

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

Wednesday, May 26, 1971

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

Prayer by the Rev. Mr. Kenneth Brooks of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought to Pass with
Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act relating to Probation of Juveniles in Cumberland County" (S. P. 525) (L. D. 1565) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-200) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

**Divided Report
Tabled Later in the Day**

Majority Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act to Regulate Revolving Credit Accounts" (S. P. 470) (L. D. 1528)

Report was signed by the following members:

Messrs. SCHULTEN of Sagadahoc
DANTON of York

— of the Senate.

Messrs. O'BRIEN of Portland
TRASK of Milo
CLARK of Jefferson
MADDOX of Vinalhaven
LITTLEFIELD

of North Berwick
SHELTRA of Biddeford
McKINNON

of South Portland
ROCHELEAU of Auburn
SCOTT of Wilton
PRATT of Parsonsfield

— of the House.

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

Report was signed by the following member:

Mrs. CARSWELL

of Cumberland

— of the Senate.

Came from the Senate with the Minority Report accepted and the Bill indefinitely postponed.

In the House: Reports were read. (On motion of Mr. Scott of Wilton, tabled pending acceptance of either Report and later today assigned.)

Divided Report

Majority Report of the Committee on Election Laws on Bill "An Act relating to Form of Ballots in General Elections" (I. B. 2) (L. D. 1707) recommending that no action be taken by the Legislature with reference to passing the accompanying Bill and that no competing measure be submitted; that the Initiated Bill be submitted to the electors of this State in accordance with the Constitution; that a certified copy of this report be transmitted to the Governor.

Report was signed by the following members:

Messrs. SHUTE of Franklin

MOORE of Cumberland

— of the Senate.

Messrs. MARSTALLER

of Freeport

ROSS of Bath

Mrs. BROWN of York

Messrs. BUNKER of Gouldsboro

HANSON of Gardiner

Mrs. WOOD of Castine

— of the House.

Minority Report of same Committee on same Bill recommending that this Initiated Bill be submitted to the House and Senate for debate so that the citizens of this State will be made fully aware of the merits and demerits of this proposed legislation.

Report was signed by the following members:

Mr. MARTIN of Piscataquis

— of the Senate.

Mr. BINNETTE of Old Town

Mrs. BOUDREAU of Portland

Messrs. HANCOCK of Casco

VINCENT of Portland

— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Mr. ROSS: Mr. Speaker, I move the acceptance of the Majority Report and would speak to my motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House accept the Majority Report in concurrence.

The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Never in public debate do I make disparaging remarks about the Democratic party, per se. More and more people are saying that the basic ideals of both parties are coming closer together. However, I sincerely do believe there is much more flexibility in my party. The difference lies primarily in the people and their approach to solving our mutual problems. For this reason, the best candidate should be elected to public office. Any possible action which will accomplish this purpose is certainly very worthwhile.

I would be the last person in the world to criticize the Democrats political astuteness. They are usually very alert and adept in this type of action and often even outmaneuver us.

However, in this Minority Report, I don't believe they have worded it the way they really wanted to. It only seems that they want the subject debated so the people will have an understanding of the issues.

That would have been done any way under our report. We only say that the Legislature take no action but send the question directly to the people. If I had been an opponent, I would have signed the bill "ought not to pass," or at least specified that the Legislature take positive action in both houses. Our partisan membership in both branches is so very close that they might have caught us with many Republicans absent and defeated the bill or even enacted it so that the Governor could veto it and set the election date at the next general election. I think this was a tactical error on their part because no matter what report we accept now it will go to the

people within a reasonable length of time.

Now the Democrats wanted this debated, they wanted the issue explained. I will attempt to explain the Republican side of the issue, since I had a bill in just about like this.

Patience and perseverance often reap their own rewards. Sixteen years ago, I first sponsored the Monday holiday bill. Last session, fourteen years later, it received passage. Fourteen years ago, I filed a bill to do away with the big box at the top of the ballot. I only hope that the same resulting action will follow today.

Many persons contend that this question is purely academic. They insist that both parties basically want only to influence voter patterns. I am not motivated by this philosophy. You must remember, I first suggested this when both legislative bodies were firmly under the control of the Republicans. I only maintain that it is a more logical way to select the best qualified people for public office.

When you just put one mark at the top of the ticket, without even reading the names, you often end up by voting for some person you would never support on their own individual merits.

Opposition to this proposed ballot reform is based primarily on three suppositions:

1. It would disenfranchise persons who want to vote for party philosophy alone.

2. It would be too time consuming and thus discourage voter participation.

3. Finally, they say it would be too confusing because they may not know the names of all the people on the ballot.

To counter the first objection, there will be a party designation after each name. All you have to do is go right straight down the ballot and check the candidate who belongs to the party you so firmly espouse.

It might take more time, but sample ballots will be printed in the newspapers before each election. Furthermore, I fail to see the logic whereby a few minutes more of our time every two years forfeits our treasured right of freedom of election.

If you do not know the names or qualifications of a candidate, leave that spot blank. This is far more responsible voting than a single check at the top which would give an affirmative vote to everyone regardless of their qualifications.

As long ago as 1964, seventeen states had this office type ballot that we propose today, and seven others also had no provision for straight voting. Since then I think six other states have adopted the office type ballot.

Our Constitution provides that a person has to be able to read from it before being registered. For some inane reason, the United States Congress has done away with all literacy requirements, so we have already passed in this session a law deleting this necessity from our statutes. But I would also like to add we have not filed a bill deleting from our Constitution; so it still is in our Constitution. I think this is ridiculous, but no doubt it will help certain parties in the several states which have symbols at the top, rather than the big box. One column has a donkey and the other an elephant. All you have to do is draw a line around the animal of your choice.

Disregarding political considerations, whenever I have asked the question "should the big box be eliminated?", the answer has always been "yes" from both Republicans and Democrats alike.

In summary, I feel that "State of Mainers" are too intelligent and independent to be led blind down the ballot by political pressures to just mark with the big "X" at the top.

Thereupon, the Majority Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Amending the Minimum Wage Law" (S. P. 233) (L. D. 695) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Messrs. GOOD of Westfield
SIMPSON of Millinocket
KELLEY of Machias
McTEAGUE of Brunswick
BUSTIN of Augusta
GENEST of Waterville
BEDARD of Saco

— of the House.

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

Report was signed by the following members:

Mrs. LINCOLN of Bethel

Messrs. LEE of Albion

ROLLINS of Dixfield

— of the House.

Came from the Senate with the Majority Report accepted, Committee Amendment "A" adopted and the Bill indefinitely postponed.

In the House: Reports were read.

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

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

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

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: A word of explanation probably is in order. I am always up on these particular items and this one involves the boys and girls camps in the State of Maine again.

At one time in my area there were eight boys and girls camps and today there are only three left. I am strongly opposed to L. D. 695. This bill is very similar to a bill presented in the 104th Session of the Legislature, which was L. D. 1106, and the Legislature in their wisdom decided not to pass that one and it was indefinitely postponed.

This bill this year came out with a committee amendment on it which exempted — they took the hotels, the restaurants, the motels out of it and it was only directed at our boys and girls camps where these youngsters do enjoy a fine summer.

At a recent survey conducted by camp directors, they found that of 109 camps they employed 1078

youngsters in these categories: 172 were employed in maintenance positions, 403 in kitchen positions, 15 in janitorial, 4 in housekeeping, and 484 in junior counselors. Now L. D. 695 does exempt the junior counselor, but it takes in the other 595 personnel, and it just doesn't seem right that we have to take away from our youth another opportunity.

I know a lot of you have attended camps or you have had contact with camps one way or another through your life, and you all know that there is a lot of play that goes into these youthful positions. Any businessman in the State of Maine knows that if we have to go under a regulated dollar sign then we have to get our dollars' worth of what is done. It is a fact of life. And when you put the dollar sign on camps the camps will have to respond in such fashion.

It has been indicated that 210 adults could fill this job that the youth are now doing in the State of Maine. I call to your attention only a couple of lines from a letter from a Mr. Pelletier in Old Town, whose son started as a dishwasher in a camp at age sixteen because he couldn't get any other employment. The following year he went back and had a 50% increase in his wages, and this year when he can go out and qualify for a Minimum Wage job, of his own choice he is going back to the camp and enjoy another season of play and work.

I am very concerned in this area. This is an age group that we all are concerned with. We see them on our streets. We see them in the hotrods. This camp life takes them off from these hang-outs on the streets and keeps them off of our highways. I have to think of my own son who is now in the service and who has spent the last three years on a schooner on the bay. I was a little worried when he first went to sea on the schooner; he ended up in a very fine position and was well paid as the mate on the schooner. But it kept him off from the streets. It kept him out of that car, and if I may be permitted to use the word — he didn't hell around all

night because he was tired and had something to do.

And I think that this bill just does that. It takes away from our children that ability to have something to do. So I would therefore move the indefinite postponement of this document.

The SPEAKER: The gentleman from Hope, Mr. Hardy, moves the indefinite postponement of both Reports and Bill.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: As a signer of the Minority Report, I agree with Representative Hardy very much. I know my three children all went to camp. They looked forward to going and to working at camp. I knew where they were for the summer. They were busy; they were occupied; they also earned a little money, which made them very happy.

I feel that it is a tremendous experience for all the youths to go to camp and to work, and if this bill were passed I am sure that the teenagers and the youths would be the ones to suffer. I hope that you go along with the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I feel that employment at a summer camp can be a great experience for a young person. While they may not receive high wages I think that many of them are glad to be there, where they can enjoy the use of most of the camp facilities in an outdoor environment. For them it is more than just a job and I urge you to support the motion to indefinitely postpone.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I speak to you about the Pine Tree Crippled Children's Camp at Rome, Maine, where we have many handicapped children who do not fully pay their own tuition. But we also have hundreds of youngsters who apply who want to come work with these handicapped children. We

are allowed to use these capable people in this area, because we don't have to pay the Minimum Wage.

It also has been a marvelous experience if you go and visit that camp to see what these children as counselors are gaining working with the handicapped children. We feel that this would be a very definite handicap to us in running this camp that we run as the Eastern Seal Society here in the State of Maine.

I hope you vote for indefinite postponement.

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

Mr. McTEAGUE: Mr. Speaker, I want to ask a question through the Chair to the gentlewoman from York, Mrs. Brown, regarding the applicability of the law before us to camps run on a nonprofit basis. It is my understanding, Mrs. Brown, but I am uncertain, that the law does not apply to camps like the one you suggest or Y or Boy Scout camps. I wonder if you have any information on that?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentlewoman from York, Mrs. Brown, who may answer if she chooses.

The Chair recognizes that gentlewoman.

Mrs. BROWN: I had a letter from the director of the Pine Tree Camp, who is very much worried about this bill, so he must have felt that our counselors were covered under it.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I wish briefly to speak in opposition to this bill. I believe if this is passed it is another means of barring young people just coming into our labor force from being able to get a job. I think we should resist efforts in this range, and this bill is certainly one of them. I go along with the remarks of the lady from Bethel, Mrs. Lincoln and hope we kill this bill.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I guess I am going to take a very unpopular stand here today because I come from an area that has 54 summer camps. I also come from an area that has a great deal of other businesses that hire a great number of young people in the summertime.

As I read this bill, any camp that happens to be a nonprofit organization is exempted from paying a Minimum Wage. I also read this bill, and it does not pertain to junior counselors, it does not pertain to counselors; it pertains only to those kids who are coming and they are working in the kitchens, they are working on the grounds, and maintenance operations and so forth.

I have had a lot of conversation with people in my area, both camp-owners, who naturally are opposed to this particular bill, and also to other businessmen in the area. They feel — or I feel anyway, that if we are going to start putting exemptions into this thing such as this, I think it is very unwise. I think that if one man has to hire somebody under the age of 19 and he has to pay a Minimum Wage, or three-quarters of the Minimum Wage for that particular person, then I think these summer camp operators should also.

Summer camps are operated for a profit. It is a private enterprise. People run the camps for money; they pick up their money and they leave. I believe very firmly in summer camps and I don't think that the loss and the deterioration of summer camps has been due to the Minimum Wage that we have had so far. I would urge you not to support the motion to indefinitely postpone and that you give all the kids that are working in camps or anywhere in the state the opportunity to collect three quarters of the Minimum Wage.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Hope, Mr. Hardy, that both Reports and Bill "An Act Amending the Minimum Wage Law,"

Senate Paper 233, L. D. 695, be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 70 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Ambulance Service for Injured or Ill Persons" (S. P. 359) (L. D. 1055)

Report was signed by the following members:
Messrs. CLIFFORD

of Androscoggin
QUINN of Penobscot
KELLAM of Cumberland
— of the Senate.

Messrs. CURTIS of Bowdoinham
SMITH of Dover-Foxcroft
COTE of Lewiston
CROSBY of Kennebunk
BRAWN of Oakland
PECTEAU of Biddeford
NORRIS of Brewer
GAUTHIER of Sanford
— of the House.

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

Report was signed by the following member:
Mr. SILVERMAN of Calais
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read. On motion of Mr. Norris of Brewer, the Majority "Ought not to pass" Report was accepted in concurrence.

Divided Report Tabled and Assigned

Majority Report on the Committee on Taxation reporting "Ought to pass" on Bill "An Act Repealing the Poll Tax" (S. P. 14) (L. D. 42)

Report was signed by the following members:

Mr. FORTIER of Oxford
— of the Senate.
Messrs. FINEMORE
of Bridgewater
MORRELL of Brunswick
COLLINS of Caribou

McCLOSKEY of Bangor
DRIGOTAS of Auburn
COTTRELL of Portland
— of the House.

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

Report was signed by the following members:

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

Messrs. DAM of Skowhegan
CYR of Madawaska
ROSS of Bath
TRASK of Milo
— of the House.

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

In the House: Reports were read.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Just yesterday in Taxation Committee we had a divided report on a head tax, and I think that the House should see this head tax before they take action on the poll tax. I think they both should be acted upon about the same time. So I would hope that somebody would table this for two legislative days.

Whereupon, on motion of Mr. Finemore of Bridgewater, tabled pending acceptance of either Report and specially assigned for Friday, May 28.

Final Report

Final Report of the following Joint Standing Committee:

Elections Laws

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Bill "An Act Revising the Laws Relating to the Maine State Prison" (H. P. 458) (L. D. 613) which was passed to be engrossed in the House on May 21.

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

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws" (H. P. 960) (L. D. 1321) on which the House accepted the Majority "Ought not to pass" Report of the Committee on Judiciary on May 21.

Came from the Senate with the Minority Report reporting "Ought to pass" as amended by Committee Amendment "A" accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.

In the House:

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: We discussed this proposed piece of legislation to some extent the other day when we voted to accept the committee report. As you know, this provides that if anybody violates the environmental protection laws he may be subject to 11 months imprisonment; that is if he violates the laws willfully—willfully. I believe that if this law were on the books it might just be the deterrent necessary to further protect our environment by preventing somebody from violating one of these laws.

I would like to point out to you some of the laws that are on the books right now that provide for imprisonment if anyone violates any of them.

For publishing, selling or distributing any circular, book or pamphlet containing recipes for the cure of chronic female complaints—three months in jail; blaspheming the Holy name of God by cursing — two years in jail; keeping sheep on a uninhabited island — 11 months; sale of a diseased horse—6 months; leaving poison for a wolf—6 months; cock-fights—6 months; digging up a grave — 10 years; injury to a tombstone — 1 year; arresting a dead person—6 months; accepting a duel even though no duel results — 5 years; reproaching another in writing for failing to accept a duel — 1 year; destroying a glass cap on a telephone pole — 3 years; molesting an insulator on a tele-

phone bill — 11 months; placing a poster on a utility pole—and how many of you have done that—30 days; driving a spike into a saw-log—5 years; cutting a tree not your own—1 year; violating any rule or regulation of the Park Commission—30 days; possessing an undersized quahog—60 days; painting a horse a different color to disguise him and entering him into competition—6 months. Now if these laws are on the books, the violation of which might affect one or two people, why in the world doesn't it make sense to make it punishable by imprisonment if some one violates a law that is going to affect a great number of people?

I move that we recede and concur.

The SPEAKER: The gentleman from Wayne, Mr. Ault, moves that the House recede and concur with the Senate.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that I haven't got some entertaining information on laws like my friend Mr. Ault has. I disagree with him, but I do agree with him that those laws that are on the books are something that should be taken off. We, in fact, in Judiciary have discussed many other bills that require laws to be all gone over and a lot of these useless, unused laws could be taken off. I don't know what we should add insult to injury, to put one more foolish law on the books just because all of those are, and merely pinpoint what I am trying to say, that this law, this bill is unnecessary because we already have a very good vehicle to use and a very good punishment.

How many of you businessmen here, men and women, feel that you would like to pay a thousand dollars a day for any length of time for violation of a civil suit or something like that? This is civil, it is not really a crime. There are other methods also that do not show in here.

There seems to be, as I said the other day, we had this all licked, hysteria to get your names in back of something that has to do with

environment. There is no need for this bill. Some of the most prominent judges and attorneys in the state will tell you that there are plenty of laws to use beyond this thousand dollar fine. There are injunctive processes which if the Environmental Improvement Commission's lawyers would only get off their office chairs and look it up they will find them and they can use them. There are three attorneys who are supposed to be doing just that.

Our problem seems to be, in this session of the legislature, there seems to be a tremendous amount of legislation asked for because somebody is too lazy to look up what other laws can apply. They want just a specific law about everything when we have nuisance laws. We have injunctive processes that can control the situation.

Now to me the most common violators that are considered in this law, this bill, would be industry, large or small. What is better to punish industry or to bring them around to controlling the situation than to haul them into court and say, "Okay, until you get that fixed it will cost you a thousand dollars a day." I don't know how many industries would really want to pay a thousand dollars a day for very long. Maybe some of the huge ones could afford it, but if they did, then there are the other injunctive processes which are available.

Now again, I urge you to oppose the recede and concur and then we can insist and not put another foolish law on the books to add to the ones that my friend Mr. Ault just mentioned a few minutes ago.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that the House recede and concur. 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. 64 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

The Bill was given its two several readings. Committee Amend-

ment "A" (H-317) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

Non-Concurrent Matter

Bill "An Act relating to Home Rule Procedure" (H. P. 968) (L. D. 1328) which was passed to be engrossed in the House on May 19.

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

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Report "A" of the Committee on Taxation on Bill "An Act relating to Pari-mutuel Pools in Horse Racing" (H. P. 864) (L. D. 1187) reporting same in a new draft (H. P. 1331) (L. D. 1745) under title of "An Act relating to Pari-mutuel Pools in Harness and Running Horse Racing" and that it "Ought to pass" and Report "B" reporting same in a new draft (H. P. 1332) (L. D. 1746) under title of "An Act relating to Pari-mutuel Pools in Harness and Running Horse Racing" and that it "Ought to pass" and Report "C" reporting same in a new draft (H. P. 1333) (L. D. 1747) under title of "An Act relating to Pari-mutuel Pools in Harness and Running Horse Racing" and that it "Ought to pass" which Reports and Bill were indefinitely postponed in the House on May 17.

Came from the Senate with Report "B" accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker, I move that the House recede from its former action and concur with the Senate and would speak to my motion.

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

The gentleman may proceed.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Let me briefly refresh your memories

about the racing bills. Three reports came out of the Taxation Committee relative to takeout of the "Pari-mutuel pool." At the present time 18 percent is taken out of each bet. Five percent goes to the state, 12 percent to the licensee for repairs, maintenance, increased purses and general over-all expenses. Report "A" suggests that we raise this from 18 to 20 percent and have one percent go to the licensee and one percent to the state, which would be quite a lot of money.

Report "B" raises it from 18 to 19 percent, and all of it would go to the licensee to cover his increased costs and inflation.

Report "C" would raise it from 18 percent to 19 percent, with one percent going to the town wherein the track was located.

I signed Report "A" because I wanted the state to get its share. But I am now willing to go for Report "B" in the spirit of compromise. This is the action that the other body accepted. I take this step without any real enthusiasm. I admit that I enjoy certain types of gambling, but I seldom go to the races and I am a complete novice. But I have found out if we raise the takeout to 20 percent, we will be the highest in the nation and business will inevitably drop off.

My real concern is not for Scarborough Downs but for the fairs and smaller tracks. They are having a hard time now and this bill, Report "B", would give them a few thousand dollars which they badly need, and it would help them a great deal. In the final analysis, I don't feel that I am switching. I am willing to compromise to help the smaller tracks, which my motion would accomplish.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hope the House stands by its action of the other day when this bill was indefinitely postponed. And unlike my good friend from Bath, Mr. Ross, my heart can't bleed any more for these people because they have been actually on the public dole for about 35 years. They are doing

quite well and they have a considerable amount of income that is derived from the bank, and also the State turns around and gives a considerable amount of money back to them. For instance, the poor fairs that my good friend talks about, enjoys a little bit of the thing called stipend which helps them for their building improvements and helps them on their purse distribution right now.

As I told you before, we are underwriting every dash that is raced in the State of Maine. We are paying \$78 per dash. Now that is pretty good. There are a lot of you fellows that are in business here this morning, and there are a lot of people that you represent that are in business that the State doesn't underwrite any of their costs of operating. So I don't see how we have got such a good compromise that my good friend from Bath has just talked about.

We have a little item that they call breakage, and breakage is the odd cents from the two-buck bettor on the payoff. For instance, if a horse paid \$2.59, the track doesn't pay \$2.59, it pays \$2.40 and that 19 cents, believe me, adds up to a lot of money. It added up to around fifteen-odd thousand dollars last year that went into their pockets. This is coming from the fellow that supports it, the two-buck bettor.

On purse distribution, as I said, we pay \$78 a dash. Right now we are underwriting — we gave them \$168,000 back last year. That is a pretty good slice of the cake. That is more than they give back in your business, if you have one. Look at the small businessman that collects the sales tax for the State. At the end of the year does the State turn around and say, "Well now, here, you have been an awful good fellow. You have collected a considerable amount of money. We are going to turn around and we are going to give you a percentage of it." Of course they don't. But we are in the racing business; there is no question about it. And every time that the State collects a dollar we turn around and underwrite the costs of the operations for these people. And I

think they have gone far enough. I feel that we have done more than enough for them.

They talk about the increased handle, well I think in 1960 they bet \$15 million in the State of Maine. They bet \$26 million last year. So the bets have improved, and then they give you the statements that they put out on your desks here that if they don't get this money "we may not be able to race in Maine." Well they can write and tell you people this, but they are not telling me because I know that that is a lot of baloney. Believe me, it is. Because these very people that have said here that they can't race until May are the only ones that I know that are in applying for dates in March, not May. And when I first started attending fairs or pari-mutuel events they used to start on Memorial Day, and they didn't end until around the last of October. But now they race from March until the middle of November.

These people don't need this money. This is just a farce as far as I am concerned. And they say it doesn't bother the State, it only bothers the person that goes to the race track. But again, they are taking it out of the little guy who himself can't afford to have — I would like to run a poker game and take 20 percent out every time a hand was played. If I could stay awake long enough I know I would have all the money before the rest of you went home, and I am not too good a poker player at that.

So I would have to be on the percentage take like these fellows are. They don't need it. They certainly don't need it, ladies and gentlemen, and I hope you vote against the recede and concur motion, because that would be the proper thing to do this morning.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: This bill is something that has been long overdue for associations of the fairs and I hope this House would go along and accept Report "B" today. If they don't get this there is going to be a sizeable change

in the fair premiums which have been paid out over the last years because they aren't going to have enough money to pay them. And if we can go along and pass this Report "B" here today I think they will be able to continue to pay the fair premiums which have amounted to about \$325,000 a year, and which a considerable amount of it goes to 4-H Clubs and Future Farmers Clubs of the state. I hope we can accept Report "B" here today.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Members of the House: I would just like to concur with my friend from Bangor, Mr. Kelleher. I think it is high time that we stopped soaking the little guy so these big fat cats could have just a little bit more money to play with. I also hope that we vote against the motion to recede and concur.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to go along with the gentleman from Bangor, Mr. Kelleher and I would like to add just one little thing. He does take 20 percent of the poker pots.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: This probably is one of the failings I have in life, betting on the horses. Let me tell you what happened to a race last year. I won the daily double and it paid me \$8.40. I won the next race; it paid me 20 cents, I won the next race; it paid me 40 cents. I won every race but two all day long, and I came home with \$14.10. Now I could walk, of all the miles I walked back and forth there, I could have walked anywhere and make more than that. And I don't think they should take out anything. I go along with Mr. Kelleher too.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: I will make it very brief. I will add a ditto to everything that Mr. Kelleher has said. Let's not recede and concur.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I think this is a good, sound bill. It will help to keep in the track better horses to Maine, making for faster racing and better purses, and particularly for better physical improvements. Maine now derives a million and a half dollars annually from racing, plus the untold thousands that come from sales tax on programs, supplies and so forth. Think what this means to restaurants, motels, gas stations, dealers and many other industries that are involved. I favor this bill.

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

Mr. JALBERT: Mr. Speaker, I would like to ask what the percentage of the breakdown is in the State of New Hampshire at Rockingham?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to anyone who may answer if they choose.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: My answer is in New Hampshire it is 16. But there are two states that it is 20.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Hall.

Mr. HALL: Mr. Speaker and Members of the House: I think that harness racing takes out 17 percent; the runners take out 15 percent in the State of New Hampshire.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to very briefly support the gentleman from Bangor, Mr. Kelleher. When this bill came out of the

Taxation Committee I had signed Report "C", trying to give one percent back to the municipalities where the tracks were located. This I did not do for Scarborough Downs or any of the commercial tracks. I attempted this mainly for the tracks of our towns where the tracks of the agricultural associations are located.

I do not speak as a bettor because in my lifetime, so far, I have maybe bet the grand total of \$10 on the horses. I do not speak as a lobbyist or for the fair associations. But one thing I would like to bring out to the attention of you people here, that your agricultural associations in the State of Maine, namely the fairs, are not in the bad condition or the bad financial straits that some people would lead you to believe. These fair associations enjoy a tax exempt status now. They pay no personal tax, no real estate tax to the town where they are located; they enjoy the benefits of the town and this, some people will say, brings a lot of business into the town, so too does it bring a lot of confusion and a lot of trouble.

When I signed Report "C" I felt this one per cent would help the towns. But since Report "C" was not adopted, I now can go along with Mr. Kelleher that this bill is not needed. I think that the time has come that we have got to look again at all these exemptions and we cannot continually throw away the state's money to private enterprise. And even though these fair associations are called nonprofit, nonprofit can be quite broad or quite liberal, whichever way you want to put it, because when you come down here presidents and your vice presidents and the few high paid members sometimes to maintain a nonprofit status they give out real fat salaries to their top men. And in this I again concur with my seatmate, Mr. Lawry, when he mentions the fat cats. There are too many fat cats in the agricultural associations now, and they don't deserve any more of the taxpayers' money.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: I am not a horse racing fan, but I do come from Union and we do have a small fair there, and these people feel that we do need this bill and I hope you will go along with Report "B".

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: We operate a fair in Bangor and bids were put out this year to operate the fair. This is the way the city places it, and the previous fair was paying \$14,000 for the week of the fair. But this year a fellow bid it off for \$35,000. Now no one is spending \$35,000 if they can't figure they can make a profit on a fair. I have worked for some of these people and I am not completely foreign to what their profits are. Believe me, the documents that we see put out here aren't all that factual.

Now no one is spending \$35,000 in my city for that fair up there unless they can make a reasonable profit. They are intelligent people; they wouldn't be putting in a bid such as this if they didn't think they could make some money. And as I say, I don't feel that we have to give them one red cent more. They have gotten plenty over the years and they certainly don't need it any more.

Now Brother Drigotas stated that to give them this cent they would get better horses. Well he is wrong. We race for a minimal amount of money up here because the bet isn't that great. And when we go to buy horses—I owned a race horse once or twice and they can be an expensive item. We cannot buy good animals like they do, we will say, for Rockingham and Foxboro, we have to buy animals that are comparable to what the purses are racing for. So this one cent isn't going to make a horseman buy any better animals. That argument is way out in left field.

I feel that we have done more than enough for these people, and I hope that you will vote against Mr. Ross's recede and concur motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: A few years ago I put in a bill that would stop quiniela betting at race tracks. And for those of you who have been to a race track would know that quiniela betting is that you can bet on two horses in the same race. You can bet on 1 and 4 and if 1 and 4 or 4 and 1 come in why you win the quiniela. The bill passed and became law for two years. The Fair Association came to me and told be at the beginning of the next session that they could not survive if we did not have quiniela betting because all of the other tracks had them.

I can remember vividly talking to my good friend Mr. Hall about the very same matter and other members who are even still presently members of the House and and people concerning themselves with the agricultural fairs and the commercial fairs, so that a bill was reintroduced allowing quinielas. They went from allowing two quinielas to, I believe, what is now four quinielas. And like my good friend from Bath, Mr. Ross, I am not a habitue of the races. I think I have gone to Scarborough Downs, since Scarborough Downs has been built, three times. I go Labor Day to watch because we have a fair in Lewiston. I go Labor Day. And since this bill has been in process I have gone a couple of nights to the Lewiston Fair to find out what the people are thinking.

I talked to the General Manager of this Fair and I talked to him again yesterday, and I talked to another Director of the Fair, but I talked particularly to the General Manager of Lewiston Raceway who stands unalterably opposed to this bill, and the reason is simple and the reason is sound. There are many people who go to the races and like some of us, they do not go to the race to bet \$2 to show or \$2 to place or \$2 to win; they go to the races and they bet as much as \$200 and \$300 on a heat.

Now with the breakage at 17 in New Hampshire and the breakage being 19 in Maine, certainly this

kind of betting chases them right into Rockingham, chases them right into Massachusetts, because this actually is—the differential of the betting actually is a big week's pay. And anyone who says that Lewiston Raceway is going to close unless they get 19 cents, is not making, in very mild language, an absolutely true statement.

Lewiston Raceway enjoys a fair amount of profit — their shareholders. It is an industry in Lewiston, but by the same token there are also several merchants in Lewiston who feel they have altogether too many racing days. I don't happen to be one of them. I think it brings money into Lewiston. But I can assure you of one thing, and it is this, that if this bill passes from 18 to 19 cents, you are chasing your big bettor — whether it is right or wrong, to bet big or bet small or bet not at all is not the issue here—you are chasing the big bettor right out of this state.

Now if the leadership will allow me, through the Clerk I intend to present, even the cloture being on, a piece of legislation that will help the Fair Association. And it is those individuals who are booking at the race track, which means that the track gets nothing, which means that the state gets nothing — there is one of your big bugaboos. If that can be stopped, and I intend to present such a piece of legislation if I am allowed to do so.

I have enjoyed nothing but pleasant relations with the people involved in the racing programs, because whether you go to them or not, there is nothing more beautiful than to see five or six horses coming down the stretch, nothing more pleasurable of course than having yours a little bit out in front, at the head of it.

And I am no stranger to the horse racing business, and I am no stranger to the harness racing business, because I remember a late brother of mine took me when I was but a tot. He was playing in an orchestra where they decided to have a banquet in honor of John R. Brent in the Northeastland Hotel, where the horse was in the banquet hall, in his own seat, eat-

ing his own oats at his own banquet.

That is how far back I can go as far as harness racing is concerned, and the birthplace of harness racing is in the State of Maine, and this is a harmful bill for harness racing, and it does nothing but give more profits, not to the Agricultural Fairs, it gives more profits to our outside states, and we are giving them enough of our business now.

I wholeheartedly concur with the remarks of everybody who has spoken, including Mr. Kelleher, about this measure.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House recede and concur. 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.

57 voted in the affirmative and 61 voted in the negative.

Thereupon, Mr. Hall of Windham requested a roll call.

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

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: To give further impetus, incidentally, to another argument that we had yesterday, the very closest friend I have in this world happens to be lobbying against what I stand for today. I just mention that just to give you an example of just how much influence a good lobbyist would have over a mediocre legislator.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have sat here and listened to this de-

bate. I am very sorry that it has seemed to excite my dear friend from Lewiston. I had hoped he would save his mental and emotional strength for things like the budget.

I happen to have been a signer of the "B" Report. And over the years I have seen the take of the State go from a few hundred thousand up to a million and a half. I dislike to hear these labels of fat cats and things like that, but we must recognize, I think, that the State is in the horse racing business. And I think the take now is up to a million and a half. And we have all seen — I haven't even been to Lewiston — but we have seen the great investments of capital. We have seen winter enclosures put up. We know that we have to keep horses all winter. We know that the racing isn't one of the greatest business in the world.

Gorham has gone out of business, and I felt that it was all right in this state to go from 18 to 19 because it does help the fairs which we all know are great educational and entertainment affairs, including the horse racing at the fairs. But I really feel, that is the reason I voted that way, that it wouldn't harm anyone really to help the fairs out and maybe give some of these race tracks an opportunity to build up the business and increase the income to the State.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I don't have the exact figures before me, but I do recall that they were given to us before the Taxation Committee, and the major amount of the betting that is done is represented by the \$2 bettor and the \$5 bettor, not the \$50 bettor or the \$100 bettor that would go to Rochester or follow the races anyway. At least 80 percent of the bettors betting comes in the \$2 and the \$5 range.

Mr. Kelleher of Bangor was granted permission to speak a third time.

Mr. KELLEHER: Mr. Speaker and Members of the House: I can

admit that the gentleman from Portland is correct. The State's increase over the years has been considerable, but also the operator's has been considerable over the years. They have had their hand out up in here for the past 25 years, and as far as the cost of training a horse and wintering him at any particular track, believe me, they don't let you keep the animal there for nothing. You pay rent to keep the animal there. So when Mr. Cottrell said it cost them a considerable amount of money to board these animals during the winter, they are paying to be boarded there. I know, I paid a boarding bill this year at one of these race tracks.

And as far as Gorham going out of business, I am quite sure that Mr. Cottrell knows that Gorham was sold to Scarborough Downs Association. All they did was move the dates from Gorham to Scarborough. So we didn't lose any racing there. Nobody is going out of business if this doesn't pass. And believe me, I hope it doesn't pass.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House recede and concur with the Senate on Bill "An Act relating to Pari-mutuel Pools in Harness and Running Horse Racing," House Paper 1332, L. D. 746. A roll call has been ordered. All in favor of receding and concurring will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bailey, Bedard, Berry, P. P.; Boudreau, Brown, Carter, Churchill, Clark, Clemente Collins, Cooney, Cottrell, Crosby Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Drigotas, Evans, Farrington, Faucher, Gagnon, Hall, Hancock, Hardy, Hawkens, Hayes, Immonen, Kelley, P. S.; Keyte, Lebel, Lee, Lewin, Lewis, Lincoln, Lucas, Maddox, Marsh, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Morrell Norris, O'Brien, Orestis, Payson, Pratt, Ross, Scott, Shaw, Simpson L. E.; Slane, Smith, D. M.; Starbird, Stillings, Susi, Trask, Tynedale, Vincent, Wheeler, White,

Whitson, Wight, Wood, M. E.; Woodbury.

NAY — Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berube, Birt, Bither, Bourgoin, Bragdon, Brawn, Bunker, Bustin, Call, Carey, Carrier, Conley, Cote, Cummings, Curran, Dam, Dow, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Fecteau, Finemore, Genest, Gill, Good, Goodwin, Haskell, Henley, Herrick, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Kilooy, Lawry, Lesard, Littlefield, Lizotte, Lund, Lynch, MacLeod, Manchester, Marsteller, Millett, Mills, Mosher, Murray, Parks, Pontbriand, Porter, Rand, Rocheleau, Rollins, Sheltra, Shute, Silverman, Simpson, T. R.; Smith, E. H.; Tanguay, Theriault, Webber, Williams, Wood, M. W.

ABSENT — Albert, Binnette, Doyle, Fraser, Gauthier, Hanson, Hewes, Mahany, Page, Santoro.

Yes, 69; No, 71; Absent, 10.

The SPEAKER: Sixty-nine having voted in the affirmative, seventy-one in the negative, with ten being absent, the motion does not prevail.

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

Mr. KELLEHER: Mr. Speaker, I move that we adhere to our action.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House adhere.

Whereupon, Mr. Cottrell of Portland requested a division on the motion to adhere.

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

Mr. ROSS: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House insist and ask for a Committee of Conference. Is this the pleasure of the House?

(Cries of "No")

The Chair will order a vote. All members supporting the motion to insist and ask for a Committee of Conference will vote yes; those opposed will vote no.

A vote of the House was taken.

104 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

Order Out of Order

Mr. Theriault of Rumford presented the following Order and moved its passage:

ORDER, that Lori Glover and Thomas Hathaway of Rumford be appointed to serve as Honorary Pages for today.

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

Non-Concurrent Matter

Bill "An Act relating to Open Season on Deer in Northern and Southern Zones for 1971 and 1972" (H. P. 1337) (L. D. 1753) which was passed to be engrossed as amended by House Amendment "A" in the House on May 21.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed in non-concurrence.

In the House:

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lewin, that the House recede and concur.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: If you notice the action in the other branch they took the House Amendment off and this was a very simple and reasonable amendment, and all it did was to allow that the southern zone hunt four weeks instead of the three weeks and one day.

I think that it will put a lot of people in our area, down in the southern zone, in a ticklish position, and I am talking about the people that have planned their vacations with the week in mind that has been taken out of the hunting laws; and also there are some people like there are in the northern zone that have hunting camps and from what I understand, some of these people have already received deposits on this particular week.

I hope that we vote against the recede and concur motion of the gentleman from Augusta and just

to allow our people to hunt for four weeks. Now that is all we want. When I put the amendment on I didn't put it on to attempt to bother anyone in the northern zone; I just tried to do a little something for our people in the southern zone. This amendment isn't all that bad. All I am asking for is the additional five days that they took away from us and I don't think that is unreasonable for any of us in the southern zone to ask this. So I hope you will vote against my good friend's motion.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I can confirm what Representative Kelleher just told you. There is a widow up in Auroro has two camps and every year, I think some 18 years she has had the same people come from away for the camps. Now there are six people that stay in each camp and when they left last fall they left a deposit of \$100 for each camp. And she said to me Sunday, "What am I going to do, have I got to return those \$200 back?" Because they can't come except the first week in November, and I think it is too bad for a widow lady to lose her \$200 in this case, just so that we don't have five days of hunting in the southern zone so that the people that do have holidays and reservations can't take care of them, with no more chance that they had to try to change it over.

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

Mr. CHURCHILL: Mr. Speaker and Members of the House: The only argument I heard from the members of the northern zone was that they had reservations the same as Mr. McNally has spoken of, and they did not want cut their season to three weeks. I believe that the people in the southern zone would have gone along with the three weeks' season if the northern zone had also.

I know of four camps, two in Washington County and two in Hancock County, that will be hurt by this same cut in the season, just as Mr. McNally has stated.

And I see no reason why we should go to the 19 day rather than to the four weeks as Mr. Kelleher has stated.

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

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen: Over the last year we have read a lot in the papers in reference to the deer killed, by poachers, by dogs, yes, and by hunters. We did take into consideration in the Committee the interests of a few people, but I think we should consider the interests of all the people of the state who are hunters.

It was felt some measure should be taken to conserve our deer herd and after a considerable study by the members of the Fisheries and Wildlife Committee it was recommended that probably the best thing to do would be to take a few days off from each of the two zones, the northern and southern. I trust that you will go along with my motion this morning.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: Coming from the northern part of Cumberland County I am very much involved with the southern zone, and Sunday before last I took the afternoon to talk with some of the boys around home who are hunters to see what their thinking is on this, and their thinking is influencing my vote today.

These are all natives, these are workingmen. These are people who hunt every year, who are very much concerned about the strength of the deer herd. It was surprising to me that they were unanimous in their thinking — and I met with a dozen or fifteen of them I guess in a couple of different places, and they like the bill that is here. So I am supporting the motion of the gentleman from Augusta.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: We have heard a lot of discussion here on the condition of the Maine deer herd. Last week

I went over to the Department of Agriculture and they have a base relief map there of the State of Maine, which shows the cases where rabies have been reported from. This runs right down Route 95 and it starts to spread across the state from Bangor and in this area here of Augusta in the southern it is very prevalent.

The information that they gave me was that the foxes and coons are the carriers of the rabies. I would like to know if anybody on the Inland Fish and Game Commission can explain if this has anything to do with the depreciation of our deer herd.

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

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen: Last Saturday I met a gentleman who is a campowner in northern Aroostook. He has 22 reservations for the first week of the hunting season in October. He was perfectly willing to give that up if they could preserve the deer herd. In the Patten area there are 229 reservations for that first week of the hunting season in October. They are willing to give that up if we preserve the deer herd.

I should think it should be understood that the deer do not belong to the campowners; the deer belong to all citizens of the State of Maine and we as their representatives have an obligation to determine how, when and under what conditions those campowners can make a profit harvesting our deer. Our primary interest should be in preserving that herd.

The amendment that was put on the bill in the House the other day reduces the deer season in the southern zone only two days. During the hearing on the three deer season bills the Department brought in to us all of the district supervisors throughout the whole state. Three of those supervisors—Dave Priest from Winn, Virgil Grant from Houlton, and Bertrand Cooper from the north country, all agreed that up there in the northern zone the deer herd was in fairly good shape.

But all of the district supervisors clear from Kittery to Ban-

gor, all agreed that the deer population was down, down drastically. They gave us some figures of the deer kill. They told us about the dog damage during the winter. They told us about the bobcat damage, and over in the western part of the state they explained to us about the coyotes coming into our state and the damage that they were doing.

Our deer herd is very definitely down and principally in the southern part of the state. I am of the opinion that cutting two days off the hunting season is not going to be sufficient to preserve that herd.

I sincerely hope you will recede and concur.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: If you would look at the season we would end up with if we vote to recede and concur, you would see that we are taking approximately ten days off the northern zone and we would be taking five days early in November, four days plus two days in the last of November from the southern zone.

By closing the very early part of the season the people in Game Management figure we will save a lot of fawns and does. This is the time, the very first of the early part of the season when they do kill most of the fawns and does. Also it is the warmest part of the season and they have the biggest problem to preserve the meat after the deer are killed.

I hope that you vote to recede and concur so that we can keep deer hunting in Maine for a long time and I honestly believe, along with Mr. Porter and others, that our deer herd is in trouble, the figures show that it is less than half of what it was two years ago, and we really need to give these animals this much protection.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: I would just like to make a few remarks here this morning. It is very difficult to follow that kind gentleman

down in the corner. Mr. Bither here awhile ago told us not to look at him when he is speaking, so it makes it very difficult to say anything against Mr. Porter.

However, I do feel that the increase in the license fees that we have in effect, some of the working boys have told me as I was home this past weekend, "What are you doing to us up there? You are going to knock us down to about 18 days of hunting and you are going to cost us more to hunt." Now we are catering to these out-of-state sports that are coming up here and I very definitely think that we have a valuable asset in our deer herd.

However, I cannot see at this time, without sitting down with the people in the southern zone and on the coast and working out to their benefit, I think they are reasonable people and that they would go along with an abbreviated season. However, this has been conjured up here, it has been kicked around, and it has come out in its present form which I am not in favor of, and I would like to go along with the gentleman from Bangor, Mr. Kelleher.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen: If we could devise some method of getting my dog bill off the Appropriations table with an unrealistic \$90,000 price tag on it, we would save more deer than the hunters could kill in two or three weeks. I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair would advise the gentleman that such a motion is not in order.

The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker and Ladies and Gentlemen of the House: When Mr. Porter put in his three-week bill for all over the state I was not in favor of it, so we arrived at a compromise. We cut eight days off at the beginning of the season — eight hunting days. And two at the last of the season. This makes ten days that we have

cut down to try to compromise to arrive at something that was in the bill of Mr. Porter.

Now in the northern zone we have some campowners that are cutting down the same as in the southern zone, and I believe if the southern zone is not cutting where their deer is hurting a lot more than ours — ours are in good shape, I would say that indefinite postponement of the bill would be the logical thing. Because our campowners would be losing quite a lot of advance money that they have received toward the time that we have taken away from them. I would hope that the motion to recede and concur should be accepted.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I apologize for speaking this morning. I am sorry I can't find the letter. I had a letter here from the Patten district which differs considerable from what the gentleman from Lincoln, Mr. Porter has said. I had a letter here signed from their districts saying what they were losing and it was the same figures received, 229 campowners, but it was just the opposite of what he was saying.

But I also have a telegram here from Gene Bovard, Red River Camps, Portage, Maine. He said "If an unwarranted cut in deer season is enacted at this late date I must cancel 50 guests."

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

Mr. BRAGDON: Mr. Speaker, I wish to inquire what the pending motion is.

The SPEAKER: The pending motion is to recede and concur with the Senate.

Mr. BRAGDON: Mr. Speaker and Members of the House: I have not heard all of the debate this morning and I am not quite clear perhaps on what the actual situation is. However, it would appear to me that the proper move for this House to do would be to kill the motion to recede and concur so that we might have a motion to insist, in the hope that in

a Committee of Conference between the two bodies we could come up with a bill that would be acceptable for both the northern and southern factions in this scrap.

I am sure that what we now have before us is not satisfactory to my area and I kind of feel that it is not satisfactory to other areas. I hope you defeat the motion to recede and concur and then there will be a motion to insist where we will have a Committee of Conference that can work this out.

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

Mr. LITTLEFIELD: Mr. Speaker and Ladies and Gentlemen of the House: As a representative of the southern area, a small portion granted, I had occasion last weekend to discuss this bill with the Fish and Game Club there. They were very much in favor of the bill as it was originally and not in favor of the amendment.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen: I have heard many arguments and I have been to many of these committee hearings and some of the people will tell you that the deer are way back. Now gentlemen, I went half-way through and right through and they weren't there, so I don't know where way back is. And if I listen here this morning, and I have heard this, the ones that are interested and the ones that are going to feather their own pocketbooks they are not interested in conservation of our deer. The deer herd has gone down, down, down.

Now last fall I did not get a deer, and when I don't get a deer I am going to tell you that the hunting is rough, and I will go along with Mr. Porter one hundred percent. Because if you do not, the people that come here from out of state are not going to get their deer. They are not going to return here; they are going to Canada to hunt.

And you want to remember one more thing. Some of you have children, some of you have grandchildren. Where are they going to hunt? If you don't protect your

hunting and fishing today, those children are going to be the lost thing. The only ones that will hunt and fish will be like it has been in the country of where my ancestors come from — the lords will hunt and fish and the peasants will not have a chance. So let's not let that happen here.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker and Ladies and Gentlemen: This deer bill that we have before us now is a redraft of a bill that was previously taken up before the Committee; as a matter of fact there were three different deer bills. So we put them all together and we came up with this one that we have here now.

Now there is no need of us kidding ourselves. Our deer population is down and we have to do something to preserve it. Now what are we going to do? Are we going to preserve the deer herd or are we going to preserve these hunting camps who are afraid of losing a little revenue? They have to take the same chance in losing revenue that a motel or any other hotel would at a summer resort if they happen to run into some bad weather.

Now the telegram that was read to you just a few moments ago by my good friend from Bridgewater, from Mr. Gene Boward in the Red River Camps — I know the gentleman, a very nice fellow. He is an out-of-stater in here. The only thing that he is interested in is his pocketbook, and he is definitely not interested in saving the deer.

Now I think it is safe in saying that last hunting season up in the Red River area he had some 30 or 40 hunters up there, and in the first week that he was up there I think they came out with four deer, which is not a very good record, not for up in that area.

Now I say to you, if you are interested in protecting our deer herd and saving the deer so that our children and grandchildren might have some in the future, now is the time for us to start a conservation measure. Now this is only for a two year period. The

Commissioner of Inland Fisheries and Game will have the authority that he can close this off in certain areas if he sees the deer herd is being depleted.

As has already been stated to you, the largest number of deer killed early in the season are the lambs and the does, and those are the ones that we do want to protect. So I am going to move that we proceed with the recommendation of Mr. Lewin of Augusta.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I don't want the House to get the idea that I am down here beating a big drum for the camp-owners. I don't know of any camp-owners in Bangor. But I am a little quite disturbed when you people start talking on conservation, you fish and game experts. You know some of us city boys fish and some of us hunt, so if you want to talk conservation why didn't one of you people introduce a bill to stop hunting for this season and next season also?

You come up with a good compromise from the northern zone, Mr. Bourgoin. You took five days away from us and ten days away from yourself; but that left you people with five weeks and us with three. Now I like to hunt and I like to fish, and there are a lot of people I know that do. In fact there is a group up home that are in the fire department up there and these fellows take their vacations to go hunting. They enjoy it.

I feel that it is an imposition on them and I don't know but Mr. Bragdon has got the right idea. After we do defeat this recede and concur motion I think we could come to some solution in a Committee of Conference. I hope you do vote against the motion of the gentleman from Augusta.

Whereupon, Mr. Silverman of Calais moved the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All members desiring the Chair to enter-

tain the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the previous question was entertained.

The SPEAKER: 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? **Those in favor say aye; those opposed, no.**

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

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lewin, that on Bill "An Act relating to Open Season on Deer in Northern and Southern Zones for 1971 and 1972," House Paper 1337, L. D. 1753, that the House recede and concur. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

77 voted in the affirmative and 48 voted in the negative.

Whereupon, Mr. Kelleher of Bangor 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 Augusta, Mr. Lewin that the House recede from its former action and concur with the Senate. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Bernier, Berry, P. P.; Binnette, Bourgoin, Brown, Bunker, Call, Cooney, Cottrell, Crosby, Cummings, Curtis, A. P.; Cyr, Dow, Dudley, Dyar,

Emery, D. F.; Evans, Farrington, Gagnon, Genest, Goodwin, Hall, Hancock, Haskell, Hawkens, Hayes, Hodgdon, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Lawry, Lebel, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lund, Maddox, Marsh, Marsteller, Martin, McCloskey, McKinnon, Morrell, Murray, Orestis, Page, Parks, Payson, Porter, Pratt, Rollins, Santoro, Scott, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Trask, Tyndale, Vincent, White, Whitson, Wight, Williams, Wood, M. E.; Woodbury.

NAY — Baker, Barnes, Bartlett, Bedard, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Brawn, Bustin, Carey, Carter, Churchill, Clemente, Collins, Conley, Cote, Curran, Curtis, T. S. Jr.; Dam, Drigotas, Emery, E. M.; Faucher, Fecteau, Finemore, Gauthier, Gill, Good, Henley, Herrick, Jalbert, Jutras, Kelleher, Keyte, Kilroy, Lee, Lucas, Lynch, MacLeod, Manchester, McCormick, McNally, McTeague, Millett, Mills, Norris, Pontbriand, Rand, Shaw, Shute, Slane, Tanguay, Webber, Wheeler, Wood, M. W.

ABSENT — Albert, Carrier, Clark, Donaghy, Doyle, Fraser, Hanson, Hardy, Hewes, Immonen, Lizotte, Mahany, Mosher, O'Brien, Rocheleau, Ross, Sheltra, Starbird.

Yes, 75; No, 57; Absent, 18.

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

Messages and Documents

The following Communication:

The Senate of Maine
Augusta, Maine

May 25, 1971

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

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes" (H. P. 682) (L. D. 919).

The President appointed the following members of the Senate to the Committee of Conference:
Senators:

SCHULTEN of Sagadahoc
WYMAN of Washington
VIOLETTE of Aroostook
Respectfully,

(Signed)

HARRY N. STARBRANCH
Harry N. Starbranch
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta, Maine

May 25, 1971

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

The Senate voted to Adhere to its action whereby it accepted the Majority "Ought Not to Pass" report in non-concurrence on Bill, "An Act Relating to Public Utilities Providing Gas Service and Valves on Their Distribution and Service Lines" (H. P. 946) (L. D. 1305).

Respectfully,

(Signed)

HARRY N. STARBRANCH
Harry N. Starbranch
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta, Maine

May 25, 1971

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

The Senate today voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Voluntary Surgery at Public Expense for Qualifying Parents" (H. P. 928) (L. D. 1282).

Respectfully,

(Signed)

HARRY N. STARBRANCH
Harry N. Starbranch
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Tabled and Assigned

Mr. Norris of Brewer presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal Affairs is directed to report out a bill which will relate to qualifications of municipal law enforcement officers.

On motion of Mr. Martin of Eagle Lake, tabled pending passage and tomorrow assigned.

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

Mr. **LEBEL**: Mr. Speaker, does the House have in its possession House Paper 1148, L. D. 1600, An Act relating to Hunting and Fishing Licenses and Fees Therefor?

The **SPEAKER**: The answer is in the affirmative.

Mr. **LEBEL**: I move that the House reconsider its action of yesterday whereby L. D. 1600 was passed to be enacted.

The **SPEAKER**: The gentleman from Van Buren, Mr. Lebel, moves that the House reconsider its action of yesterday whereby this Bill was passed to be enacted.

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

Mr. **MARTIN**: Mr. Speaker and Ladies and Gentlemen of the House: Speaking on the motion of reconsideration, I would suggest this morning that we do reconsider it. As I understand the amendment that the gentleman from Van Buren is interested in bringing before us is a very simple amendment which would decrease the amount of money necessary that an individual would have to pay for a children's license. It does not apply to any other provision whatsoever within the bill that the gentleman from Augusta, Mr. Lewin, is interested in. I would suggest, therefore, that we do vote for reconsideration.

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

Mr. **LEWIN**: Mr. Speaker and Members of the House: I rise in opposition to the motion for reconsideration. We accepted the

bill yesterday, L. D. 1600. The Fisheries and Wildlife Committee worked hard and long to bring out a bill which would provide the necessary funds to help the Fish and Game Department to do a more effective job.

Each of you received a green slip the other day listing the needs of the Department. At this time if we reconsider our action, then we are leaving it open for possible amendments to lower the various fees as listed on the sheet that I gave you.

Then the Fish and Game Department will not get the funds needed if it is to protect our fish and game future in Maine. I hope that you will not go along with the motion this morning for reconsideration, so this bill can go on its way as we voted yesterday.

The **SPEAKER**: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. **PARKS**: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the reconsideration of this bill. As you recall, there has already been two attempts to amend this bill, and both attempts have been disposed of. Now the fees are fair and just. The amount of money collected from these fees will be just enough to support the bare-bones budget that the Fish and Game Department has asked for.

Now for instance, if we accept this amendment, any man can buy a hunting license for his youngster for a dollar and a half, and go out and shoot a deer and put the youngster's tag on it. And then go get his own deer. Now he will be getting one deer for \$1.50. Now this is being done now and it will be done again. So I say to you that \$2.50 is not too high a price to pay for shooting a deer.

Now we have already accepted this bill as it was reported out of committee, and I ask that this move to reconsider be turned down.

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

Mr. **GAUTHIER**: Mr. Speaker and Members of the House: This amendment here gives a youngster a chance to get a license to go

fishing and hunting at a reasonably less cost. We are very much today in favor of trying to eliminate delinquency of children.

In Sanford every day I see these youngsters go by with fishing poles and so forth on their bicycles, and walking, and they are going fishing. While they are doing that they are not doing any harm. I think if we are going to increase it, let's increase these fellows from New York and Boston and all around who can afford it, and give our children a chance to go fishing and keep them out of mischief. So I am in favor of reconsideration.

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

Mr. BRAWN: Mr. Speaker and Members of the House: I have here in my hand the appropriations summary of the Inland Fish and Game, Title 12, Chapter 301, 335 inclusive. This shows an unexpended balance for 1969-1970, and this says, Actual, \$1,021,017.73. I would like to have someone explain to me why they think they need a raise in anybody's license.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: The license that we have an amendment on is a hunting license. Children do not have to have fishing licenses, our native children, to fish here in Maine. The license that they get, they can get at ten years of age, and until they are 16 they have to be accompanied by an adult at all times when they are hunting. I would just like to straighten out the record on that.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I just want to answer the question of Mr. Parks of Presque Isle. He said a few minutes ago that a guy would go hunting and he will tag his son's license on the deer. What about the gentleman that goes hunting with his wife, and he tags his deer to his wife? I don't see any difference.

Those people that have families, and they can bring the kids hunting, the wife has to stay at the house to take care of the other kids. That is the only difference.

Now I do hope that we go along with the reconsideration, because this will take off just one dollar off for the kids. Right now we have on the books a law that the kids cannot work; we can't give him too much work because we are not allowed to employ him. Then we go along and we raise his license. That is the only thing he can do for part time enjoyment. So he can't drive a car, that kid, he has to do something. So I hope that you will go along with me, please.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to my good friend, Leon Lebel from Van Buren, there would be nothing to prevent a man from going out and shooting a deer for his wife. It is being done all the time.

In regards to fishing, this is the law right now the way it is on the books. "Any resident of Maine domiciled in this state over 16 years of age, and a nonresident over 12 years of age, shall be required to buy a fishing license. Any resident under 16 years of age, and any nonresident under 12 years of age, may fish without a license."

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

Mrs. BERRY: Mr. Speaker and Members of the House: I think a lot of children in the state would resent having people say that their parents shoot their deer for them, because I don't believe this. And even if the child is 16 years old, the parents are paying for it until they are out to earn their own. I think this would cause a hardship on all the families.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I just have one comment to make on this item. It seems to

me that the Fish and Game Department want to practice conservation, and they would rather practice it on the people of the State of Maine than the outsiders; although they did adjust their fees a little bit, they adjusted ours considerable.

Now if they are looking for more money, I suggest that maybe they take and increase the sports fees even more because these people can afford it, they are going to come here anyways, and leave the little fellow in this state alone. They have been bugging them all session, and it burns me up to see a document like this in here, because the people like to hunt and they like to fish, and I don't see why we have got to put a hardship on them. At times the Fish and Game Department disturbs me. Seems if we had a little less authorization over there perhaps we would have more deer and more fish.

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

Mr. BITHER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to correct a little bit of misinformation here. I am shocked—practically shocked speechless by something that Mr. Parks from Presque Isle said, and I think Mr. Lebel insinuated. And that is that some of people, especially our Aroostook people, go out and shoot a deer and let their son tag it, or their wife tag it. Now that is absolutely illegal, and they both know it. And of course it isn't being done, Mr. Speaker. That is something that we were accused of years ago, back in Linneus, and of course it is illegal and we don't do things like that at all.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to advise the gentleman that I was told in the last session that you could even buy them in the north.

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

Mr. CHURCHILL: Mr. Speaker and Members of the House: I

would like to pose a question through the Chair to Mr. Brawn. He has the financial report from the Fish and Game Department. How many junior hunting and fishing licenses are sold?

The SPEAKER: The gentleman from Orland, Mr. Churchill, poses a question through the Chair to the gentleman from Oakland, Mr. Brawn, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. BRAWN: Mr. Speaker and Members of the House: This is not listed in this report that I have. This is just financial.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: Believe me, I did not intend to speak on this bill. I am amazed at the reports of the Fish and Game whereby they need all of this extra money and that we, the legislature a short time ago killed bills, one after the other, reports of the biologist, that would have helped our deer herd, that would have helped our moose herd, but that this House went along with the other body and killed all of these bills, with all of this good advice they did give us with the money that they spent. Now they are asking for more money to operate, and no doubt they need it probably, but why are we so willing this morning to give them all of this money when we don't even accept the reports they make to us?

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: For the sake of the record, the increase on resident hunting licenses is \$2.00. The increase on the nonresidents is from \$33 to \$42 or \$9.00. The nonresidents are paying more of the costs. They pay about 60% of the revenue to the Fish and Game Department compared to 40% from the residents.

The figures that Mr. Brawn quoted taken out of context can be a little bit misleading. The department normally starts getting in money along in August. They

have to have working capital to operate from January through July and into August before they start getting much money in. The surplus, so-called, has been reduced over a period of years. The need is very real for additional funds. You have all read listings of the costs. The original bill that I introduced called for larger increases considerably than this revised bill does.

The sportsmen at the hearing on the bill, I told them you have got your choice of three things; no increase, reduce the services, close the hatcheries, not replace wardens as they retire, raise about the amount of money that this bill calls for and keep the Department in business as it is today, or go for my bill and give them the money to do some additional work.

I would like to point out to you people that there are many many more people fishing today than there were five or ten years ago. There are many many more people hunting. There is a great deal more strain on our natural resources. I hope you people will go along with the bill the way it is written.

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

Mr. McNALLY: Mr. Speaker, I would like to pose a question through the Chair to any Member of the Fisheries and Wildlife Committee that might be better read on what the licenses do bring in. Just how many children are we talking about that might be assessed this \$2.50?

The SPEAKER: The gentleman from Ellsworth, Mr. McNally, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Machias, Mr. Kelley, who may answer the question.

Mr. KELLEY: Mr. Speaker and Members of the House: In answer to the question of my esteemed seatmate from Ellsworth, as near as I can recall, the number of licenses issued in this category was something around 1,200 or 1,400. Actually all that we are debating here is \$1.00.

I have done some quick figuring. We understand that it costs the taxpayers of Maine \$11,000 a day to operate the Legislature, so at that rate, in the debate which we have just endured we have already used up the \$1,200 which this extra increase would bring in.

I therefore move that to keep our perspective in order, we follow Mr. Lewin's advice and let's get this bill on its way, because if we start now to amend it, the thing will snowball, and it will wind up about as our deer bills are.

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

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: If my motion fails I know what I will have to do. I will go back home and I will tell my kids home that I couldn't get it down to \$1.50 because they needed that dollar to run the department. And that is a poor department. If we have to tax the kids \$1.00 to run the department, I think it is about time we have a change in the department.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: I was disturbed yesterday when I saw this report from the Inland Fish and Game when they said that they would probably have to discontinue the hatcheries and so forth. It seems to me that one of their primary functions is to nurture and conserve these essential services in their own department. I think that is blackmail, when they want additional money, when they say that they will curtail this if they don't get it.

It reminds me of many other departments in the State. When they want a little more money they say we will do away with this, we will do away with that, their primary mission. This is blackmail and it is not right.

Mr. Parks of Presque Isle was granted permission to speak a third time.

Mr. PARKS: Mr. Speaker and Members of the House: In answer to a question of how many junior hunting licenses there are in the

State, this is a list prepared by the Fish and Game and it is the sales in the calendar year 1969. The resident junior hunter was 18,623 juniors, 127 nonresident; and for the nonresident junior fishing licenses were 10,892.

The SPEAKER: The pending question is on the motion of the gentleman from Van Buren, Mr. Lebel, that the House reconsider its action of yesterday whereby L. D. 1600, An Act relating to Hunting and Fishing Licenses and Fees Therefor was passed to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken. 73 having voted in the affirmative and 55 having voted in the negative, the motion did prevail.

On motion of Mr. Lebel of Van Buren, under suspension of the rules, the House reconsidered its action of May 18 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of May 17 whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-356) was read by the Clerk and adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Mr. BRAWN: Mr. Speaker, I now move for indefinite postponement of this bill and all its papers, and I hope it is recorded with the yeas and nays, because I want my people in my district to see how I voted.

The SPEAKER: The gentleman from Oakland, Mr. Brawn now moves the indefinite postponement of L. D. 1600 as amended. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members

present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. KELLEY: Mr. Speaker, I move this be tabled one legislative day.

Mr. Brawn of Oakland requested a division.

The SPEAKER: The gentleman from Machias moves that this matter be tabled one legislative day. A division has been requested. All in favor of tabling this matter for one day will vote yes; those opposed will vote no.

A vote of the House was taken.

12 having voted in the affirmative and 114 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Oakland, Mr. Brawn, that An Act relating to Hunting and Fishing Licenses and Fees Therefor, House Paper 1148, L. D. 1600 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

YEAS — Berry, G. W.; Brawn, Carey, Carter, Clemente, Cooney, Cote, Dam, Dyar, Emery, E. M.; Faucher, Finmore, Herrick, Kelleher, Lund, McKinnon, McNally, Millett, Mosher, Orestis, Rocheleau, Rollins, Shute, Silverman, Slane, Starbird, Tanguay, Tyndale, Wood, M. W.

NAYS — Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Birt, Bither, Boudreau, Bourgoin, B r a g d o n, Brown, B u n k e r, Bustin, Call, Churchill, Collins, Conley, Cottrell, Crosby, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Doyle, Drigotas, Dudley, Emery, D. F.; Evans, Farrington, Fecteau, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Hodgdon, Im-

monen, Jalbert, Jutras, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lucas, Lynch, MacLeod, Maddox, Manchester, Marsh, Marsteller, Martin, McCormick, McTeague, Mills, Morrell, Murray, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Santoro, Scott, Shaw, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Smith, E. H.; Stillings, Theriault, Trask, Vincent, Webber, Wheeler, White, Whitson, Wight, Williams, Wood, M. E.; Woodbury.

ABSENT — Albert, Binnette, Carrier, Clark, Cummings, Fraser, Hanson, Hewes, Mahany, McCloskey, O'Brien, Pontbriand, Ross, Sheltra, Susi.

Yes, 29; No, 106; Absent, 15.

The SPEAKER: Twenty-nine having voted in the affirmative, one hundred six in the negative, with fifteen being absent, the indefinite postponement motion does not prevail.

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

House Reports of Committees Ought Not to Pass

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Overtime Pay for Certain Classified State Employees" (H. P. 517) (L. D. 680)

Mrs. White from the Committee on Judiciary reported same on Bill "An Act relating to Film under the Obscenity Law" (H. P. 676) (L. D. 913)

Mr. Good from the Committee on Labor reported same on Bill "An Act relating to Eligibility Conditions for Benefits under Employment Security Law" (H. P. 777) (L. D. 1043)

Same gentleman from same Committee reported same on Bill "An Act relating to the Availability in Industries of On-site Medical Facilities and Personnel" (H. P. 1072) (L. D. 1464)

Mr. Kelley from same Committee reported same on Bill "An Act

relating to Disqualification for Benefits under Employment Security Law" (H. P. 776) (L. D. 1042)

Mrs. Lincoln from same Committee reported same on Bill "An Act relating to Disqualification for Benefits under Employment Security Law Because of Work Stoppage" (H. P. 771) (L. D. 1037)

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

Leave to Withdraw

Mrs. Lincoln from the Committee on Labor on Bill "An Act relating to Compensation for Injury to Employee Because of Violation of Law under Workmen's Compensation Law" (H. P. 1073) (L. D. 1465) reported Leave to Withdraw.

Same member from same Committee on Bill "An Act relating to Termination of Compensation under Workmen's Compensation Law" (H. P. 1074) (L. D. 1466) reported Leave to Withdraw, as covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mrs. Wheeler from the Committee on Judiciary on Bill "An Act relating to Liens for Labor and Supplying Equipment" (H. P. 964) (L. D. 1325) reported same in a new draft (H. P. 1367) (L. D. 1784) under same title and that it "Ought to pass"

Mr. Lee from the Committee on Labor on Bill "An Act Revising Certain Safety Laws in the Department of Labor and Industry" (H. P. 419) (L. D. 546) reported same in a new draft (H. P. 1363) (L. D. 1780) under same title and that it "Ought to pass"

Mrs. Lincoln from same Committee on Bill "An Act relating to Claims for Benefits under the Employment Security Law" (H. P. 598) (L. D. 793) reported same in a new draft (H. P. 1364) (L. D. 1781) under same title and that it "Ought to pass"

Same member from same Committee on Bill "An Act relating to Benefits Erroneously Received under Employment Security Law" (H. P. 770) (L. D. 1036) reported same in a new draft (H. P. 1365)

(L. D. 1782) under same title and that it "Ought to pass"

Same member from same Committee on Bill "An Act relating to Workmen's Compensation Pending a Review of Incapacity" (H. P. 888) (L. D. 1209) reported same in a new draft (H. P. 1366) (L. D. 1783) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Carter from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act relating to Aid to Municipalities for Outdoor Recreational Facilities" (H. P. 1109) (L. D. 1514)

Mr. Bustin from the Committee on Labor reported same on Bill "An Act relating to Transfer to Suitable Work During Rehabilitation or Treatment Under Workmen's Compensation Law" (H. P. 1121) (L. D. 1540)

Mr. Hardy from the Committee on Natural Resources reported same on Bill "An Act to Revise Laws Relating to Outdoor Advertising" (H. P. 605) (L. D. 807)

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

Ought to Pass with Committee Amendment

Mr. Gill from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of \$5,215,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded and the Youthful and Adult Offender at out Mental Health and Corrections Institutions" (H. P. 177) (L. D. 235) reported "Ought to pass" as amended by Committee Amendment "A" (H-351) submitted therewith.

Mr. Kelley from the Committee on Judiciary on Bill "An Act relating to Validation of Certain Instruments and Recording of Plats of Subdivisions of Land in Municipalities" (H. P. 1028) (L. D. 1415) reported "Ought to pass" as

amended by Committee Amendment "A" (H-352) submitted therewith.

Mr. Good from the Committee on Labor on Bill "An Act relating to Disqualification for Benefits under Employment Security Law for Certain Elderly Employees" (H. P. 773) (L. D. 1039) reported "Ought to pass" as amended by Committee Amendment "A" (H-353) submitted therewith.

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses (H. P. 852) (L. D. 1165)

Report was signed by the following members:

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

Messrs. HEWES
of Cape Elizabeth
LUND of Augusta
Mrs. WHEELER of Portland
Messrs. HENLEY of Norway
PAGE of Fryeburg
CARRIER of Westbrook
ORESTIS of Lewiston
KELLEY of Caribou
— of the House.

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

Report was signed by the following members:

Mrs. BAKER of Orrington
Mrs. WHITE of Guilford
— of the House.

Reports were read.

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

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

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

The Chair recognizes the gentleman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: I oppose the motion to accept the "Ought not to pass" Report. This is my bill. At the hearing there was no opposition, but it was supported by the chiefs of police, the Attorney General's Department, the hotel and motel industry and many others. From the committee report you can see this is not a lawyer's bill; this is a John Q. Public bill. This is a constitutional amendment, and I believe the people should have the right to vote to accept or reject it.

I cannot believe that there is anyone in this House who is not aware of the number of felonies being committed daily. Just read your local paper. Look at the list of arson, false reports of bombs, burglary, larceny, aggravated assault. Burglary and larceny has doubled in the last ten years. Aggravated assault has increased five times. In 1960 Maine had 5,233 major offenses, those that were reported. In 1969 they had 10,129. Do you condone this?

I believe the right of the defendant should be protected. But I also believe the noncriminal has rights that should be protected. If this resolve goes to the people and is ratified, the courts would have some discretionary powers on whether or not to grant bail to a second offender who commits a felony while on bail.

This legislation will not hurt the innocent or the individual who makes one mistake. The ones affected by this will be the chronic repeaters. Why should a person charged with a crime and out on bail and commits other crimes be allowed to prey upon society?

In recent years the judicial tide has flowed strongly in favor of the criminal. But I think the time has come when the public wants their rights protected. This resolution is fair both to the defendant and to the general public.

No doubt you will hear about the backlog in the courts. I believe in speedy trials but there will always be a gap in the normal process. There has to be for the preparation

of the case and you had better believe that the people affected by this legislation will be out doing their thing in that available time.

Auto and property insurance has increased. One of the reasons given is the increase in robberies by 41%. We talk of relief to the senior citizens. Well they own property. They own automobiles. They own things of monetary or sentimental value. The cost of protecting these can be easily offset by any relief we can grant them.

As I said before, there was no opposition to this legislation at the hearing. The opposition comes from the members of the Judiciary Committee and I believe that the people should have the right to vote on this and I hope that you will reject the "Ought not to pass" Report so we can go along with the "Ought to pass" Report.

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

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen of the House: I was not aware of this bill when it came before committee and I was looking at it today and I can't understand why this would come out ought not to pass.

This simply includes violators of felonies or any picked up on one charge and when they are picked up on the second charge that they would not be allowed bail. This seems pretty reasonable.

I can recall a situation which occurred not too long ago, and one of the people involved was sitting right here in the House, Mr. Gill. We had some lovely visitors from Massachusetts come up and unknown to Mr. Gill entered his Scarborough pharmacy and took a loan. They were picked up shortly after, and being the decision of the people involved not to be too offensive to these characters, they allowed them to go out on bail. These fellows promptly went up to Limerick and robbed the Casco Bank up there the same night.

I fail to see where this is imposing any hardships on any responsible person. It certainly might go a long way toward protecting those of us who at least try to obey the laws that we have. I would hope that you would go along with

this measure. It certainly seems reasonable.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I can't help but agree with a lot of the information that has already been given to the House. The only thing is this, I think that the people of this Legislature will have to admit that whether this is a lawyer's bill or not the reason why the large majority voted it "ought not to pass" was because in committee all of the legal minds and some of us who did not have legal background felt that it still was not fair. We agree that a lot of persons on bail commit second and third offenses. What we do not agree on apparently, and what possibly my friend Mrs. Boudreau does not consider, or Mr. Gagnon, is that a person out on bail is not a criminal. He is not proved to be a criminal. He has merely been arrested and charged. The bail merely says that it is sort of a bond to be sure that he appears for trial.

How can we who abide by our Constitution, how can we accept a person's guilt before he is proven guilty, thus denying him a second chance at bail? Nevertheless, we realize that these things are abused, but this is not the right law to handle it.

The way to handle it, I believe, is heavier bail. Possibly a court would recognize the habitual criminal and make such heavy bail that they are not likely to be at large, if they have committed some real crime.

But again I insist that your Judiciary Committee has many things to do other than just to listen to the pros and cons of people who come before them and say they would like or dislike a certain bill.

On the face of it this looks wonderful, but you yourselves stop to think, you can be charged with a crime or you can be charged with a felony. You might be as innocent as all getout but you could be charged with it, and until you have a time to appear before a court and they have got to prove you guilty, you are still innocent.

Consequently we have no right to consider that charge as being a proof that you are a criminal.

Now if this only applied to people who had a real criminal record, there might be more sense to it. But it does not. It just insists that if a person is out on bail they should not be admitted to bail again. Based on the fact that they are charging him with a crime the first time but it hasn't been proven, he is still innocent. That is the only way I can explain the reason that most of the Committee went that way. We cannot put out these laws just because someone is sympathetic with what is being tried to be done. We have got to approach it at a different angle. So I hope that you will go along with the Majority Report of your Judiciary.

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

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen of the House: Speaking merely as an individual who is interested in justice, I would like to make a comment on this.

We were just told that this would be unfair. Unfair to whom? To one who has committed two crimes. I think it is time that we did something to him. He was unfair to two individuals or he wouldn't have committed those two crimes. Therefore I favor this bill.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: All of those members of the House who have spoken for the Minority "Ought to pass" Report on this bill have spoken from the basic presumption which our Constitution does not hold. They have spoken from the presumption that all of these people are guilty until they are proven innocent. Our whole constitution and our whole judicial system is based on the fact that the American people, those accused of crimes are innocent until they are proven guilty.

The fact that a person has been charged with a felony and has been put back on the streets to appear for trial does not make

him guilty of the first crime. The fact that he is charged with a second crime does not make him guilty of either the first or the second crime. We have crowded court dockets, and under this bill we would be putting someone in jail and throwing away the key until the time that person came to trial for the first or second offense.

Now these people are just charged with crimes. There is no proof that they have committed them. Just the fact that he is out on bail and has been charged with a second crime and is brought before someone to be allowed out on bail the second time, just that fact, with no evidence to be presented to anyone, means that he is going to be sitting in jail whether he is guilty or he is innocent until the time of his trial.

Now there are three good reasons why this bill should not be voted into law. The first is that we are doing harm to innocent people because all of these people are innocent until proven guilty.

The second is that the courts now have the authority to set high bail. If they have a reasonable cause to believe that the person is likely to flee the state, they have the authority now to set as high a bail as they want and keep the person right there in jail if they believe that he should stay there.

The third is that this just isn't going to work. We now have a bail commissioner system in the State of Maine where people are bailed out of jail directly at the police station or directly at the jailhouse, with no opportunity to look at the State Bureau of Identification records, with no opportunity to inquire whether that person is out on bail from another crime. Therefore, even if this were law, unless we changed our whole system of jurisprudence here in the State of Maine we could not enforce this law. It is going to work a hardship on people who are innocent. There is no doubt that this law will keep some people in jail who ought to be there, but are we the ones who are to make this decision or is it a jury of twelve at the time of trial?

I urge you to uphold the principles of our Constitution as they are written now and give the innocent man the opportunity to remain on the street until he is proven guilty.

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

Mr. GAGNON. Mr. Speaker and Ladies and Gentlemen of the House: Just a couple of points. If we are going to interpret this as Mr. Orestis says, on the basis of the person being convicted before he is found guilty, we would have to eliminate the present situation when the Constitution states capital offenses. Now the only thing that we are including here is felonies. On a felony a bail commissioner cannot make bail in a police station right now. If it is not right to not allow a person bail on the capital offenses, what makes it so much different to allow him to do it under felonies?

This is not consistent and this is for the protection of the average public. I don't think anyone in this House is going to go out and be convicted of or incarcerated for two different felony situations. We are dealing not with the individual but with the potential and usually in most cases the person with the record. This is for the protection of many over the protection of a few. I think we have to base it on a matter of priority.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I support this bill. I think it is a good bill. Now it seems to me if someone is caught on a felony, is released on bail, he recommits another felony, then it should be prima facie evidence that he is guilty of the first case. So I think this bill could be worked out in such way as to make it acceptable, and I hope that we don't go along with the "Ought not to pass" Report and that we accept the "Ought to pass" Report.

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

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the

House: I do believe that there is a possibility that there might be an innocent persons kept in jail. But I think that possibility is so slight compared to the number of those who have committed a crime that should be kept in jail if they commit another crime when they are out on bail that I think that that consideration should carry very little weight.

As for the money, as to the judge putting a very high bail on, isn't this once again getting to the point that those who can pay go free and those that cannot pay stay in jail. I think that this is once again encouraging the burglar, the outlaw, the man who has broken a law or has been accused of it, can go on bail because he is backed perhaps by large monies. We all know where we think these large monies are. They are at the behest of some of these younger men and they will be out on bail and then are free to go and do what they want as far as committing another crime.

As to the fact that it isn't going to work, I don't see how you can say that until you try it. I am not sure that I approve of seeing hardship on the innocent, meaning just those who have been accused. I think also the innocent that are going to be harmed financially or perhaps physically by someone who is out on bail, that their interests should be preserved, and I hope that we vote for the minority.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: There has been quite a bit of talk this morning about protecting the innocent, and that is exactly what this bill is designed to do, to protect the innocent from being robbed, protected from being beaten. I think it is about time that the people of this state, in the rural communities and in the cities, received more protection. I know our police forces and they are good people, but they are overworked and they are understaffed. We have got to have something to get the habitual criminal off the street. And I think we should pro-

tect the innocent, indeed, so let's pass this bill.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Certainly as one individual I am not unsympathetic to the problem that caused the gentlewoman from Portland, Mrs. Boudreau, to introduce this bill. It seems to me that it is difficult to defend letting out in the street the second time a person who has been charged but admittedly not convicted, but charged with a felony the first time and been involved, perhaps, at least again on a charge of felony the second time.

I also agree with the comments of the gentlewoman from Newport, Mrs. Cummings, that there is a tendency in these type cases to handle the matter by increasing bail. And I think that an increase in bail really does not of itself provide the public the protection needed, because if you are dealing with the really hard-core criminal, often one with financial resources available, he may make the high bail.

I wonder sometimes when we set that very high bail for offenses if we are not only discriminating, as Mrs. Cummings has suggested, but also if we are really protecting ourselves. If the man is dangerous and he is out in the street, whether it is for \$500 or \$50,000, he still may be a dangerous person to the public.

Mr. Speaker, I make these comments really as a matter of preface to the question which I wish to ask and I don't know the answer to. I hope someone perhaps from the Judiciary Committee does. We have talked about amending the State Constitution, which we can initiate here in the legislature and which the people can do. We nevertheless still are under the Federal Constitution, and it is my understanding that basically the bail provisions of the 8th Amendment to the Federal Constitution are made applicable to the states by reason of the due process provision of the 14th Amendment to the Federal Constitution. In other words, we have

to meet the requirements of both our own State Constitution, which we may change if the people go along with it, and the requirements of the Federal Constitution. Amendment VIII of the Federal Constitution does deal with the matter of bail. I have not read the case law on it of late, but it seems to me that there is significant difficulty, or there may be significant difficulty with this State Constitutional Amendment not being in conformity with the Federal Constitution, therefore being invalid.

I would ask again if some member of the Judiciary Committee could shed some light on that question and perhaps if they can't we ought to consider waiting a day or so on the bill and see if we can get an authoritative interpretation on this.

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

Mrs. BOUDREAU: Mr. Speaker and Members of the House: I am not a member of the Judiciary Committee, but this law is exactly as the law passed by Arizona, and I knew this question would come up.

I have a letter here from the Attorney General of Phoenix, Arizona, dated April 9. They passed it and it went into effect last November and here is the reply to my letter.

"As of the date of this letter" — which was April 8 — "there has been no judicial review of Article II, Section 2, of the Arizona Constitution. Furthermore, to the best of my knowledge, there is no case pending in the appellate courts of this state on this matter." So evidently no one in Arizona thinks it interferes with the U.S. Constitution.

Mr. Silverman of Calais requested a roll call vote.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would thank the gentlewoman from Portland, Mrs. Boudreau, for her information as to the—really, as I understand the letter, really the lack of any court test in Arizona. It might be that Arizona is not as

fortunate as Maine in having a provision in their Constitution for seeking an advisory opinion from the State's Supreme Judicial Court.

I would respectfully suggest (to the members of the House that the difference between us — if there is a difference — and the difference in the committee may not be a lack of concern with the second offender going back on the streets. It seems to me that argument is very strong and the public interest is very high here. We do have increasing problems, as Mrs. Boudreau and others have said.

But if it is possible that this would not stand a test under the Federal Constitution, we might be deluding ourselves in thinking that we are passing something that will be helpful, and it may not be helpful because the first time it is tested, if they fail, perhaps the citizens of the State of Arizona are not as prone to engage in litigation as the citizens of Maine. But it is my guess that if this goes on the books that it would be challenged within a very few months in Maine.

I suggest we have the procedure of seeking an advisory opinion from our law court, and if it is constitutional under the Federal Constitution, I suspect the majority of us definitely want to go along with it. On the other hand, if it is unconstitutional, we put it out to referendum, I suggest that we may be deluding ourselves.

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

Mr. COTE: Mr. Speaker and Members of the House: I will make a suggestion that we should, this morning, defeat the "Ought not to pass" Report, accept the "Ought to pass" Report and then we can cross the bridge when we come to it as to its constitutionality.

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

A vote of the House was taken, and more than one fifth of the

members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. HENLEY: Mr. Speaker, I would like to table this for one day.

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

A vote of the House was taken.

8 having voted in the affirmative and 124 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Norway, Mr. Henley, that the House accept the Majority "Ought not to pass" Report on Resolution Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses, House Paper 852, L. D. 1165. A roll call has been ordered. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bustin, Carrier, Henley, Kelley, P. S.; Lund, McCloskey, Murray, Orestis, Page, Rocheleau, Vincent, Webber, Wheeler, Whitson, Williams.

NAY — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bunker, Call, Carrey, Carter, Churchill, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S. Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans; Farington, Faucher, Fecteau, Finemore, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Herrick, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lesard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lucas, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marstaller, Martin, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Morrell,

Mosher, Norris, O'Brien, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rollins, Santoro, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Starbird, Stillings, Susi, Tanguay, Theriault, Trask, Tyndale, White, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Clark, Fraser, Hanson, Hewes, Ross, Sheltra, Smith, E. H.

Yes, 15; No, 128; Absent, 7.

The SPEAKER: Fifteen having voted in the affirmative and one hundred twenty-eight in the negative, with seven being absent, the motion does not prevail.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Definition of Theft by One Renting or Trused with Property" (H. P. 963) (L. D. 1324)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HARDING of Aroostook
QUINN of Penobscot
— of the Senate.
Messrs. KELLEY of Caribou
PAGE of Fryeburg
Mrs. WHITE of Guilford
Mr. LUND of Augusta
Mrs. BAKER of Orrington
Mrs. WHEELER of Portland
Messrs. CARRIER of Westbrook
ORESTIS of Lewiston
— of the House.

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

Report was signed by the following members:

Messrs. HENLEY of Norway
HEWES
of Cape Elizabeth
— of the House.

Reports were read.

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

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

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

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

Mr. LEE: Mr. Speaker and Members of the House: This is my bill and I am not particularly versed in the law. This is a little bit technical, and I noticed Mr. Hewes, who did favor the bill, signed it "ought to pass" is absent. I wonder if somebody would table this for one legislative day.

Thereupon, on motion of Mr. Genest of Waterville, tabled pending the motion of Mr. Lund of Augusta that the House accept the Majority "Ought not to pass" Report and specially assigned for Friday, May 28.

Divided Report

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Arbitration under Public Employees Labor Relations Law" (H. P. 1118) (L. D. 1538)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
LEVINE of Kennebec
— of the Senate.
Messrs. GOOD of Westfield
LEE of Albion
ROLLINS of Dixfield
Mrs. LINCOLN of Bethel
Messrs. KELLEY of Machias
SIMPSON of Millinocket
— of the House.

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

Report was signed by the following members:

Mr. MARCOTTE of York
— of the Senate.
Messrs. GENEST of Waterville
BEDARD of Saco
BUSTIN of Augusta
McTEAGUE of Brunswick
— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Westfield, Mr. Good, moves

that the House accept the Majority "Ought not to pass" Report.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill is an amendment to the Municipal Employees Labor Relations Law and it governs the manner in which impasses which occur between the employee organization and the employer, how those impasses shall be solved.

Under the present law, after collective bargaining has been in process for a long period of time and no mutually satisfactory agreement has been reached, the law provides that both sides can mutually agree to go in mediation in order to resolve their differences. If that is not successful or if both parties do not elect to take that course, the next step is called fact finding, in which case either the Maine Board of Arbitration and Conciliation or fact-finding panel appointed by the Commissioner of Labor and Industry comes upon the local scene, listens to both sides, issues a fact-finding report which is advisory.

Most of the problems that have occurred under this law have been settled through the fact-finding process. However, not always, the parties do not always agree after the fact-finding process and the law then provides that whatever issues are still remaining be submitted to arbitration.

Under arbitration a group of arbitrators, a panel of three arbitrators, comes upon the local scene once again, listens to both sides and issues a report. And in all matters except salaries, pensions and insurance, the findings of the arbitrators are final and binding upon the parties.

The purpose of this amendment is to also submit, after all other recourses have been exhausted, the issues of salaries, pensions and insurance to binding arbitration, if those, in fact, are the issues; and usually they are. It would seem to me that this would be a better solution to the problem of impasse between employee organizations and the employer.

What may happen as we begin to move along in sophistication under this act is that ultimately there are going to come times when an impasse exists after the advisory arbitration stage, at which point the employee organization is faced with ultimately two alternatives. One alternative is to take whatever the municipal body has offered, and the other alternative is to leave it. And if the employee organization leaves it, they have no recourse except to some kind of concerted activity—concerted activity in the form of a public employee strike. Now strikes under the Municipal Employee Labor Relations Law are illegal. So, in effect, they would be forced to take some kind of illegal action.

Now the matter of public concern under this particular bill, this amendment, is what happens when employees such as firemen and policemen go out on strike. Now obviously the public health and safety is endangered, and the purpose of this legislation is to protect the public health and safety in these kinds of circumstances. I think this would be conducive to maintaining labor peace in our municipalities and that binding arbitration should be the final step in impasses which occur between the employee organizations and the employer.

I urge the rejection of the "Ought not to pass" Report and the adoption of the **Minority Report**.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Bustin has given us a very good speech and I think he is very sincere in his efforts there. However, it was just two years ago that we passed a Municipal Employees Labor Relations Law and nobody has got acquainted to the point of knowing just how they can work or how they will work. The Municipal Association was against it, and the thought was to see if it couldn't work itself out. I am in favor of "ought not to pass."

The **SPEAKER**: The **Chair** will order a vote. The pending question is on the motion of the gentleman from Westfield, Mr. Good, that the

House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Arbitration under Public Employees Labor Relations Law," House Paper 1118, L. D. 1538. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 86 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Passed to Be Engrossed

Bill "An Act relating to the Name of Maine Juvenile Justice Association, Inc." (S. P. 558) (L. D. 1698)

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 Amended

Bill "An Act relating to Legislative Counsel or Agents" (S. P. 586) (L. D. 1739)

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

Mr. Kelleher of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-348) was read by the Clerk.

The **SPEAKER**: The gentleman may proceed.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I offer this amendment so that the people of this state who vote for us will know exactly what our incomes are and where they are derived from. Yesterday when this bill was before us there was considerable debate, not so much concerning perhaps the bill as it was my amendment.

I was somewhat disturbed by the remarks of my good friend from Pittsfield concerning what my intentions were on the amendment and who prepared the amendment. Well I am not a legal expert, so I do have to resort to the Legislative Office to have my amendments drawn up, and he kind of indicated that it was someone else that prepared it. I have to agree with him. It was, it came out of the Legislative Research office. I always figure when we go down with an amendment that we try to express

our ideas to that fine gentleman down in that office and he puts the legal mumble-jumble together and it comes out in a version such as this.

There was one other comment that he referred to, that I was trying to kill this bill, and I am certainly not trying to kill the bill. I think this amendment will help the bill. I don't believe it will hurt the bill. I don't see any great problem with it and I hope that you people support the amendment this morning.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I think that the sponsor of this amendment has portrayed it quite accurately. I was not quite aware of the effect of the amendment. I have no objection to it if it is offered in the sense that what is good for the goose is good for the gander. And if you people feel that this is a reasonable provision of the bill, I for one certainly have no objection to it and would accept it if this is your judgment.

Yesterday I didn't understand the impact of it and misjudged the situation and I would like to apologize to the sponsor.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: I have some serious objections to it, not that I make a lot of money, but I don't think it is anybody's business how much I make and where I make it from. I don't buy this and I vote with Mr. Kelleher right along and I don't know what the intentions are, but someone is playing a game apparently, and I shall vote against this.

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

Mr. LUND: Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER: The gentleman may make his inquiry.

Mr. LUND: The inquiry is whether an amendment dealing with disclosure of the income of legislators is germane on a bill

dealing with legislative counsel or agents?

The SPEAKER: The Chair would rule that it is germane. The gentleman may proceed.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I would not question the sincerity of the gentleman who offered this amendment, and if he would care to limit the amendment to the scope of the original bill that we are talking about I would have no objection. The bill in its original form deals with disclosure with respect to the compensation of legislative counsel or agents and their expense accounts in connection with the legislative process.

I think the public knows what our income is in connection with the legislative process, and I have no objection to that. And if the gentleman would care to amend his amendment to make it conform to the income that we receive in connection with the legislative process, I would have no objection to it. But that is not the thrust of the amendment and I would therefore, oppose the amendment.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise to support the introduction of this amendment. In relation to the remarks of my seatmate, Mr. Lund, I would like to point out to him that the purpose of the original bill is to determine just how much it costs various people that they represent to get their thoughts considered here, and this amendment does this for some people that are present and we are all in various lines of activity. I certainly think that in my profession if I am sponsoring something and if it directly relates to me, then I should not pursue the introduction of this, or I should ask to be excused. And I have seen a great number of times on the floor of this House when this is not done.

So therefore, I think the people have got a right to know where we get our money from, what source we get it from, and I don't feel there is soul here that should be afraid to disclose it.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Members of the House: I have been looking at the amendment, and I have a question I would like to ask someone, possibly Mr. Kelleher. I wonder how this is going to serve its purpose. The amendment apparently asks for the income in the off year, which I don't think would show what I believe it is intended to show. Am I right?

The SPEAKER: The Chair would advise the gentleman and the House that the Chair would rule that this is germane because of the fact that this does not say any more than our present rules of the House do dictate.

The Chair will order a vote. 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.

85 having voted in the affirmative and 45 having voted in the negative, House Amendment "A" was adopted.

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

Mr. LUND: Mr. Speaker, I present House Amendment "B" and move its adoption.

The SPEAKER: The gentleman from Augusta, Mr. Lund offers House Amendment "B" and moves its adoption. The Clerk will read the amendment.

House Amendment "B" (H-361) was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker, under our joint action on business, joint rules, reading Rule 21, with the title Rejection of Bills. It reads thusly: "When any measure shall be finally rejected, it shall not be revived except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the house of which the mover is a member. No measure shall be recalled from the legislative files except by joint order approved by a vote of two-thirds of both houses." Reading this amendment

here, 361, in my opinion, Mr. Speaker, it says, "Amend said Bill in the 18th line. . . by inserting after the underlined word 'reimbursed' and before the period the following: 'and the salary or other compensation for services as legislative counsel or agent, paid or accrued during the legislative session'"

"Further amend said Bill by inserting before the last paragraph the following:

'3. Salary. The salary or other compensation for services as legislative counsel or agent.'"

In my opinion, Mr. Speaker, this amendment here is nothing but just putting us back into what we defeated yesterday. This puts us right back into "C". Mr. Speaker, I would like to question the procedure of this amendment, and I would suggest that the amendment is out of order, and I would ask you to rule on my point.

The SPEAKER: The Chair would rule that pursuant to House Rule 32 and Joint Rule 21, this amendment is not in order.

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

Third Reader Tabled and Assigned

Bill "An Act relating to Service Retirement of Teachers under State Retirement System" (H. P. 625) (L. D. 835)

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

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

Third Reader Amended

Bill "An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers" (H. P. 1330) (L. D. 1744)

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

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

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose L. D. 1744, and I move the indefinite postponement of this bill and all of its accompanying papers.

This bill is an attempt by a small group of people to get the state, through the legislature, to write terms into their contracts, which they should be able to negotiate themselves as everyone else in private enterprise has to do.

This bill proposes to add by statute two or three terms favorable to Maine beer and wine wholesalers to the detriment of their suppliers, the breweries and the wineries. They say that because of their great investment in a warehouse and equipment and trucks, and so forth, that they should be given 90 days' notice prior to having their account terminated. If we start writing the contracts for these people, we will be writing everybody's contracts. In this highly competitive business, an account can be destroyed in 90 days. If these people want 90 days they can negotiate for it as they do for everything else.

This, I believe, is a complete infringement on free enterprise and the rights of individuals to contract as they see fit. A far more significant clause in this legislation is in the third paragraph on Page 2, which if you read carefully states in effect: The Liquor Commission may lengthen the waiting period, that is, the 90 days, before approving a change in either the wholesaler or his territory.

This last provision sets forth unrestricted power in the hands of the Liquor Commission, neither controlled by statute, custom or by anything else. The Liquor Commission may indefinitely lock together two parties for a completely unlimited period of time. This is neither right nor good government.

It certainly seems strange that we are talking about wine today. Wine came into the hands of the wholesaler this past fall. We have had wine in grocery stores for about five months. Certainly there were no complaints last fall when they entered into their contracts

to do business with their wine suppliers. They were very anxious to have the business. They didn't need 90 days' notice. Now within five months they are asking that their agreements which they negotiated be changed by statute. This isn't fair.

I do not believe for one minute that a wholesaler is unaware of his contractual relationship being terminated when he is not performing his duties and sales are not being maintained. He knows pretty well that he can be dropped and, generally, the reason is that he has not been doing his job. A tie-in of at least 90 days can destroy the market for this particular product. It isn't necessary.

I do not believe that these extremely successful businessmen, the beer people, need to have a guardian to protect them. Our Liquor Commission has all the power, authority and control that it needs to regulate the liquor business. There is no public need for this legislation. This is not going to protect the voters one iota.

It is for these reasons that I have moved for the indefinite postponement and I hope you will support my motion.

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

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: I wish that the gentleman from Orrington, Mrs. Baker, had more carefully read this L. D. There is nothing in this L. D. that infringes upon private enterprise in any way, shape or manner.

She brought out the point about the legislature making contracts between two people. May I inform this House that at the present time there are no contracts between any brewery, any winery, and the wholesalers in the State of Maine. There are loose agreements. I would say there are very loose agreements, and that is all.

This L. D. is a bill that is a two-way street. Under the present laws of the State of Maine, the conduct of a wholesaler to the retailer, a retailer to the consumer, is spelled out in our laws in great detail. There are no laws on the books

at the present time that will protect either the brewery, the winery, or the wholesaler in the State of Maine. This is not a wet bill; it is not a dry bill. It is a bill which would set up a board of hearing to listen to complaints from either party. It is a corrective bill.

I think it is a protective bill. You will be led to believe that at the present time or up to the present time that no capricious acts have taken place between the breweries and the wholesalers in the State of Maine. I assure you as, for instance, the people in Bangor are well aware, that this has taken place. This bill would correct that situation, and it would protect both parties in the future, that this could not take place again.

Now as regards the infringement on private enterprise. If you will look at the Statement of Fact in this bill you will see that the Statement of Fact says that this is to prevent unfair or capricious acts on either party. In the body of the bill it states that any time that mutual agreement can be arrived at between the wholesaler and the brewery or the winery, all they have to do is take their case to the State Liquor Commission, and it can be resolved at once.

I have prepared an amendment which is on your desk which would take care of the objection of the lady from Orrington, Mrs. Baker. I would request that the motion to indefinitely postponed would be defeated so that this amendment can be offered to alleviate that objection.

Whether we want to face up to this or not, since the inception of liquor in our State of Maine, it has been and still is, and probably always will be, a controlled business. Controlled by the State of Maine. I believe this one last step in setting forth conditions which I still maintain are fair to both the wholesaler within the State of Maine, and to the brewery or to the winery, will complete the complete control of our liquor business in the State of Maine.

To be sure, all of the people who now hold wholesaler licenses within the State of Maine are Maine people. I submit to you that every

brewery and every winery is out-of-state people. And if it comes down to protection, I am sure that it would be up to this House to protect our local people.

I would urge you to defeat the motion of indefinite postponement, and then allow me to present an amendment.

The SPEAKER: The Chair would advise the gentleman that amendments have priority over indefinite postponement. If the gentleman wishes to offer an amendment at this time it would be in order.

Mr. Hodgdon of Kittery then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-337) was read by the Clerk and adopted.

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

Mr. EVANS: Mr. Speaker and Members of the House: I have a question that I would like to pose if anyone cares to answer it.

The SPEAKER: The gentleman from Freedom, Mr. Evans, poses a question through the Chair, the gentleman may proceed.

Mr. EVANS: Mr. Speaker and Members of the House: I would like to have somebody explain section one, that black print in section one. I would also like to ask, has this bill been referred back to committee before?

The SPEAKER: The bill has been recommitted for the information of the gentleman. The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Member of the House. I move the indefinite postponement of this bill and all of the accompanying papers.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves the indefinite postponement of L. D. 1744 as amended.

The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the motion to indefinitely postpone this bill.

Most of these wholesalers have either a great volume of business or a variety of businesses. Some of them distribute other products such as soft drinks, tobaccos, and sundries. Or they may be in the trucking business or operate a successful discount business. Not only do they handle several beer products, they also handle many varieties of wine. It is not the catastrophe to lose an account that you have been led to believe.

This bill in section two attempts to state that neither a brewery or winery or a beer or wine distributor can carry their products exclusively. Why should they ask us to write into law so it will be a part of every contract this kind of restriction? These beer people have not restricted themselves to a single product. Any of us in the past would like to have had the opportunity to have handled either the Ford automobile or Coca-Cola exclusively, or some of the other nationally known products.

I know of nothing wrong in handling products exclusively. This bill has nothing to do with the people. This is for a small special interest group who are well able to take care of themselves. I shall vote for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker and Ladies and Gentlemen of the House: I signed the "Ought not to pass" Report on this bill because I felt that the Legislature ought not to involve itself in this area. The wholesalers that I have seen are good businessmen and perfectly capable of negotiating their contracts without our help. I support the motion of Mrs. Baker of Orrington to indefinitely postpone this bill and all of its papers.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: Usually when I see bills like this in this Legislature I kind of take a parochial attitude toward them. I don't know of any breweries in the State of Maine but there are a number of wholesalers and I feel that if there is any

protection to be given let's give it to the people of our state and not to the people outside.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I hate to disagree with my seatmate continually but I have been in business for 25 or 30 years. I have exactly the same problems that the wholesalers are seeking to have the state help them solve. Any retailer that handles brand-name merchandise has the continual problem of maintaining exclusive distributorship or to the point of having competitors have the same brand.

I can see no difference whatever between my problems in this field and the problems of the people who happen to handle beer or wine. I don't seek to have any state agency assist me in solving my problems and I can see no reason why the state should intervene in this area.

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

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: Under the police power of the State we do control the liquor industry. It is not like any other business operated in the State of Maine. It has been determined by this Legislature and the previous legislatures to be in the best interests of the state and of the people of this state to control the manufacture, the distribution, transportation, sale and even the consumption of alcoholic beverages.

If you agree with the present situation that Maine should remain a controlled state as far as liquor is concerned then you must agree with the object of this bill. Now we agree that so far the wine industry has given the wholesaler a few problems, but we do know that the beer industry has given problems. All that we are trying to do is to protect these people against a situation that is almost certain to arise. The question of negotiating contracts between the manufacturer and the wholesaler or between the brewer and the

wholesaler has arisen. There is no negotiating a contract now. It is a unilateral contract, a one-way street. The brewer tells the wholesaler what he will sell. The vintner tells the wholesaler what he will sell.

All that we are trying to do with this bill is to change the situation so that the brewer will not be able to cancel at 5:30 some afternoon and leave the wholesaler out on a limb. All this bill says really is that when the brewer or the winery and the wholesaler agree to a marriage they must also agree to a hearing before the Liquor Commission before they separate from one another. This is fair. It is a fair bill. It doesn't do any harm to the brewer. It doesn't do any harm to the vintner. It protects Maine people, Maine businessmen who are property owners and taxpayers in this state and I certainly hope that you will vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Hawken.

Mr. HAWKENS: Mr. Speaker and Members of the House: Being one of the signers of the "Ought not to pass" on this Report, one thing that bothers me is the last sentence of section one. "Would prohibit the manufacturer or the wholesaler from agreeing that the wholesaler would handle the manufacturer's product only." If both agree that they would like to handle and promote a single brand I don't see why it should be unlawful. No one yet has told me why the State of Maine needs this law to protect its citizens. I also will vote for the "Ought not to pass" Report.

Mr. Hodgdon of Kittery requested a roll call.

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

Mr. TANGUAY: Mr. Speaker and Ladies and Gentlemen of the House: It is seldom that I get up, especially on beer and liquor. I would like to point out that this bill merely protects the wholesalers in the State of Maine who do business in the State of Maine, live in the State of Maine, pay

their taxes in Maine, employ Maine people, and spend their whole lives in Maine. And yet some wholesalers who have handled a product for 15 or 20 years, now within the space of 24 hours a brewer or a winery can call them up and say, "You no longer handle our product. We have found another wholesaler." We merely want to give this wholesaler 90 days grace in order to — if they do have a disagreement between the wholesaler and the brewery — we are going to give them 90 days to fix up the discrepancy. So it is not asking too much to protect our own people.

None of the breweries, I would say, and none of the wineries pay taxes in Maine. They definitely don't pay real estate taxes in Maine because they are all from out of state. So let us protect our own people.

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

Mr. COTE: Mr. Speaker and Members of the House: It took me a long time to make up my mind on this type of bill and I have got friends on both sides of the fence. But I can remember during World War II when I used to do the buying for a club that I had to go to the Liquor Commission, and in order to get a case of Scotch at that time the Liquor Commission imposed upon you to buy 10 cases of cheap rum. I can remember that and I thought that was wrong at that time. It was discrimination even by the State Liquor Commission. Now if we can protect our own people in this state I am all for this bill, and I hope that we don't vote for indefinite postponement.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: My memory goes back quite a good deal further than many of yours does. The point I would like to have you consider is this, at the end of prohibition where did the money move into that was being used to evade the prohibition laws at that time? You'll find that on the federal re-

ports that it went into wineries and breweries across the country. This is another step down on just what they did in those days.

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 gentlewoman from Orrington, Mrs. Baker, that Bill "An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers," House Paper 1330, L. D. 1744 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

YEAS — Ault, Baker, Barnes, Bartlett, Binnette, Birt, Bither, Brawn, Brown, Carrier, Churchill, Cummings, Curtis, A. P.; Dow, Emery, D. F.; Evans, Faucher, Gauthier, Good, Hancock, Hardy, Haskell, Hawkens, Hayes, Herrick, Immonen, Jutras, Kelley, K. F.; Keyte, Lebel, Lee, Lincoln, Littlefield, Lund, Maddox, McCormick, McNally, Murray, Payson, Porter, Scott, Shute, Smith, D. M.; Susi, Webber, White, Whitson, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS — Albert, Bailey, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Boudreau, Bourgoin, Bragdon, Bustin, Call, Carey, Carter, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Crosby, Curran, Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Drigotas, Dyar, Emery, E. M.; Farrington, Fecteau, Finemore, Gagnon, Genest, Gill, Goodwin, Henley, Hodgdon, Jalbert, Kelleher, Kelley, P. S.; Kilroy, Lawry, Lessard, Lewin, Lewis, Lizotte, Lucas, Lynch, MacLeod, Marstaller, Martin, McTeague, Millett, Mills, Morrell, Mosher, Norris, Orestis, Page, Parks, Pontbriand, Pratt, Rocheleau, Rollins, Santoro, Shaw,

Sheltra, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, E. H.; Stillings, Tanguay, Theriault, Trask, Vincent, Wheeler.

ABSENT — Bunker, Clark, Doyle, Dudley, Fraser, Hall, Hanson, Hewes, Kelley, R. P.; Mahany, Manchester, Marsh, McCloskey, McKinnon, O'Brien, Rand, Ross, Starbird, Tyndale, Wight.

Yes, 51; No, 79; Absent, 20.

The SPEAKER: Fifty-one having voted in the affirmative, seventy-nine having voted in the negative, with twenty being absent, the motion to indefinitely postpone does not prevail.

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

Bill "An Act relating to Standards for Electrical Installations and Electrical Equipment for Mobile Homes" (H. P. 1334) (L. D. 1748)

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

Third Reader

Tabled and Assigned

Resolve Providing Minimum Retirement Benefits for Certain Teachers (H. P. 1361) (L. D. 1776)

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

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

Amended Bills

Bill "An Act to Clarify the Exemption of Pollution Control Facilities from the Real Estate and Personal Property Taxes" (S. P. 160) (L. D. 429)

Bill "An Act Establishing a Comprehensive Child Care Program of Maine" (S. P. 432) (L. D. 1247)

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 Establishing the Lewiston-Auburn Airport Authority" (S. P. 481) (L. D. 1593)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and tomorrow assigned.)

Resolve to Provide Funds for a Feasibility Study for New Marine Facilities for the Port of Portland (S. P. 386) (L. D. 1141)

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

Passed to Be Enacted

An Act Appropriating Funds for Drug Rehabilitation in York County (S. P. 206) (L. D. 639)

An Act Clarifying the Laws Relating to Corporations Without Capital Stock (S. P. 327) (L. D. 986)

An Act relative to the Discharge of Mercury into Waters of the State (S. P. 593) (L. D. 1750)

An Act Providing Professional Immunity to Nurses in Emergency Cases (H. P. 149) (L. D. 204)

An Act Creating Piscataquis County Commissioner Districts (H. P. 1279) (L. D. 1679)

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.

On motion of Mr. Dyar of Strong,
Adjourned until nine o'clock tomorrow morning.