member of the Legal Affairs Committee. First let me say I don't have a great, great, great, great relative coming from Wells or do I have any now. I still don't blame Representative Littlefield. He sponsored both bills. He is trying to represent his area, and it is quite difficult when your communities are fighting each other and you

have to take sides. He has sided with the larger community, Wells. Sometimes you can't see the trees for the woods or vice versa.

Coming from an area some distance away it sounds to me like this situation is another local problem which ought to be settled on the local level. We have enough problems of state-wide concern without getting into this. We will be here until July anyway and I shall support the motion to indefinitely postpone this bill.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: This is exactly the point that I would like to remind the representative from Lewiston, Mr. Cote.

The mere fact that this bill is before this Legislature is because in 1913 it was by an act of the Legislature that caused this village corporation to come into existence and to be taxed on this 60-40 allocation. They will resolve their own problems after we act through the Legislature on this bill. I urge the "Ought to pass." I urge that we pass this Bill 1480.

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

Mr. SANTORO: Mr. Speaker and Ladies and Gentlemen of the House: Our House members of Legal Affairs split down the middle on this bill, voting 5 pro and 5 con. I think the situation is more serious than is actually indicated or has been spoken about here. If the State decides to interfere in this situation to set the finances relation by law, it will cost Ogunquit the first year in taxation an 18 percent which is worth about \$84,000 more. Can any of your communities stand an increase of 18 percent in one year in taxes? I don't think so.

I shall support the motion to indefinitely postpone this bill. This bill is an injustice to the village of Ogunquit.

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

Mrs. LINCOLN: Mr. Speaker: I would like to pose a question if I may.

The SPEAKER: The gentlewoman may pose her question.

Mrs. LINCOLN: Did I understand Dr. Santoro to say 8 percent or 18 percent?

The SPEAKER: The gentlewoman from Bethel, Mrs. Lincoln, poses a question through the Chair to the gentleman from Portland, Mr. Santoro who may answer if he chooses.

Mr. SANTORO: 18 percent.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Either side that you come out on this issue you are going to be in trouble. With one side or the other, it doesn't really matter which side you happen to take.

Two years ago, and four years ago, and six years ago, we had bills in front of us that dealt with the City of Lewiston and the City of Auburn, and every time they came up we voted on them. We had half the delegation in favor of us and the other half opposed to our positions. And then we passed what we called home rule. For some reason at that point I had hoped that we were going to be finished with the problem dealing with municipalities on the local level. I had hoped that at that point we would not have to take sides against or for the gentleman from Sanford, Mr. Jutras or the gentleman from Kittery or the gentleman from Wells or anyone else. This morning we seem to be right back in that situation.

I know that all of us received letters saying that negotiations have broken down between Ogunquit and Wells. I don't know — I am not there, and I know that the gentleman from Wells is. But I often wonder whether or not those negotiations might have broken down because they think we are here and we are going to do something for them, and that bothers me. Whether they are using us to solve their local problems. If you look at L. D. 1480 you will find that the original law that was passed in 1913 was repealed and

replaced in 1961. Now I don't know what happened at that point, and again today we are caught in that same box.

I would hope that today whichever way we go that no one is going to be too upset with anyone else, but I doubt if that is possible.

As far as I am personally concerned today, I would be more in favor of repealing any laws dealing with any restrictions between any village corporation of Ogunquit and Wells or any corporation that has to do with the Birch Point Corporation in the City of Bath or any other such corporation that exists in the state. The local problems are local ones. They ought to be resolved locally. I happen to believe perhaps that even if we pass this legislation, maybe that isn't even constitutional under the constitutional amendment that was adopted two years ago.

And so, reluctantly, I will have to vote for indefinite postponement, not because I want to, but because I feel I have to.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: As a member of the Legal Affairs Committee, I inquired from several people in Wells how they felt about this, and I informed them that apparently they had met at one time. And the majority told me that if the bill was killed in this session here, that it was their feeling that they would get together and sit down and intelligently try to straighten out their own problem. And this is the reason why I am going to vote for indefinite postponement.

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

Mr. CROSBY: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Ross brought out a very interesting point. The Birch Point problem was sent back to the people and they resolved it among themselves. Much has been said about home rule here in the House, but I can't see that we have done much to help it out.

Another point was brought out by Representative Martin of Eagle Lake that the people in this area, I think, expect us to settle their problems up here and I don't think it is our problem.

It is my understanding that these people came very close to a settlement of their problems Monday morning, but they didn't and so we are debating the case again this morning.

Two things are pending which tend to alleviate the problems between these communities—one is reevaluation. Wells has voted for reevaluation if Ogunquit helps to pay for it and Ogunquit will. Whether you are taxed fairly or not is no more important than if you think you are not being taxed or valued equally. Revaluation will remove this problem and residents of both areas will know that they are being valued on the same basis.

The second matter is on SAD. Something is going to be done on schools in the near future. Asa Gordon and others have talked with the school people of Wells, Ogunquit, York, Kennebunk, Acton, Arundel, et cetera. Undoubtedly, a different school situation will exist in the near future.

I think these two matters will eliminate most of the differences between these towns and for these reasons I shall vote to send this back to the local level. I believe in home rule and shall support the motion to indefinitely postpone.

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: In reply to Mr. Martin, he referred to the last time the bill was in here regarding this condition. That bill, if I am not mistaken, pertained to allowing Ogunquit to have control of their own clam flats, which they were allowed to do.

The one thing that I would like to bring home to this House is this—this formula, the program was set up by this legislature in 1913. They cannot settle it on a local level, therefore they are asking this House. You have got them

in a mess; now try and get them out.

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

Mr. ROSS: Mr. Speaker and Members of the House: Just a couple of brief comments. This home rule bill that we passed last time, I also hoped it would straighten this thing out. But those of you who have studied that bill realize it is most difficult to implement it. And I think there has only been one case where it has been done in the last two years.

The gentleman from Kennebunk, Mr. Crosby, said there was going to be a revaluation and that the people would all pay equally. But that is still not going to straighten out the inequity of this 60 percent going back to Ogunquit to only do three things. And if we defeat this bill, that 60 percent will still go back to Ogunquit, which I think is unfair.

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

Mr. SMITH: Mr. Speaker and Members of the House: It is only with great trepidation that I rise to oppose my leader and get into a fracas between he and Mr. Ross. I never thought I would be on this side of the question. But I rise to support Mr. Ross today because the Minority Leader is wrong, on this occasion at least.

What I would like to do is just briefly point out to you, and it hasn't come out in the discussion today, exactly what that formula does. What would happen if this equalization formula were implemented is that the common costs and the uncommon costs between two towns would be separated, and the common costs would be paid through taxes levied the same throughout Ogunquit and Wells; in one town they would pay on an equal basis, based on their valuation, based on the mill rate, just as they should, just as every other town does. But yet, the uncommon costs, the cost of highways in each town, the cost of police and the cost of highways and whatever else happens to be, each town could levy its own taxes.

I think this is a very very fair arrangement. If they want to have a village corporation, they can take care of themselves, and those items that are unique to that particular village corporation, and Wells can do the same. But they have got to share the common cost together. We can't continue, it seems to me, to expect Wells, the poor brother here, to foot an unequal share of the burden in educating children, particularly when education costs, as all of you know, are going up constantly.

Now it has been brought out that this could be settled under home rule, and this simply is not true. It could not be settled under home rule because this situation was created by an act of the legislature and it is going to have to be undone by an act of the legislature.

Mr. Martin here has indicated that he would like to see a repealing of all the statutes. I am sure that that wouldn't be in Ogunquit's interest and would certainly be in Wells interest. Then Wells would have an undue authority probably to levy taxes on everything, including uncommon costs. So I think that this is a fair arrangement for both towns, and I hope that you will support the Majority Report and I hope you will vote against indefinite postponement and will do away with this unfair matter and prevent it from coming back to the legislature again.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: My seatmates noticed my absence here in the latter part of the week, and I was in Wells. I wasn't in Wells to do any lobbying or to carry on any conversation in regard to this bill. However, my activities did create somewhat of a smell, and those neighbors of mind down there who knew I was in the legislature immediately descended on me and we held court out on the plains.

I want to support Mr. Ross in his contention that 60 percent is not a fair item. This is their big problem down there. They can't afford to run their schools the way

they should when this much of the money is going back to Ogunquit.

I also want to straighten out Representative Ross from Bath a little bit. I happen to sit on quite an extent of the Branch Brook right now and I have fished it for the last fifteen years. And even before we passed the short trout law there were no good trout in it, and now they are all lousy. So there is no use for him to go down there and try it again.

The SPEAKER: The pending question is on the motion of the gentleman from Bowdoinham, Mr. Curtis, that both Reports and Bill, "An Act to Amend the Ogunquit Village Corporation Charter to Equitably Allocate School and Other Common Costs with the Town of Wells," House Paper 1092, L. D. 1480, 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. 51 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

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

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

Bill "An Act to Incorporate the Town of Carrabassett Valley" (S. P. 448) (L. D. 1294) — In Senate, passed to be engrossed.

Tabled — May 7, by Mrs. Cummings of Newport.

Pending — Passage to be engrossed.

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

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

Bill "An Act relating to the Regulation of Private Detectives" (S. P. 344) (L. D. 984) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-125). In House, Committee Amendment "A" adopted.

Tabled — May 7, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I rise not to make a motion on this bill whatsoever because I figure it isn't going to make any difference anyway probably. But I do rise to express some reservations about the bill and pass them on to you.

I also had a bill dealing with the very same subject, in an attempt to solve some of what I thought were some of the real problems that exist with private detectives. Our objectives of defining the law and of raising the standards for licensing in Maine for private detectives is grossly needed. The effort to more closely control the spread of information gained through detective work by private detectives is essential to our idea of the right to personal privacy in a free society.

Unfortunately this L. D. does not really advance this particular objective. Instead, it would really proliferate the number of private investigators and really accelerate the amount of licensed snooping. Under present statute the existing number of detectives is set at fifty. This particular L. D. will eliminate that limit. There would be no ceiling whatsoever. Under existing statute, the Governor, with the advice of the Council, appoints private detectives. The public nature of a gubernatorial appointment, including Executive Council involvement and posting of the applicant's name, does insure to some degree that men and women are going to be scrutinized before they are given a license to investigate your personal and private lives.

Under this bill licensing would be handled by the Secretary of State's office, with no limitations as to whether or not a real character check would need to be done. Our goal should be for standards for integrity and for professional competency. Unfortunately, this bill does not really do the job.

Almost any man or woman, under this bill, who has served as a member of the military patrol or shore patrol for only a year at the rank of corporal, could qualify to become a snooper. It seems to me that the objective in writing this kind of legislation should be to provide reasonable assurances that the men and women licensed by the state be persons of sound judgment and of responsible character. After all, according to this particular L. D., we are giving these people the right to use lie detector tests and to undertake investigations into personal conduct, personal integrity, personal loyalty, personal reputation, and other areas that are most sensitive to our capacity to earn a living and maintain our families.

Many of you are aware of the credit bureaus, what they can do to an individual after a very meek and minor investigation, then we ought to be concerned with this bill. This particular bill does not prevent and would not prevent abuses.

I concede that there are certain weaknesses to the existing law and I would be the first one to point this out to all of you, but I don't really think that this bill is going to strengthen many of the problems we have today. In fact, it only expands the opportunity for the abuse of the right to conduct private investigations.

These comments are not intended to sway anyone, but they are intended to remind all of us that this bill does not really solve the problem. So for that reason I am not going to make any type of a motion whatsoever.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Just to defend the committee here a bit, under our present system, which has been in existence for some time, I think that there are actually three out of fifty appointees that are actually acting as private detectives. There is nothing against it, because it has been going on for a long time, but it has nothing to do with pri-

vate detectives under the present system.

I admit that this bill, as it is written, probably is not a cure-all. I could go through it point by point and show you where it was and it wasn't. But I do believe, and I honestly do believe because it has some of the things that Representative Martin had in his bill up there. I do believe that it is a step in the right direction. As it is now, there is no control of anyone acting as a private detective, or snooper, if you wish to use that term.

They can come in from Massachusetts, New York, Connecticut, New Hampshire and do anything they want to and there is no control at all—no one is concerned about it because we have no control. We have no one apparently that is interested. If the licensing is handled by the licensing agency, which would be the Secretary of State, and with the other ramifications of this bill, I think it is a move in the right direction. It may not be a cure-all, but it certainly is something that is drastically needed at this time.

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

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

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

Tabled — May 7, by Mr. Kelleher of Bangor.

Pending — Passage to be enacted. (Emergency)

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I dislike seeing bills tabled, even my own, but this bill has got a slight problem and there are going to be some amendments prepared for it. And I respectfully ask that someone would table the bill again.

Whereupon, on motion of Mr. Norris of Brewer, retabled pending passage to be enacted and specially assigned for Thursday, May 13.

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

Bill "An Act to Amend the Laws Relating to Forcible Entry and Detainer" (S. P. 229) (L. D. 675) — In House, indefinitely postponed in non-concurrence. In Senate, insisted on passage to be engrossed as amended by Committee Amendment "A" (S-106).

Tabled — May 10, by Mr. Orestis of Lewiston.

Pending — Motion of Mrs. Baker of Orrington to recede and concur.

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

Mr. HEWES: Mr. Speaker and Members of the House: I wish to thank those that tabled the bill yesterday. I am opposed to the motion to recede and concur. This is one of four landlord-tenant bills, all of which I think could be characterized as primarily favoring the tenant. I am in favor of the other three bills but I am opposed to this bill.

The other three bills, one we have already passed which is the habitability warranty and two others to come up later this week probably — a pre-rental inspection bill and a rent escrow bill. All those three bills, in my opinion, help upgrade the living conditions, the quarters where people live, where they habitate. But this particular bill does just the opposite. It keeps living in an apartment a tenant and landlord who could have been at loggerheads for as much as six months. If you look at the bill you will note that it is a presumption that the eviction is retaliatory in any time within the six months preceding the eviction if there was a complaint made by a tenant or on behalf of a tenant. So for six months, as long as this Legislature has been in session now, there could have been friction back and forth between the landlord and the tenant and this bill would seem to extend the period of time in which the tenant could remain in the tenement.

Instead of improving or uplifting living conditions, this bill in my opinion merely adds more salt in the wounds, or adds insult to injury.

In my opinion it is not a helpful bill. At the hearing there were nine witnesses that opposed this bill and only two plus the sponsor in favor of the bill. I submit that we should vote to help make living conditions better for everyone in the State of Maine if we can and that this bill doesn't do that. I oppose the motion to recede and concur and I urge you to vote against it.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I hope you are tired of arguments against this bill. I am. I hope you are tired of name calling, labelling tenants as persons who harass landlords, never pay rent, and damage property. I hope you will realize that there are good and bad tenants, as well as there are good and bad landlords.

Finally, I hope you will realize that the legislation before you will only harm the landlord or tenant who violates the law. The good tenant will be given 30 days notice before being forced into court, and the bad tenant who violates the law 7 days notice.

The Judiciary Committee gave this bill a 9-4 ought to pass report.

The bill was drafted only after long hours between landlords and tenants on the Attorney General's Committee. Every member of the Attorney General's Committee was unanimously in favor of the legislation.

L. D. 675 is fair legislation, and I hope you will vote in favor of the bill and in favor to recede and concur.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: I will only take a moment here to call your attention to the Committee Amendment "A" on this bill. This bill was written for primarily one purpose, to do away with the straw lease and to improve landlord-tenant relations throughout the state. It does do away with the straw lease by providing for a 30-day notice in all cases except those enumerated in Committee Amendment "A". I think it is important before you

vote if you will notice that this has become a landlord's bill in that there is a 7-day quitting notice, just seven days not thirty, whenever the landlord can show that the tenant has caused substantial damage to the premise, has permitted a nuisance in the premise, has committed a violation of law in the premise, or is in arrears of his rent by 30 days.

So that the landlord is able to get rid of the bad tenant with only seven days notice, not thirty. And if there is a tenant who is living up to his part of the bargain the landlord must give that tenant 30-days notice. So I think it really in effect is not a tenant's bill, it is an equitable bill for both sides and it shows favor to the good landlords and the good tenants and I just think that labeling the bill—when upon closer inspection you will find that there is quite a bit of equity in it—is doing just justice to it. I hope that you will consider these arguments, take a look at the amendment and go along with the motion to recede and concur.

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

Mr. CALL: Mr. Speaker and Members of the House: I am beginning to wonder what it takes to kill this bill. I have tried to be brief in the past, but, if this exquisite gem keeps bouncing back and forth between the two bodies like a ping pong ball, it looks like we've just got to go deeper.

I do not know of anything more frightening than to entertain for a moment the weapon of presumption—whether it is in order or not—to stop an eviction. Presumptions are used often as an argument for defense when the presumption offered is erroneous. I will cite you a personal experience. The hot water gas heater in my lodging house became inoperative over one Fourth of July holiday. One of my tenants accused me of shutting the heater off to save gas over the holiday under the presumption that I figured that most of the tenants would go away over the holiday. Too many people can think up things that never happened. I can assure you that that was not the case. It was just

a coincidence and I called the gas company and they got to the matter as quickly as they could.

On the back page of this price-less jewel, there is a supposed remedy for the landlord which indicates that, "in the event that the landlord can show, by affirmative proof, that the tenant, the tenant's family or invitee of the tenant has caused intentional and substantial damage to the demised premises, the tenancy may be terminated by the landlord by 7 days' notice in writing for that purpose given to the tenant." I shall repeat what I have said before in this House, on this same matter; to wit, that the average tenant will vacate immediately, his principal reason being a natural one; he does not want to overstay his welcome. He does not want to stay where he is not wanted. He just causes himself to have an uncomfortable feeling if he does.

The tenant who stays on and pours buckets of water down through the staircase onto unsuspecting victims is very rare in my own personal experience.

Landlords can tell you of thousands of dollars they just write off or absorb for one reason or another. No matter how extensive the damage, accidents will happen. Sometimes the tenant involved is someone who has lived in the same premises for over ten years with a good record of tenancy. I think my lawyer friends will agree with me that, in such an instance, a landlord who just overlooks the damage and gives the tenant a clean bill of health, is not acting in too unreasonable a manner.

One night I was sitting home when the telephone rang and one of my most excitable tenants was on the other end of the telephone. She insisted that Niagara Falls was nothing compared to the flow of water that was coming from the bathroom above her bathroom. She said that she pounded on the man's door violently and shouted at the top of her lungs—and I can assure you she had good range—but the tenant was so deaf that his television set was on so loud that even she could not attract the tenant's attention.

When, later, I asked the man why he had a flooded bathroom while he was present, he answered indignantly, "It's all your fault. Before you changed the washer to stop the dripping, it took only three turns for me to shut the faucet off. I took the three turns, and if the water was still running, that's not my fault."

Now I am pointing out between the lines here for one thing, that the attitude, despite what the proponents of this bill will say, the attitude is that it is the landlord that is wrong. It is the landlord who deserves no sympathy.

I have just given you an example of the man and the water. Imagine his saying "only three turns." Any of us in this House right now would turn that water faucet off until it shut off; but no, he didn't and great Scott, he was only about five or six feet away, but he was so deaf he didn't hear the water slopping and you could hear his TV six blocks away.

Now here is one of my gems that I like to tell, and this is a true story. And basically this tenant I am going to tell you of and I, we got along all right for the most part. All right, she was a woman who was a bit reluctant to wait for her receipt, so she said to me—I said, "I don't have my receipt book on me, but you will be duly credited and you will get your receipt." "Well," she says, "Let me ask you something." And she meant this. "All right, you don't give me the receipt. What if you get struck by a truck and killed? I will lose a week's rent." My reply was in the form of a question. "My dear woman, do you mean to stand there and tell me that it wouldn't be worth losing a week's rent to get rid of the landlord?"

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

Mr. LUND: Mr. Speaker and Members of the House: I shall not attempt to match the oratorical skill of my seatmate, but I would be remiss, I think, if I didn't say that we did consider this bill carefully in committee, and I join with the "Ought to pass" Report, and I feel it is a reasonably fair bill.

Having listened to my seatmate discuss landlord problems on many occasions this session, I have become convinced that if all the landlords in the state were as my seatmate, and just wanted to live "beside the road and be a friend to man" we wouldn't need legislation that we have before us. But it was our conclusion after listening to the testimony of the people who worked on this committee that such was not the case.

I hope that you will vote to recede and concur, and I would request a roll call.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: I sponsored a similar bill last session to this, and this bill is considerably better than the one I sponsored last session.

One of the problems that haven't been brought up and it is a problem living in a large city where I come from, and this is one of the reasons that I originally got involved in this bill, is that a great many times on evictions you have large families. And it is extremely difficult for a large family to find another rent due to the fact of the size of the family.

A person should be entitled to at least a month if he is not damaging property to look for additional accommodations and it sometimes takes longer than a month to find it due to these conditions of large families. There have been cases in the past where families have been evicted out onto the sidewalk.

One other point that has been brought up was the straw lease. I would submit to you that if a legitimate sale was being made, if the landlord was entertaining the idea of having a legitimate sale, he wouldn't do it overnight. He wouldn't even do it in a week. He would be thinking about this over a period of time, and would be considering a sale, and it would give him ample opportunity to notify all the tenants in the building that he was so thinking of selling the building.

The prospective person buying a building would also want to consider the facts of the transaction,

acquire money at the bank, or what have you. He would also check into the apartment, check into the tenants. If he objected to some of the tenants in this building he would so inform the present owner so that he might have evictions and have it ready for his convenience the way that the person wanted to obtain this property. So I don't think that legitimate sales would at all interfere in this, and it would give ample time for landlords to go through the due process of informing the parties involved of a transaction or sale.

It would also give ample opportunity for large families or people having difficulty finding rents to find some. And there are quite a shortage in this state of decent flats and rents. And this is one of the reasons people stay where they are not wanted due to the fact that there are a shortage of rents. So I hope you would go along with this bill at this time and vote in favor of it.

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 roll call, a roll call was ordered.

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

Mr. CARRIER: Mr. Speaker and Members of the House: We have heard a few things here said this morning, and I will try, really I will try to be very brief, although I could talk on this for months. But I cannot understand, and I can only say at the start that I appreciate the support of the ones that voted to kill this bill before. We have done so twice, and now it is back to us.

I just wonder wherein our rules are set up might not be just right. I don't think people should be faced with a bill that has been killed by 73 people in the last roll call, and be sent here by one member, allowed to be sent here by one

member of the other body. I don't know if the rules are right or not, but we are actually faced with this problem this morning.

Now much has been said, and very slowly I just want to mention some of the things here that were said. Now we are talking about phoney leases. This was quoted yesterday as a phoney lease is a lawyer's gimmick to circumvent the 30-day notice requirement. In other words, what they call a phoney lease. So this was one thing about it.

Now let me submit to you — and if I am wrong I wish that the lawyers would correct me — that under all circumstances, if you have a lease, and no matter, whatever this says here, that the phoney lease will circumvent the other, that there is no law, and under the law, that the court will not consider, and will not question the instrument itself. So actually if you have a lease and you have a straw, and you do use a straw lease to get somebody out, the court will not intervene. I don't think they will. This is what the good book says.

Now it says here that this archaic law has produced hardship both for the landlord and the tenants. Well, I don't believe that. I really don't. We have all these bills in front of us, and I don't see that the tenants — that the landlords themselves have ever put a bill in here to get more protection. None of these bills have been put up for the interests of the landlords. They have all been put up in the interest of the tenants.

I submit to you again, and I notice this morning that to my opinion the ones that speak in favor of passing this bill, are they landlords? This I have asked, and I have asked repeatedly, and I think it makes a difference if you are hitting your pocketbook or if you are hitting somebody else's pocketbook. And I can assure you that some of us that might own a property or two we didn't get it by sleeping all night. We work all night; we work all day, and we look for future security.

Now as far as the return on the investment, and this is a phoney

assertion claiming rent profiteering, because there is not that kind of profiteering in rents. You can make 10 per cent, 11 per cent, and yet you can just sit back and take your equity and put it in stocks and you will make anywhere from 7 percent on without doing anything at all. Now this is inequity; this is what you call inequity.

Now this bill which was mentioned before, the one that is complaining doesn't even have to bring an action against you. He can get a group or he can get anybody else to bring an action against you. I don't think this is equity either.

Now there is also a presumption — this is really something — a presumption shall arise that the action to evict the tenant was in retaliation because he complained. But one way or the other, whether it is in retaliation or not, if you don't want him there he is going to get out anyway. So let's face the whole truth here. And as far as even the tenants' organization, they can bring some action here. But how many are there? How many tenants' organizations are there? Or anyone that claims an interest in this.

Now I just claim that the situation is very clear. If a tenant doesn't like the rent that he lives in, all he has to do is move out. Now I have no legal obligation to furnish rent to them. I furnish rent to my family and that is it. Now this is easy; this is very easy to do. All they have got to do is get out. I claim that if such legislation is passed, and I hope it is not true, but I do claim that you will see very shortly, and in a very short time, that this bill — you will find that there will be less rents. And less rents means more hardship to the elderly, it will mean more hardship to the good tenants, and it isn't going to help the bad tenants at all.

Now if there are bad tenants and bad landlords, let the law as is take care of them. I submit to you that we should vote against the receding and concurring so we can actually take this bill and use some technique to bury it, and bury it forever. I suggest that you

stick with us, and vote against the motion to recede and concur.

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

Mr. DAM: Mr. Speaker and Members of the House: I will be very brief on this bill. I have supported it right along, and I cannot see anything wrong in this bill. And I sit here and listen to the testimony from other speakers, and I just wonder in my mind what kind of tenants they have to do the things that it has been said that they have done.

Now it has also been said that every bill this session has been favoring the tenant. I would suggest for the landlords in the House, for the people handling rental property, that they should have gotten together and entered some bills to protect the landlords. I don't see anything wrong in this bill.

If you will look in your book, your House Register, you will see under my name I list "rentals". I do not use the word landlord. If this bill was going to hurt the decent landlord, or the person that tried to maintain their property in a reasonable state, then I would be against it. But I am not. I feel that the people have a right to a little protection, and this bill will give them a little. Not too much. And I hope that you all go along today with the motion to recede and concur.

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

Mr. LUCAS: Mr. Speaker and Ladies and Gentlemen of the House: The landlords say that there were no landlord-tenant problems prior to the introduction of these bills, and they are right. There were only tenant problems. Now the job is to restore the balance, and that would be to give the tenant some leverage to give him the same chance that the landlord has had for many years.

Mrs. McCormick of Union moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the consent of one third of the members present and voting. All those in

favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: Obviously more than one third of the members present having voted in the affirmative, the motion for the previous question is entertained. The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now? All in favor say aye; those opposed say no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House recede and concur on Bill "An Act to Amend the Laws Relating to Forcible Entry and Detainer," Senate Paper 229, L.D. 675. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Baker, Bernier, Berry, G. W.; Birt, Bither, Boudreau, Bourgoin, Bragdon, Brown, Carter, Clemente, Conley, Cooney, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Donaghy, Dow, Drigotas, Farrington, F e c t e a u , Finemore, Gagnon, Good, Goodwin, Hall, Hancock, Hardy, Hawkens, Hayes, Herrick, Hodgdon, Kelley, P. S.; Kelley, R. P.; Keyte, Lawry,

Lessard, Lewin, Lewis, Littlefield, Lucas, Lund, Lynch, M a d d o x , Marsh, Marsteller, M a r t i n , M c C l o s k e y , M c C o r m i c k , McTeague, Morrell, M u r r a y , Orestis, Page, Pontbriand, Porter, Rand, Rollins, Scott, Silverman, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Tyn-dale, Vincent, Wheeler, White, Whitson, Wood, M. W.; Wood, M. E.; Woodbury

NAY — Albert, Bailey, Barnes, Bartlett, Bedard, Berry, P. P.; Berube, Bunker, Call, Carrier, Churchill, Clark, Cottrell, Crosby, Curran, Cyr, Doyle, Dyar, Emery, D. F.; Emery, E. M.; Faucher, Fraser, Gauthier, Haskell, Henley, Hewes, Immonen, Jutras, Kelley, K. F.; Kilroy, Lebel, Lee, Lincoln, Lizotte, MacLeod, Mahany, Manchester, McKinnon, McNally, Millett, Mosher, Norris, Parks, Payson, Pratt, Shaw, Shute, Simpson, L. E.; Starbird, Susi, Theriault, Trask, Webber, Wight, Williams.

ABSENT—Binnette, Brawn, Bustin, Carey, Collins, Cote, Dudley, Evans, Genest, Gill, Hanson, Jalbert, Kelleher, Mills, O ' B r i e n , Rocheleau, Ross, Santoro, Sheltra, Tanguay.

Yes, 75; No, 55; Absent, 20.

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

On motion of Mr. Susi of Pittsfield,

Adjourned until nine o'clock tomorrow morning.