

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 17, 1973

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

Prayer by the Rev. Mr. Don Littlefield of Yarmouth.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Kelley of Southport presented the following Order and moved its passage:

ORDERED, that Carl R. Griffin III of Boothbay Harbor be appointed Honorary Page for today.

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

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Covered by Other Legislation

Report of the Committee on Transportation on Bill "An Act Revising the School Bus Law" (S. P. 73) (L. D. 190) reporting Leave to Withdraw as covered by other legislation.

Came from the Senate with the Report read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Business Legislation on Bill "An Act to Repeal the Maine Fair Trade Act" (S. P. 87) (L. D. 233) reporting "Ought to pass" in New Draft (S. P. 621) (L. D. 1935) under new title "An Act to Amend the Maine Fair Trade Act"

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

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

**Divided Report
Later Today Assigned**

Majority Report of the Committee on Labor on Bill "An Act Relating to Unemployment Compensation During a Lockout Because of a Labor Dispute" (S. P.

261) (L. D. 758) reporting "Ought to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot
KELLEY of Aroostook

— Of the Senate.

Messrs. BINNETTE of Old Town
HOBBINS of Saco
McHENRY of Madawaska
FLYNN of South Portland
BROWN of Augusta
FARLEY of Biddeford

Mrs. CHONKO of Topsham

— of the House.

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

Report was signed by the following members:

Mr. HUBER of Knox

— of the Senate.

Messrs. McNALLY of Ellsworth
GARSOE of Cumberland
ROLLINS of Dixfield

— of the House.

Came from the Senate with the Minority "Ought not to pass" report accepted.

In the House: Reports were read. The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, I move that the House accept the Minority "Ought not to pass" and would speak briefly to my motion.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves the House accept the Minority "Ought not to pass" Report in concurrence.

The gentleman may proceed.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Just as the strike is the legitimate weapon of laborers in a dispute with an employer, the lockout is the legitimate weapon of the employer on the other side of the fence. For the state to move into this area and attempt to place the burden on the employer of an effect of financing his own strike, I feel would be contrary to the well established concept under which the employment security fund is now set up.

In addition, if this concept were to be accepted by this body, that indeed this should be the method of operating, this bill is totally lacking in any sensible definition

of the current lockout. For these reasons, I hope we can concur with the Senate and accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, could I have this matter tabled until later in today's session pending acceptance.

Thereupon, Mr. Garsoe of Cumberland requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that this matter be tabled until later in today's session pending acceptance of the Minority Report in concurrence. All in favor of the motion will vote yes; those opposed will vote no.

A vote of the House was taken

57 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Relating to Notice or Severance Pay by Employers" (S. P. 451) (L. D. 1417) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HUBER of Knox
— of the Senate.
Messrs. ROLLINS of Dixfield
GARSOE of Cumberland
McNALLY of Ellsworth
FLYNN of South Portland
BROWN of Augusta
— of the House.

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

Report was signed by the following members:

Mr. KELLEY of Aroostook
— of the Senate.
Messrs. McHENRY of Madawaska
FARLEY of Biddeford
HOBBS of Saco
BINNETTE of Old Town
Mrs. CHONKO of Topsham
— of the House.

Came from the Senate with the Majority "Ought not to pass" report accepted.

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Augusta, Mr. Brown, moves the House accept the Majority "Ought not to pass" Report in concurrence.

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

Mr. MARTIN: Mr. Speaker, I wonder if the gentleman from Augusta would care to explain why the committee reported it out with the majority "ought not to pass" report?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Augusta, Mr. Brown, if he cares to answer.

The Chair recognizes that gentleman.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This legislation was proposed to take care of the situations where an industry just completely walks out of a community, leaving them cold and a whole bunch of employees without any kind of jobs or anything else.

What we found was that as a rule people in the area were well aware that a company was getting ready to move. They would also have a tendency, if necessary, to circumvent the law by leaving a skeleton crew on the job to indicate that they were still in operation when actually, for all practical purposes, they may have left the community and gone elsewhere.

The third possibility was that this company was usually broke and that is the reason they were going out of business. So it didn't make much difference whether they got further notice or severance pay in triple amount. This is basically the reason why the majority of this committee, I believe, reported "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I don't see the sponsor of this bill in his seat. With respect to him,

I think we ought to table this until later on in today's session.

The SPEAKER: The Chair would inform the gentleman that this is a Senate Paper sponsored by a member of the other body.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I am not sure whether employers are circumventing the law, but I certainly believe in the principle that if an employer attempts to prevent the guy from getting salary, then something ought to be done about it.

I certainly hope that we do not accept the "ought not to pass" and when the vote is taken I request the yeas and nays.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present. All those 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. Brown, that the House accept the Majority "Ought not to pass" Report in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Chick, Cressey, Curtis, T. S., Jr.; Davis, Dunn, Dyar, Farnham, Finemore, Garsoe, Good, Hamblen, Haskell, Henley, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pontbriand, Rollins, Shaw, Silverman, Simpson, L. E.; Sproul, Stillings, Susi, Trask, Walker, Webber, White, Willard.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carey, Carrier, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Crommett,

Curran, Dam, Deshaies, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Fecteau, Ferris, Fraser, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Kelleher, Keyte, Kilroy, LaPointe, LeBlanc, Lynch, Mahany, Martin, McHenry, McKernan, McMahon, Mills, Morin, L.; Morin, V.; Mulkrn, Murray, Najarian, O'Brien, Peterson, Ricker, Rolde, Ross, Shute, Smith, D. M.; Talbot, Tanguay, Theriault, Tierney, Trumbull, Tynedale, Wheeler, Whitzell, Wood, M. E.

ABSENT — Ault, Carter, Connolly, Donaghy, Dudley, Farley, Farrington, Faucher, Flynn, Gahagan, Gauthier, Herrick, Hoffses, LaCharite, Lawry, McCormick, McNally, McTeague, Pratt, Sheltra, Smith, S.; Soulas, Strout.

Yes, 56; No, 70; Absent, 23.

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

Thereupon, on motion of Mr. Martin of Eagle Lake, the Minority "Ought to pass" Report was accepted in non-concurrence.

The Bill was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act Providing Funds for Director of Volunteer Services in the Division of Probation and Parole" (S. P. 429) (L. D. 1299) reporting "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
SPEERS of Kennebec
— of the Senate.
Messrs. COONEY of Sabattus
CURTIS of Orono
GAHAGAN of Caribou
BUSTIN of Augusta
Mrs. GOODWIN of Bath
NAJARIAN of Portland
— of the House.

Minority report of the same Committee, on same Bill reporting "ought not to pass".

Report was signed by the following members:

Mr. CLIFFORD
 of Androscoggin
 — of the Senate.
 Messrs. CROMMETT
 of Millinocket
 FARNHAM of Hampden
 SILVERMAN of Calais
 STILLINGS of Berwick
 — of the House.

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

In the House: Reports were read. On motion of Mr. Curtis of Orono, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was read once and assigned for second reading tomorrow.

**Non-Concurrent Matter
 Tabled and Assigned**

Bill "An Act to Repeal the Seasonality Provision of the Employment Security Law" (H. P. 519) (L. D. 684) which the House passed to be engrossed as amended by Committee Amendment "A" (H-319) on May 7.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. BROWN: Mr. Speaker, for the purposes of an amendment, I move we recede.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Brown of Augusta to recede and specially assigned for Monday, May 21.

**Non-Concurrent Matter
 Tabled and Assigned**

Bill "An Act Relating to the Prohibition of the Advertising of Drug Prices" (H. P. 930) (L. D. 1227) which the House passed to be engrossed on May 11.

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

In the House: On motion of Mr. Simpson of Standish, tabled pending further consideration and specially assigned for Monday, May 21.

Non-Concurrent Matter

Bill "An Act to Place Jurisdiction of Annulment and Divorce Actions in the District Courts" (H. P. 1240) (L. D. 1611) which the House passed to be engrossed on May 8.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mrs. Wheeler of Portland, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Provide for Use of Courts by Poor Persons" (H. P. 771) (L. D. 1005) which the House indefinitely postponed on May 14.

Came from the Senate with the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mr. PERKINS: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from South Portland, Mr. Perkins, moves the House recede and concur.

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

Mr. CARRIER: Mr. Speaker and Members of the House: This is a bill which we have had recently here and which the House really gave a good defeat. I think it was a very wise move.

I still think that today it would be a wise move to adhere to our former action. So, I urge you to vote against the motion to recede and concur, so I can later make the motion to adhere.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Perkins, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 37 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Carrier of Westbrook, the House voted to adhere.

Bill "An Act Revising the Law Relating to Rules and Regulations of the Board of Chiropractic Examination and Registration" (H. P. 468) (L. D. 616) which the House passed to be engrossed on May 11.

Came from the Senate with the Majority Report "Ought to pass" in New Draft (H. P. 1490) (L. D. 1918) accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-134) in non-concurrence.

In the House:

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I am very happy to report that a compromise has been reached on this legislation; that compromise is Senate Amendment S-124. I have spoken with the lobbyist for the Chiropractors Association, Mr. Carroll Martin, and also Mr. Charlie Craigan, who is lobbyist for the Maine Medical Association. Both sides are in complete agreement with this report. Therefore, Mr. Speaker, I move that the House recede and concur with the Senate.

Thereupon, the House voted to recede and concur.

Messages and Document

The following Communication:

The Senate of Maine

Augusta

May 16, 1973

Hon. E. Louise Lincoln
Clerk of the House
106th Legislature
Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it accepted the Majority Ought Not to Pass report on Bill, "AN ACT Extending the Period of Entitlement to Compensation for Partial Incapacity under the Workmen's Compensation Law in Certain Cases" (H. P. 616) (L. D. 814)

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mr. Kelleher of Bangor presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that Bill, "An Act to Change Name of Bureau of Labor and Industry to the Bureau of Labor," House Paper 1002, Legislative Document 1327, be recalled from the legislative files to the House. (H. P. 1514)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: This bill had an unanimous "ought not to pass" report from the Committee on State Government. The bill had several speakers for it and some against. Those who seemed to be for changing the name lacked any good reason for the change, as this department still consists of people who are really labor department people and industry people. And for that reason, and that reason alone, the unanimous report of the State Government Committee.

Mr. Speaker, I would ask for a roll call on this.

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

ROLL CALL

YEA — Albert, Berry, G.W.; Berry, P.P.; Berube, Binnette, Boudreau, Bunker, Carey, Carrier, Carter, Churchill, Clark, Conley, Cote, Cottrell, Curran, Dam, Dow, Drigotas, Dunleavy, Dyar, Farley, Fecteau, Fraser, Genest, Goodwin, H.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, L a P o i n t e, Lawry, Mahany, Martin, M c-Cormick, McHenry, Mills, Morin, V.; Mulkern, Murray, O'Brien, Parks, Peterson, Pratt, R o s s, Shute, Smith, D.M.; Smith, S.; Sproul, Susi, Talbot, Tanguay, Tierney, Trumbull, Walker, Webber.

NAY — Baker, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bustin, Cameron, Chick, Chonko, Cooney, Cressey, Curtis, T.S., Jr.; Davis, Donaghy, Dunn, Emery, D.F.; Evans, Farnham, Farrington, Ferris, Finemore, Garsoe, Good, Goodwin, K.; Hamblen, Haskell, Henley, Herrick, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R.P.; Knight, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McKernan, McMahon, Merrill, Morin, L.; Morton, Murchison, Najarian, Norris, Palmer, Perkins, Pontbriand, Rollins, Shaw, Silverman, Simpson, L.E.; Stillings, Theriault, Trask, Tyndale, Wheeler, White, Whitzell, Willard, Wood, M.E.

ABSENT — Ault, Connolly, Crommett, Deshaies, Dudley, Faucher, Flynn, Gahagan, Gauthier, Hoffses, LaCharite, Lynch, McNally, McTeague, Rolde, Santoro, Sheltra, Soulas, Strout.

Yes, 62; No, 68; Absent, 19.

The **SPEAKER**: Sixty-two having voted in the affirmative and sixty-eight having voted in the negative, with nineteen being absent, the motion does not prevail.

The Joint Order failed of passage and was sent up for concurrence.

On motion of Mr. Henley of Norway, the House reconsidered its action of yesterday whereby Bill "An Act Relating to Pensions of Governors and Their Widows" Senate Paper 363, L. D. 1077, was passed to be engrossed.

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

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

House Amendment "A" to Committee Amendment "A" (H-400) was read by the Clerk.

On motion of Mr. Simpson of Standish, tabled pending the adoption of House Amendment "A" to Committee Amendment "A" and later today assigned.

House Reports of Committees Ought Not to Pass

Mr. Cote from the Committee on Legal Affairs on Bill "An Act to Require Public Hearings Prior to Certain Actions of Regional Planning Commissions and Council of Governments" (H. P. 558) (L. D. 737) reporting "Ought not to pass".

Mr. Dow from the Committee on Taxation reporting same on Bill "An Act Exempting Sales of Fishing Vessels and Equipment Therefor from the Sales Tax" (H. P. 61) (L. D. 73)

Mr. Immonen from the same Committee reporting same on Bill "An Act Relating to Municipal Excise Taxes on Boats and Motors" (H. P. 1278) (L. D. 1665)

Mr. Finemore from the same Committee reporting same on Bill "An Act Relating to Exemptions from Taxation of Institutions and Organizations" (H. P. 796) (L. D. 1058)

Same gentleman from same Committee reporting same on Bill "An Act Allowing Trade-in Credit on Sales Tax for Construction Machinery" (H. P. 877) (L. D. 1165)

Same gentleman from same Committee reporting same on Bill "An Act Exempting Electricity for Cooking and Heating in Homes from Sales Tax" (H. P. 1194) (L. D. 1533)

Same gentleman from Same Committee reporting same on Bill "An Act Exempting from the Sales Tax Utility Services Used in the Home" (H. P. 1355) (L. D. 1786)

Same gentleman from same Committee reporting same on Bill "An Act Exempting Gas and Electricity Used for Domestic Heating and Cooking from the Sales Tax" (H. P. 1371) (L. D. 1828)

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

Leave to Withdraw

Mr. Emery from the Committee on Legal Affairs on Bill "An Act Relating to Elevator Mechanics" (H. P. 1134) (L. D. 1469) reporting Leave to Withdraw.

Mr. Perkins from the Committee on Judiciary reporting same on Bill

“An Act Relating to Corporate Names” (H. P. 241) (L. D. 322)

Mr. Stillings from the Committee on Liquor Control reporting same on Bill “An Act Relating to Duties of Officers who Enforce the Liquor Laws” (H. P. 996) (L. D. 1315)

Mr. LeBlanc from the Committee on Education reporting same on Bill “An Act Relating to Raising Funds for the Support of Public Schools by Administrative Units” (H. P. 781) (L. D. 1013)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass
Printed Bill**

Mr. Dam from the Committee on Taxation on Bill “An Act Exempting Fuels Used to Heat Commercial Broiler Houses from the Sales Tax” (H. P. 1068) (L. D. 1393) reporting “Ought to pass”

Report was read and accepted, the Bill read once and assigned for second reading tomorrow.

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

Mr. Susi from the Committee on Taxation on Bill “An Act Exempting from the Sales Tax Sales to Nonprofit Corporations Delivering Health Care” (H. P. 157) (L. D. 199) reporting “Ought to pass” in New Draft (H. P. 1512) (L. D. 1942) under new title “An Act Exempting from the Sales Tax Sales to Nonprofit Health Care Corporations”

Mr. Huber from the Committee on Natural Resources on Bill “An Act to Amend Municipal Regulation of Land Subdivision Law” (H. P. 502) (L. D. 655) reporting “Ought to Pass” in New Draft (H. P. 1513) (L. D. 1943) under same title.

Reports were read and accepted, the New Drafts read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor on Bill “An Act Increasing Minimum Wages and Providing for Overtime” (H. P. 1164) (L. D. 1499) reporting “Ought not to pass”

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HUBER of Knox
— of the Senate.
Messrs. McNALLY of Ellsworth
FLYNN of South Portland
FARLEY of Biddeford
GARSOE of Cumberland
BROWN of Augusta
— of the House.

Minority Report of same Committee on same Bill reporting “Ought to pass” as amended by Committee Amendment “A” (H-394)

Report was signed by the following members:

Mr. KELLEY of Aroostook
Mrs. CHONKO of Topsham
Messrs. McHENRY of Madawaska
ROLLINS of Dixfield
BINNETTE of Old Town
HOBBINS of Saco
— of the House.

Reports were read.

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

Mr. BROWN: Mr. Speaker, I move we accept the Majority “Ought not to pass” report.

The SPEAKER: The gentleman from Augusta, Mr. Brown, moves the House accept the majority “Ought not to pass” Report.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would ask for a roll call on that request by the gentleman from Augusta, Mr. Brown.

I would ask the members of the House to look at Committee Amendment “A”. The basic thing the bill does as amended by Committee Amendment “A” is to provide that if overtime in excess of 50 hours in one week is worked, that the rate of compensation shall be double time. The idea is that time and a half applies after 40. When you work a man more than 50 hours a week, it is a better thing not to do. We intend not to encourage it, for the simple reason that after 50 hours of work in one week, there is a real safety factor involved, particularly in the more dangerous industries.

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

Mr. DUNLEAVY: Mr. Speaker, Ladies and gentlemen of the House: This is my bill, and of course what the gentleman from Brunswick has just said is one of the prime reasons for passing this bill.

Also notice, this bill seeks to improve the economic position of all workers, as well as their bargaining position when it comes to negotiating the terms of their employment.

Time over 50 hours essentially is the worker's leisure time. It is the time he would otherwise be spending with his family, with his children, it is his evening time. It is certainly worth more to the worker than his regular time. I hope you go against the motion.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I think I just heard a couple of the arguments from two gentlemen who first of all said that safety was involved in this thing, that after 50 hours the safety of the employee is at stake. I would suggest that if their safety is at stake, maybe what we ought to do is not allow any work after 50 hours, instead of just saying if he is going to work under an unsafe condition he is going to get paid double overtime.

I personally believe there are a lot of men in this state and maybe even some women in this state who would like to work over 50 hours and I think there are a lot of people in this state that definitely want to work and have to work over 50 hours to maybe make a wage or to pay for that little extra something that they want. I believe it ought to be left to the local employer and the local employee to determine for himself whether over 50 he should get double time and that we should stay out of it. I would urge you to accept the motion of the gentleman from Augusta, Mr. Brown.

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

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: The only reason that an employer extends an opportunity to work overtime is because it is in the economic interest of the employer to do so. It is not out of an altruistic sense to see that the employee receives more money.

Now, the passage of this bill would give the employee somewhere near the fair value of the leisure time he loses when he is asked to work over 50 hours. But let's just assume that the fear of the gentleman from Standish, were true. We have an unemployment rate in this state of over 7 percent, it creeps up in the springtime. Perhaps if all of the employers decided not to let their employees work over 50 hours, we could cut into this tremendous unemployment rate we have in this state, which is well above the national average.

I don't agree with the gentleman from Standish that his fear would come true, but if it did, it would bring the added benefit of reducing unemployment in Maine.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Members of the House: We have just heard a couple of gentlemen with absolutely no industrial experience. What they are trying to do is lay another layer of brick on top of the wall that tells industry to keep out of this state, and it is industry that creates employment.

The gentleman from Presque Isle, Mr. Dunleavy, states that unemployment increases in Maine in the spring, actually, we will drop off 5,000 people on our unemployment rolls between the first of April and the first of June. This is a matter of record, which he ought to look at before he talks off the top of his hat.

We saw action here yesterday, which tries to deprive people in Maine of a chance to work. Let's not build this wall any higher.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Hampden, Mr. Farnham, said that these previous two gentlemen had had no experience. Well, perhaps you will listen to someone who has.

I have worked in the Oxford Paper Company on the shipping platform where the checkers were asked to work anywhere from 50 to 80 hours a week. If you didn't work you were looked down upon. During this time that these people were working and killing themselves, there were other people who were qualified to do the job that were getting less than 40 hours. I think that this bill is a good bill, and I believe that it would alleviate some of those things.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I know very little about industry and the problems of industry, but I am connected with a service business and I know that in the service business it is a very difficult job to find people who are qualified and can work.

For years we have been paying the overtime rates as supplied to us by either the state or federal regulations, and I feel as though they are sufficient.

We are attempting here to usurp this body, the legislature, into management relationships in an area which doesn't concern them. It is private industry, private enterprise. I feel as though we are going much too far to put this kind of a mandation on the books of the State of Maine. We will get this sort of thing soon enough when federal regulations prescribe it. But this is not the time for the State of Maine to jump into the breach and I hope you will support the committee's majority report.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I would like to raise some questions through the Chair to anybody who might be able to answer them.

First of all, I am curious to

know, is the state as an employer covered under this law? Secondly, do hospitals, nursing homes and other places that might not have dangerous employment come under it?

The SPEAKER: The gentleman from Orono, Mr. Curtis, poses two questions through the Chair to anyone who may answer if he or she wishes.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: My understanding is that nursing homes and hospitals are not covered because we recognize the non-dangerous nature of that very crucial work. We also recognize that these are nonprofit, charitable institutions that work for the betterment of us all.

I would like to respond to one of the points raised by the gentleman from Standish. He says it might be a good idea, perhaps, in certain industries to prohibit work after 50 hours—perhaps it would. I would ask anyone in this House, including the gentleman from Hampden, whether he is familiar with the increased accident rate and death rate that comes from working over 50 hours.

I concur with the statements of the gentleman from Hampden regarding the increase in employment in Maine and I guess about the country, at least in the northern section of the country, during the springtime and summer. We all look forward to it. But we all know that even during the summer and worse during the winter, many people are unemployed. What is the sense of working one man extra hours when you do admittedly have a safety problem and are leaving other people unemployed.

I think the testimony of the gentleman from Dixfield, Mr. Rollins, was most eloquent and he probably has better experience than any of the others who have talked on this certainly, including me.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: There will be an awful lot of nonprofit organizations, not perhaps legally as far as the Internal Revenue is concerned, but we have enough of them now and we will have more and this will mean more unemployment. If you can't afford to pay it, you can't afford to compete, you are going to be out of business. I don't want to emulate my good friend B. B. Brawn, but I guess I worked as many hours over the years both as an employee and self-employed. I can't recall when I became self-employed that I worked any fewer hours and I can't recall a nickel of overtime that I got for doing it. I think we had better dump this bill right off quick. It is a bad bill.

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

Mr. BRAGDON: Mr. Speaker, I would like to inquire through the Chair of the gentleman from Brunswick, Mr. McTeague, if he cares to answer, whether this bill applies to agricultural labor?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I can't answer, but if the debate continues for two or three minutes, I am going out to try to get the answer now.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to know how come this House gets the idea that the employers of the State of Maine are a bunch of cutthroats and are out to get the workingman? I can assure you that that is not true from my personal experience.

If we don't be careful and we keep letting this stuff on the backs of the employers of the State of Maine, we aren't going to have so many jobs.

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

Mr. KELLEY: Mr. Speaker and Members of the House: If this applies to guides who commonly work a 15-hour day or a 90-hour week during short periods of time, it would put this business pretty well out of business. They provide a service that out-of-state people enjoy as well as people in the state. And believe me, if you are a waterfowl guide, you have got to put in many a 90-hour week.

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

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: I would try to answer the questions with respect to agricultural workers and guides. I believe that agricultural labor is one of the exemptions to which the minimum wage law does not apply.

I also am aware of the fact that there is another exemption to executives and persons earning over either \$100 or \$125 a week. I think that the guide might fall into that exemption, but I could stand corrected. Perhaps the gentleman from Brunswick has the answer to that question now.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: This weekend I had several calls from commercial people. Portland, I think, is a commercial city, it is not an industrial city. The questions went like this from some of our big mercantile houses, and I want to check up on the information that I received. I know there are experts here, but I was told that in Massachusetts and New Hampshire, adjacent states, the minimum wage was \$1.60, that may be unfactual, and I live under the understanding that the minimum wage generally is \$1.80. As I look at this bill, we are raising our minimum wage up to \$2. I would like to have some answers here just to clear my mind.

The SPEAKER: The gentleman from Portland, Mr. Cottrell, poses some questions through the Chair

to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: I am just looking at the committee report on this and I would like to point out to the House members that while it is a majority "ought not to pass" report, the report was a 7 to 6 report and it was fairly well divided. I hope that we would support the "ought to pass" report today.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring up one point that I think should be raised when we talk about overtime. The purpose of overtime is really not a bonus to the worker but it really is a penalty. I really feel sincerely that a person, a workingman in the State of Maine, should be justly compensated for his working over the 40-hour limit.

Also, I think the gentleman from Brunswick, Mr. McTeague, has raised an interesting point, a very good point, about the idea of the State of Maine in the number of jobs that we do not have. The people of Maine, as you know, have an unemployment rate which is double the nation's average. I feel that such a bill as we have in 1499 could alleviate our problem of unemployment because it would create more jobs in the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: This is a two part bill. One of the sections of this bill covers the minimum wage, which I want you to understand is actually covered by other legislation that will be coming out of our committee, as I understand it, as a unanimous report on the minimum wage. And I would have to concur with the gentleman from Standish, Mr. Simpson, that if safety is the thrust behind this, we should be placing the base of outlawing work beyond any certain period. I don't think

this bill is going to accomplish either one.

I would note that we have had over 80 bills come into this committee and very few of them have addressed themselves to the problems faced in our industry, the unemployment in Maine would have to be to a great degree regarded as contributing to that unemployment.

I would hope you would accept the majority report.

Mr. McTeague of Brunswick was granted permission to speak a third time.

Mr. McTEAGUE: Mr. Speaker and Members of the House: In response to the questions raised by the gentleman from Perham, Mr. Bragdon, I can't confirm that agricultural employment as defined under the employment security act is not covered by the bill.

Secondly, it is my understanding that the state employees would not be covered, although they are subject to federal court decisions, federal regulations.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present. All those 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. Brown, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Increasing Minimum Wages and Providing for Overtime" (H. P. 1164) (L. D. 1499). All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G.W.; Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carrier, Chick, Cottrell, Cressey, Curtis, T.S., Jr.; Dam, Donaghy, Dunn, Dyar, Emery, D.F.; Farley, Farnham, Farrington, Ferris, Finmore, Gahagan,

Garsoe, Hamblen, Haskell, Henley, Herrick, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Kelley, R.P.; Keyte, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McCormick, McMahon, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Ross, Shaw, Shute, Silverman, Simpson, L.E.; Sproul, Stillings, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M.E.

NAY — Albert, Berry, P.P.; Berube, Binnette, Bustin, Carey, Carter, Chonko, Churchill, Clark, Conley, Cooney, Cote, Crommett, Curran, Dow, Drigotas, Dunleavy, Evans, Faucher, Fecteau, Fraser, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jacques, Jalbert, Kilroy, LaPointe, LeBlanc, Lynch, Mahany, Martin, McHenry, McKernan, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Peterson, Rolde, Rollins, Santoro, Smith, D.M.; Smith, S.; Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell.

ABSENT — Ault, Connolly, Deshaies, Dudley, Flynn, Gauthier, Hoffs, LaCharite, McNally, O'Brien, Pontbriand, Ricker, Sheltra, Soulas, Strout.

Yes, 74; No, 60; Absent, 15.

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

Sent up for concurrence.

Orders Out of Order

Mr. Garsoe of Cumberland presented the following Order and moved its passage:

ORDERED, that Debbie Knight and Suzy Powers of Cumberland be appointed Honorary Pages for today.

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

Mr. Morton of Farmington presented the following Joint Order and moved its passage:

WHEREAS, those who avail themselves of first aid and medical

self-help courses can and do save lives; and

WHEREAS, Mrs. Sandra Chipman of Weld recently completed such a course, never thinking the techniques learned would save the life of her own son; and

WHEREAS, momentarily lost from her presence, she found the lifeless body of her 3-year-old son floating face down in the icy waters of a forbidden pond; and

WHEREAS, not knowing whether she had the right count studied only a few weeks earlier, or the means to remain calm, she persistently administered mouth to mouth resuscitation and cardiac massage to revive his life; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine in recognition of this extreme act of courage pay special tribute to Mrs. Sandra Chipman, who by acquiring essential life-saving knowledge and disciplines was able to render first aid and medical self-help in time of great emergency to a family member thereby averting a tragedy; and be it further

ORDERED, that a suitable copy of this Order be presented to Mrs. Chipman in admiration of her heroic action. (Applause) (H. P. 1515)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Morton of Farmington was granted unanimous consent to address the House.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would also like to call to your attention that accompanying Mrs. Chipman are Dick Shorey of Wilton, who as a volunteer instructor was responsible for Mrs. Chipman having this information and being able to accomplish this marvelous deed, also Cliff Bubier of Wilton, who is with the Franklin County Civilian Defense, and the

Director of Civilian Defense, Mr. Emilien Levesque. (Applause)

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act Relating to Classes or Grades of Engineers' and Firemen's Licenses" (H. P. 166) (L. D. 208) reporting "Ought to pass" in New Draft (H. P. 1502) (L. D. 1939) under new title "An Act Creating the Stationary Steam Engineers' and Boiler Operators' Licensing Law"

Report was signed by the following members:

Messrs. ALDRICH of Oxford
ROBERTS of York
JOLY of Kennebec
—of the Senate.
Messrs. DUDLEY of Enfield
SHUTE

of Stockton Springs
CAREY of Waterville
FECTEAU of Biddeford
SHAW of Chelsea
CONNOLLY of Portland
EMERY of Rockland

—of the House.

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

Report was signed by the following members:

Messrs. BRAWN of Oakland
COTE of Lewiston
FAUCHER of Solon
—of the House.

Reports were read.

On motion of Mr. Emery of Rockland, the Majority "Ought to pass" Report was accepted.

The New Draft was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Changing the Number of Parole Board Members and Modifying the Qualifications for Eligibility for Appointment" (H. P. 1030) (L. D. 1352) reporting "Ought not to pass"

Report was signed by the following members:

Mr. BRENNAN of Cumberland
—of the Senate.
Mrs. KILROY of Portland
WHEELER of Portland
BAKER of Orrington

Messrs. DUNLEAVY

of Presque Isle
GAUTHIER of Sanford
HENLEY of Norway

—of the House.

Minority report of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-395)

Report was signed by the following members:

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

Mrs. WHITE of Guilford
Messrs. McKERNAN of Bangor
CARRIER of Westbrook
PERKINS

of South Portland
—of the House.

Reports were read.

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

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

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves the House accept the Majority "Ought not to pass" Report.

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

Mrs. McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: This bill is very similar to one that was presented by a member from the unmentionable body. The only difference in the two bills was that L.D., which I presented on behalf of the Committee on Health and Institutions, the study committee, was that we ask that the parole board be changed from three members to five members. In our investigation of the institutions, it was noted that at the present time with the three-member parole system, there have been times when there has only been two members present at the parole hearings. This seemed a little unfair to the person appearing before the board.

If you had one that said yes, we feel you should be paroled, and one that says no, we don't, where do you stand with only two?

We felt that a five-member parole board would have to have a quorum of four. When I appeared before the committee, they asked if I would mind if it was amended down to three, and I had no objection to this.

The only other difference in the bill was that the study committee recommended that it remain at \$25 a day; the other bill stated \$50. I understand that when the two came out, the other bill that they asked to be passed, they had amended it down from the \$50 a day to \$35 a day. If this was so, I don't know why this bill couldn't be amended up to \$35 a day. I still feel, I am sure that other members on this study committee feel, that a five-member board would be far better than the present three.

Therefore, I ask you not to accept the majority "ought not to pass" and accept the minority "ought to pass" report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Orrington, Mrs. Baker, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 63 having voted in the negative, the motion did not prevail.

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

Committee Amendment "A" (H-395) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Natural Resources on Bill "An Act to Remove the Exception for Paper Mills Allowed to Store and Drive Logs on Maine Surface Waters" (H. P. 698) (L. D. 904) reporting "Ought to pass"

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. SCHULTEN of Sagadahoc
MARCOTTE of York
— of the Senate.
Messrs. BRIGGS of Caribou
SMITH of Exeter
MacLEOD of Bar Harbor
PETERSON of Windham
ROLDE of York
BERUBE of Lewiston
— of the House.

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

Report was signed by the following members:

Messrs. CURRAN of Bangor
PALMER of Nobleboro
HUBER of Falmouth
— of the House

Reports were read.

On motion of Mr. MacLeod of Bar Harbor, the Majority "Ought to pass" Report was accepted.

The Bill was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act Requiring the Registration of Off-Highway Vehicles" (H. P. 788) (L. D. 1022) reporting "Ought to pass" in new Draft (H. P. 1510) (L. D. 1940) under same title.

Report was signed by the following members:

Messrs. JOLY of Kennebec
ROBERTS of York
— of the Senate.

Messrs. SHAW of Chelsea
FECTEAU of Biddeford
CAREY of Waterville
CONNOLLY of Portland
EMERY of Rockland
— of the House.

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

Report was signed by the following members:

Mr. ALDRICH of Oxford
— of the Senate.

Messrs. SHUTE
of Stockton Springs
BRAWN of Oakland
COTE of Lewiston
FAUCHER of Solon
DUDLEY of Enfield
— of the House.

Reports were read.

On motion of Mr. Emery of Rockland, the Majority "Ought to pass" Report was accepted.

The New Draft was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act Relating to License for Manufacturers Selling Motor Vehicles in Maine" (H. P. 1418) (L. D. 1856) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. JOLY of Kennebec
ALDRICH of Oxford
ROBERTS of York
—of the Senate.

Messrs. SHUTE
of Stockton Springs
SHAW of Chelsea
BRAUN of Oakland
EMERY of Rockland
—of the House.

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

Report was signed by the following members:

Messrs. DUDLEY of Enfield
FAUCHER of Solon
COTE of Lewiston
CAREY of Waterville
PECTEAU of Biddeford
CONNOLLY of Portland
—of the House.

Reports were read.

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

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

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

The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill I introduced because many dealers approached me stating that they weren't treated fair by manufacturers and also the consumer was not treated fair by the manufacturer.

The reason for licensing the automobile manufacturer is that some dealers are being coerced

into buying eight-cylinder cars, loaded with \$1,200 to \$1,500 worth of equipment on them and being stuck with them on their lots and selling them at a discount price which they feel is a loss on the particular automobile.

Some of them, because their report was maybe a day or two late, had lost their dealership of selling automobiles.

Let me read you an excerpt from Camden, New Jersey, this is a gentleman that is running for mayor, and he is an automobile dealer and this business would be the Chrysler Corporation. Mr. Coston, he ran from rags to riches, a businessman who made most of his money in automobile business, served two months in the Federal Penitentiary in Lexington for failure to repay the bank loans on cars he had bought and sold. It doesn't seem to concern him on his record, however, that most people start out as politicians, get arrested after, and "I just figured I would just reverse the trend," Coston said. He refused to pay the bank loans because his new car franchise was revoked after the manufacturer representative learned that he was black. Well, this is one of the reasons, Mr. Speaker and ladies and gentlemen of the House.

This other one here, this is a law suit that is pending in court now. A Kansas City Dodge dealer sued Chrysler for \$4 million, because his dealership was revoked for a minor infraction.

There is another one that was just settled a few months ago with the DeSoto Company, which again stems from the Chrysler Corporation. And believe me, it is not just the Chrysler Corporation, it is also the other manufacturers of automobiles. This other one was settled in court just about a few weeks ago. They started back when DeSoto was in business, and this dealer had to sue the company on account of his losing his franchise.

But most of these dealers, ladies and gentlemen of the House, they might have a million or a half million dollar investment in the dealership and it is revoked for a minor infraction.

With this licensing law, the Secretary of State would handle these licenses. If you look at your bill, it has a price tag of \$500. Well, a lot of people might think it is a lot of money for a manufacturer, but it isn't. Some dealers will make you believe that you people are going to be paying for it sooner or later. But right now you can't walk in to your dealer and complain about your car using too much gas or with this emission control at present time—I know, I just bought a new car and believe me I wish I hadn't. I get between 8½ miles to a gallon to 10 miles to a gallon. If you have a complaint against the manufacturer, you go to the dealer, the dealer checks the car, he says there is nothing I can do, the manufacturer won't do anything about it, so there isn't that much I can do about it either.

But I think, ladies and gentlemen of the House, if you had a board or commission that you could come to and make your request with problems that you were having with the manufacturer, not just the dealers, but the manufacturers — and this is the same way with dealer, the dealer would come to them and say that he had lost his franchise because of not being treated right by these big corporations.

And who can afford to fight these big corporations when they have lawyers that are hired by the year to fight these cases in court and have millions of dollars to spend while this little dealer here, he might have a half million dollars which he invested. He has his life's savings in his lot trying to sell these cars.

So that is one of the reasons, ladies and gentlemen, that I introduced this bill. I know that some of the dealers might be against it. I don't understand why they would be against it, it doesn't affect them at all, it helps them, as a matter of fact. Most of these dealers were not present, as a matter of fact, there were no dealers present at the hearing. I was the only one that was for the bill, There was one dealer that did appear against the bill, he said it was not needed,

that he was never coerced in buying stuff that he didn't want or that he didn't need.

But ladies and gentlemen of the House, I hope that you do not accept the "ought not to pass" report and that you do go along with the minority report in favor of this bill so we can help some of these dealers and also the consumer on this bill.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: If this law should pass, the extra charges for the licensing will not be paid by the manufacturer, it will be handed down to the consumer. As you know, the factory must make a profit or close their doors. This added cost will be handed down to the little fellow.

So, I hope you go along this morning with Mr. Emery's motion.

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

Mr. JACQUES: Mr. Speaker and Members of the House: Can you imagine \$500, and you might have 800 dealers in the state or we will say 8 franchise dealers in the state, how much this would cost the consumer. Now, if they had to charge it to the consumer, but it is absurd to think that way, \$500 to General Motors, what is \$500 to General Motors? They give this on tag day.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I feel impelled to speak on this bill this morning, simply because I imagine everybody is looking at me wondering, how does he feel about it? I am very sorry that I have to oppose the gentleman from Lewiston Mr. Jacques, with this bill, because in essence it is a bill which is aimed at helping out automobile dealers.

I can't concern myself with the \$500. I am sure, as Mr. Jacques says, I have to agree with him, this wouldn't bother General Motors or Ford or any of the manufacturers as a figure, and that is not the point.

There probably are abuses as far as manufacturers coercing dealers in many areas of the country, but so far we have been fortunate. I personally have never had this sort of thing attempted on me, nor have I heard of its being done in the State of Maine. So, my contention at this time is that these things don't happen in Maine. Perhaps at a later time when the Dealers Association has had an opportunity to research this problem, we can get at a real good bill which hits all the problems. I feel strongly that this may only touch the tip of the iceberg. It is premature, and I don't think we are ready for it.

As far as gas mileage on new automobiles is concerned you can blame that on Mr. Nader and the ecology control. It has nothing to do with the new car dealers or the manufacturers.

I feel that this bill is not for us at this time. As an automobile dealer, I hope you will support the majority report.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: That is an awful poor excuse, stating that we haven't had this problem in the state. I am telling you, ladies and gentlemen of the House, that these dealers approached me to introduce this legislation.

Let me read this particular one about a Kansas City Dodge dealer suing Chrysler Corporation for \$4 million. Swift Dodge has been in business as a franchised Dodge dealer for trucks since January 1963. He had owned Lutz since August 1970. The suit alleged that the defendant has violated federal anti-trust law in their dealing with Lutz and that they have made unreasonable, unnecessary demands on the Swift Dodge dealer. On February 7, 1973, as a result of the dispute the Chrysler Motor notified Swift Dodge in writing that 90 days from the date the franchise would be terminated.

Can you imagine that some of these people that were in business for 20-25 years and that the manufacturer comes in and tells him that in 90 days you are out of busi-

ness, and this man had this business for 20 years or 25 years. And I could say the same thing to Mr. Morton, this could happen to him as well as anybody else. Sometimes these field men go around and they might have a brother in law that they want to put into business and they say well, I am sorry you haven't sold your quota this month or last year, that you are going to be out of business or they might say that you haven't bought enough parts from our company that you can no longer be the dealership for Dodge.

I hope, ladies and gentlemen, that you do realize — I wish that you would have a chance to go home and talk to your dealer and see what he says. Naturally, he is not going to appear at the hearing and say, well the Dodge Company or Chrysler or General Motors has not treated me right. They are not going to say that at the hearing, because they would be punished for it. I will guarantee you that within the next three or four weeks that they wouldn't have enough cars on their lots to sell and then they would really have to get out of business.

So I hope that you do not accept the majority report. This bill came out of committee 7 to 6, and it is pretty close. I hope you do look this bill over and do something to help out the little people in this state. And I hope, Mr. Speaker, that when the vote is taken that it be taken by division.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Jacques of Lewiston requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Rockland, Mr. Emery, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Relating to License for Manufacturers Selling Motor Vehicles in Maine" (H. P. 1418) (L. D. 1856). All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Chick, Cote, Cottrell, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Farnham, Ferris, Finemore, Garsoe, Good, Hamblen, Henley, Herrick, Huber, Hunter, Jackson, Kauffman, Kelley, Kelley, R. P.; Knight, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McKernan, McMahon, McNally, Merrill, Morton, Murchison, Norris, Palmer, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Sproul, Susi, Theriault, Trask, Walker, White, Willard, Wood, M. E.

NAYS — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carey, Carter, Chonko, Clark, Conley, Connolly, Cooney, Crommett, Curran, Dam, Deshaies, Dow, Drigotas, Dunleavy, Evans, Farley, Farrington, Faucher, Fecteau, Fraser, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaPointe, Lawry, Lynch, Mahany, Martin, McCormick, McHenry, McTeague, Mills, Morin, L.; Morin, V.; Mulken, Murray, Najarian, Peterson, Pontbriand, Ricker, Rolde, Silverman, Smith, S.; Talbot, Tanguay, Tierney, Tyndale, Webber, Wheeler, Whitzell.

ABSENT — Carrier, Churchill, Dudley, Flynn, Gahagan, Gauthier, Haskell, Hoffses, Immonen, LaCharite, O'Brien, Parks, Santoro, Sheltra, Smith, D. M.; Soulas, Stillings, Strout, Trumbull.

Yes, 66; No, 64; Absent, 19.

The SPEAKER: Sixty-six having voted in the affirmative and sixty-four having voted in the negative,

with nineteen being absent, the motion does prevail.

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

Mr. EMERY: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action and I hope you will all vote against me.

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

Mr. JACQUES: Mr. Speaker, I wish this could lie on the table until later in today's session.

Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jacques, that L. D. 1856 lie on the table until later in today's session. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, that the House reconsider its action as to L. D. 1856. All in favor of the motion will say yes; those opposed will say no.

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

Sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Agriculture on Bill "An Act to Create a Maine Agricultural Bargaining Board" (H. P. 782) (L. D. 1014) reporting "Ought to pass" in new draft (H. P. 1511) (L. D. 1941) under same title.

Report was signed by the following members:

Mr. CYR of Aroostook
— of the Senate.
Messrs. EVANS of Freedom
BERRY of Buxton
HUNTER of Benton
ALBERT of Limestone
COONEY of Sabattus
Mrs. MORIN of Fort Kent
— of the House.

Minority report of the same Committee on same bill reporting Refer to Next Legislature.

Report was signed by the following members:

Messrs. HICHENS of York
PEABODY of Aroostook
— of the Senate.
Messrs. MAHANY of Easton
PRATT of Parsonsfield
— of the House.

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

Mr. EVANS: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report and would like to speak briefly.

The SPEAKER: The gentleman from Freedom, Mr. Evans, moves acceptance of the Majority "Ought to pass" Report. The gentleman may proceed.

Mr. EVANS: Mr. Speaker and Ladies and Gentlemen of the House: You all know that farming entails a great many hours of work. You have to love animals and the land to be a farmer.

Most of the farmers have not had too much time to see what they get for their products. They have to take what is offered them. But they finally have decided that maybe they had better do the same as labor has done, a farmer bargaining act. And this is what this is right here, the bargain for the farmers.

We do not want to put any processors out of business, but we do want a fair share of the dollar. And we figure the only way we can do it is join together in a bargaining unit.

We do not have the money as individuals to hire expensive lawyers to talk to the processors. And there is no use for us to go in and talk with them when they have two or three lawyers, and we have to go in singly and talk. So, we figure the only way we can get our due share of the consumer dollar and our fringe benefits, which we need and ought to have, is to form a bargaining unit.

A great many people say that we should put this off for another year. In the mean time we may starve. We do not see many processors going out of business.

But there has been hundreds of farmers go out of business in the State of Maine in the last 20 years. If they had a bargaining act, I believe it would save some of them.

We want our fair share of the consumer dollar, and we are not getting it at the present time. A lot of them say, "Well I make mine all right." Well maybe they are. Perhaps they should show a little compassion and help the rest of the farmers that are not making it, instead of saying, "Well I want to go right along as I am, I am getting mine so I am going to stick with this as it is." Why don't they join in and try to help the farmers who are not getting it?

So when the vote is taken, I hope you will vote to accept the majority "ought to pass."

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

Mr. SIMPSON: Mr. Speaker, I move this item lie on the table for two legislative days.

Mr. Smith of Exeter requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that L. D. 1941 lie on the table two legislative days. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act to Exempt Diabetic Medical Supplies from the Sales Tax" (H. P. 1096) (L. D. 1433) reporting "Ought not to pass"

Report was signed by the following members:

Mr. FORTIER of Oxford
— of the Senate.
Messrs. FINEMORE
of Bridgewater
SUSI of Pittsford
MERRILL of Bowdoinham
MORTON of Farmington
DRIGOTAS of Auburn
COTTRELL of Portland

IMMONEN of West Paris
— of the House.

Minority Report of the same
Committee on same bill reporting
"Ought to pass"

Report was signed by the fol-
lowing members:

Messrs. COX of Penobscot
WYMAN of Washington
— of the Senate.

Messrs. MAXWELL of Jay
DOW of West Gardiner
DAM of Skowhegan
— of the House.

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

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

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

The Chair recognizes the gen-
tleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker
and Ladies and Gentlemen of the
House: First of all, I would like
to thank the members of this hard
working Taxation Committee for
their conscientious work on this
bill favoring the unfortunate
people who are afflicted with this
dreadful disease of diabetes. I pre-
sented this measure mainly for
the relief of people of low income,
also many elderly people who are
living on a very small security in-
come.

These people who are diabetic
have the rest of their lives to con-
tend with this unfortunate situa-
tion. I most heartily sympathize
with their unfortunate affliction.
And I do believe that there are
many of you folks here who also
share my feelings. I, therefore,
sincerely urge you, please, to ac-
cept the minority report, "ought
to pass."

The SPEAKER: The Chair re-
cognizes the gentleman from Skow-
hegan, Mr. Dam.

Mr. DAM: Mr. Speaker and La-
dies and Gentlemen of the House:
As one of the signers of the minor-
ity "ought to pass" report, I heart-
ily concur with the gentleman
from Old Town, Mr. Binnette.

There wasn't really that much
opposition to the bill; and if my
memory serves me correctly, there

was some question of what is ex-
empt now from the sales tax, as
far as prescription drugs or what
would not be exempt under this
bill.

As I recall, too, the loss was
minimal to the state; and possibly
for any objection that there might
be or any language that wasn't
clearly defined in the bill, it could
be done by amendment through
the House. I think the House —
they always have the prerogative
of killing a bill at many stages
after it has been the "ought to
pass" report that was accepted.

I would hope today that the
members of the House would allow
this bill to come before them so
that possibly any objections to the
bill could be taken out by amend-
ment and that we could give some
aid to the diabetics in the State
of Maine as far as exempting their
medical supplies from the sales
tax. I think these people need this,
and I think, too, that 5 percent, is
5 percent.

Sometimes, and I have known
cases, where a person only lacks
50 cents. They have a hard time to
raise 50 cents. We are not a rich
state, by any means. We have a
lot of poor people and a lot of
these poor people are the very
ones that are sick and the very
ones that need the help. Where this
is not costing the state a great
deal of money, I cannot see any
reason why we cannot accept the
"ought to pass" report and at least
allow it to come on the floor so
that maybe we can take out any
bad part in it and get a bill that
would be workable.

The SPEAKER: The Chair re-
cognizes the gentleman from Pitts-
field, Mr. Susi.

Mr. SUSI: Mr. Speaker and La-
dies and Gentlemen of the House:
Those who signed the "ought not
to pass" report had no less sym-
pathy I am sure. There are some
problems with the bill that oc-
curred to those who voted the
"ought not to pass", which domi-
nated their considerations.

One thing that apparently is so is
that a high percentage of diabetics
are eligible under some other pro-
gram or system to receive tax
exemption. So we are talking about
a small percentage of diabetics.

Then there is the problem to identify what materials are needed exclusively for the treatment of diabetes. This isn't easy to do.

Also, another administrative problem is to establish at what sugar level does a person become a diabetic and thus, become eligible for this tax relief that is proposed here.

There are real administrative problems in this, and those of us who voted "ought not to pass" on the bill felt that these considerations outweighed the possible benefit to those who are not eligible under some other program and would clearly be definable as diabetic that should be eligible for this relief.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the "ought to pass" report, I feel I must justify myself in doing so.

Perhaps I am in a position of knowing maybe more about some of these things than many people in that I do have two diabetics in my family.

I talked last evening with our druggist, and he said there is absolutely no problems as far as we are concerned in keeping track of the different items that you might have to buy.

Now, there are many things besides needles. There is alcohol, cotton balls and there are many other things you have to buy that are taxed. Insulin itself is not taxed. It is not in my drug store, at least.

I hope that you vote against the motion to accept the "ought not to pass" report and let it stay.

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

Mr. FRASER: Mr. Speaker and Ladies and Gentlemen of the House: I wish to go along with my good friend, Mr. Binnette, on this bill, because only within the last week, I went into a store and I bought some peanuts. Peanuts are a luxury as far as I'm concerned. And when I went to pay for them, there was no sales tax added in it. So I thought maybe

the clerk had made a mistake. So I said, "What about the sales tax?" She said, "No sales tax on peanuts, that is a food." Well now, ladies and gentlemen of this House, if sales tax can be omitted on peanuts, I am sure it can be omitted on insulin.

The SPEAKER: The pending question is acceptance of the Majority "Ought not to pass" Report.

Mr. Kelleher of Bangor requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority "Ought not to pass" Report on L. D. 1433. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bither, Bragdon, Cooney, Cottrell, Cressey, Dunn, Garsoe, Immonen, Jackson, Kelley, Littlefield, Merrill, Morton, Parks, Simpson, L. E.; Susi, Trask.

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Brawn, Briggs, Brown, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cote, Crommett, Curran, Curtis, T. S. Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigo-tas, Dunleavy, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Fecteau, Ferris, Fine-more, Fraser, Gahagan, Genest, Good, Goodwin, H.; Goodwin, K.; Hamblen, Hancock, Henley, Her-rick, Hobbins, Huber, Hunter, Jacques, Jalbert, Kauffman, Kelleher, Kelley R. P.; Keyte, Kilroy, Knight, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Mac-Leod, Maddox, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague,

Mills, Morin, L.; Morin, V.; Mul-kern, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Smith, S.; Sproul, Stillings, Talbot, Tanguay, Theriault, Tierney, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.

ABSENT — Albert, Bunker, Dudley, Faucher, Flynn, Gauthier, Greenlaw, Haskell, Hoffses, La-Charite, Mahany, O'Brien, Pratt, Santoro, Sheltra, Smith, D. M.; Soulas, Strout, Trumbull, Whitzell.

Yes, 17; No, 112; Absent, 20.

The SPEAKER: Seventeen having voted in the affirmative and one hundred twelve having voted in the negative, with twenty being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Mr. Dyar of Strong presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee of the 106th Legislature on Health and Institutional Services report out a bill to prohibit liens to recover state aid under Aid to the Blind and Disabled Program (H. P. 1516)

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I wonder if I could pose a question to the gentleman. Two years ago the legislature enacted a bill which removed liens for aid to the elderly for those people who were receiving O.A.A grants.

I guess, from what I gather from this order, am I correct in assuming that we did not do the same for those people dealing with the blind and disabled?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: In the 105th Legislature we enacted legislation to prohibit the Department of Health and Welfare placing liens on people receiving aid under aid to the aged, blind and disabled. This took effect on all cases after 1972.

At a hearing this session before the Committee on Health and Institutional Services, we had a resolve sponsored by Representative Birt. We asked the department if they were processing liens against prior claims, and they said no. It had been brought to my attention by a member of this body that one of his constituents has had a lien processed against the estate that this person is involved in.

In talking about the situation with Health and Welfare, I find that there are between 250 and 300 liens presently on their books that will be processed unless this body passes legislation to prohibit it.

Under this provision, the Federal Government will be paid back 70 per cent. The state will receive 30 per cent. At the present time, they estimate the state might receive \$144,000 in this lien provision. After the attorney's fees are paid and all the red tape and paper work is taken care of, the State of Maine will receive about \$10,000 over possibly the next 20 years.

In many cases that we have checked out, the people who are left, the people in the estate, are low income people; in many cases, elderly people, and they cannot afford to pay off these liens. It is actually discriminatory legislation when we allow one segment of society to receive state aid and welfare with no lien provisions whatsoever and then jeopardize our elderly people in the state by enforcing liens.

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

Mr. MARTIN: Mr. Speaker, Members of the House: I thank the gentleman and I support the order.

Thereupon, the Joint Order was passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

**Consent Calendar
First Day**

(H. P. 818) (L. D. 1140) Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection" (H. P. 818) (L. D. 1140) — Committee on Natural Resources reporting "Ought to pass" as amended by Committee Amendment "A" (H-397)

No objection having been noted, was assigned to the Consent Calendar's Second Day list.

(H. P. 1146) (L. D. 1595) Bill "An Act Adopting Emission Regulations of the Department of Environmental Protection" — Committee on Natural Resources reporting "Ought to pass" as amended by Committee Amendment "A" (H-398)

On the request of Mr. MacLeod of Bar Harbor, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-398) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1299) (L. D. 1711) Bill "An Act to Clarify Municipal Appointing Authority" — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 1438) (L. D. 1864) Bill "An Act Relating to Permit Fees for Automobile Graveyards or Junkyards" — Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-396)

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

**Consent Calendar
Second Day**

(S. P. 189) (L. D. 496) Bill "An Act Relating to Conferring Degrees by Portland School of Art"

(S. P. 534) (L. D. 1687) (C. "A" S-122) Bill "An Act to Allow the State of Maine to Make Secured Deposits in Interest Bearing Accounts"

(H. P. 95) (L. D. 116) (C. "A" H-383) Bill "An Act Relating to Fees Received by State Officials and Employees"

(H. P. 706) (L. D. 911) (C. "A" H-385) Bill "An Act Relating to Minimum Wages"

(H. P. 1014) (L. D. 1333) Bill "An Act to Exempt Hairdressers Who Hold Booth Licenses from Eligibility for Unemployment Compensation"

No objection having been noted, were passed to be engrossed and sent to the Senate.

(H. P. 1097) (L. D. 1434) (C. "A" H-384) Bill "An Act Relating to Motorcycle Operators' Licenses"

On the request of Mr. Shute of Stockton Springs, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-384) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Passed to Be Engrossed

Bill "An Act to Encourage Investment of Revenue Sharing Funds in Local Interest Bearing Accounts" (S. P. 619) (L. D. 1930)

Bill "An Act Relating to Petition for Articles on Municipal Ballots and Warrants" (S. P. 616) (L. D. 1929)

Bill "An Act to Make the Maine Human Rights Act Substantially Equivalent to Federal Statutes" (H. P. 1506) (L. D. 1937)

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

Bill "An Act Providing for a State Lottery" (H. P. 1507) (L. D. 1938)

Was reported by the Committee on Bills in the Second Reading and read the second time.

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

Mr. EMERY: Mr. Speaker, I now move the indefinite postponement of L. D. 1938, An Act Providing for a State Lottery. When the vote is taken I ask for the yeas and nays.

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves the indefinite postponement of this Bill and all accompanying papers and requests a roll call.

The gentleman may proceed.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly. I do not object to the concept of a state lottery as a method for funding the state budget or for any special projects to which that revenue might be dedicated. I feel that the introduction of organized gambling, and that is what the state lottery is, organized gambling, is a very dangerous precedent to set in the State of Maine. I think that it will attract certain elements bent on making money and taking advantage of Maine's citizens. I feel that it is our duty to prevent this from occurring.

I do not think that the other states that have had lotteries, most notably New Hampshire, have indicated a great success or a great value to this method of raising money. A second consideration is that most of the money would be raised from certain individuals who either have low incomes or large families and are unable to afford the amount of money that they will probably be spending on lottery tickets.

I think that it is an unwise move on the part of the State of Maine to try to attract people who cannot afford these tickets to spend money that they should be spending on their own families and the welfare of their families. And I feel that this is what would happen.

So I would hope that before you vote for state lottery, which I think is bad for the reasons I have mentioned, that you would give some of these ideas serious consideration. I would hope that you would support the motion to indefinitely postpone.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the motion the gentleman from Rockland just made. If the gentleman would only look at the money that is contributed to the General Fund from the pari-mutuel pools in this state,

he will understand that the State of Maine is in the gambling business. And they have accepted many millions of dollars since 1936 from pari-mutuel pools into the General Fund, which has financed a number of programs that I am sure he supports and I know that this House supports.

This proposal that I believe Mr. Genest is the sponsor of does just that. It generates money into the general fund for either the elderly people or welfare programs that we need very much. I very much disagree with his motion and I hope the House does not accept it.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Rockland, Mr. Emery, mentioned that New Hampshire wasn't doing too well with theirs and they have had it a few years. I would direct a question to that gentleman through the Chair, if it is at all possible.

The SPEAKER: The gentleman may pose his question.

Mr. CAREY: Mr. Speaker, does the gentleman from Rockland, to his knowledge, know if New Hampshire has dropped out of the lottery picture or haven't they?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to anyone who may answer it if he or she wishes.

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

Mr. GENEST: Mr. Speaker and Ladies and Gentlemen of the House: I think Mr. Emery has set forth the same old argument that we always hear in opposition to a state lottery. Number one, he said that it hits hardest at the low income people who can least afford it. I disagree with this. I submit to you, ladies and gentlemen of the House, there is nothing that hits these people any harder than our present sales tax. And where was his compassion when we voted for the ceiling on the sales tax?

He also said that it does not raise much revenue. The state of New Jersey, for example, has raised 60 million net dollars on this. I would say that it is a pretty good way of raising revenue.

It is not only a good way of raising revenue, it has become acceptable by all the people.

For example, three states had to put this up to referendum to change their state's constitution in order to have a lottery. In the State of Pennsylvania they passed it by 81 percent. In the State of Michigan, I have a letter here that says the voters voted for a state lottery by better than a 2 to 1 majority. The State of Maryland was better than a 3 to 1 majority. And these lotteries, I am advised, are working like clockwork.

I hope you will oppose the motion to indefinitely postpone.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: We have voted down this issue several times in the past. However, I now find that in my area there is a great deal of support for it. The men down there are now buying tickets, anyway, through a group endeavor where one person takes the money and goes and buys the tickets for them all.

Now we need money in the State of Maine and we do not want to increase our major taxes or instigate any new ones. Since it is impossible to legislate against human desires to take chances and since our people are doing it anyway, we might as well get the benefits.

If the plan is set up properly, not like New Hampshire's, the receipts will be considerable. They will be several million dollars over and above expenses. I cannot see any moral issue in this idea. I favor the plan and will vote against indefinite postponement.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Before anybody gets any wild ideas, I am addressing you strictly as an individual that supports the idea of indefinite postponement. I guess I would have to take exception with the gentleman from Bangor, having been around the race tracks, as I said the other day, a little bit myself, not playing the horses but just watching

people who do play them. You know, it is funny that he talks about the pari-mutuel pool and what it means to the State of Maine and yet it seems as though every time we come in here, we have a bill before us that would like to reduce our intake out of that pool because the pari-mutuel pool is in trouble.

I happen to have also served as the Vice Chairman of the Republican Platform Committee this year and I know that this was an area, everywhere we went, that this was an item of concern and I know it is pretty evenly split. It probably will be the same way here. But in my opinion, having looked at the other states which have a very large population compared to our state, I am not convinced yet that a lottery is going to do that much for us.

Sure, I will grant you that I think it probably would bring a few dollars. We met with the firm from New Jersey that has been handling the lotteries for most of the states when they were here. They gave us a very good presentation. We checked the firm out. They are a very reputable firm and I wouldn't be opposed to them per se.

I still do not believe that we should encourage our citizens to get involved in gambling. I do not care how you look at it, gambling happens to be a disease, it is something that grows on you. Right now we have people in this state that like to take and play the pools. They like to play the numbers games and a few other things and they know where they can pick them up. There is enough bookies in the state right now operating. And they also have the ticket groups that leave the state, go into New Hampshire and buy up tickets and come back. I have requests all the time from people out of state if I will go to New Hampshire and buy tickets for them and send them back to people who stay at my place. I absolutely refuse to. I know there are people that want to do it. I just do not think we ought to put the incentive there.

We are trying to build the economy of this state. I don't believe we should come to the position of

adopting a lottery that entices people to get involved in gambling that takes away that much of their income, because they think that the buck is going to come, the big win is going to come to them some day. I don't care how you cut the cards, and all of us have played cards, or anything else as far as gambling, we seem to never come out a winner. We are always a loser more than we are a winner.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion of indefinite postponement, because personally I cannot see any harm in this any more than what we have already done in this session of the legislature.

Now my good friend Mr. Simpson says we don't want to encourage gambling. Well, I think we pretty well have encouraged gambling and even more gambling already in this session. We did allow Sunday harness racing to go through. This will encourage people to gamble more on Sunday. We did liberalize the games of chance at the fairs. This will allow more young people to gamble. We did authorize beano at agricultural fairs on Sunday. And I am sure that every member in the House knows that beano is almost like a magnet to some people—it draws them. It draws most of your poorer people who work for a living. They spend considerable amounts of money playing beano and if they do win, they don't win too much.

Now on a lottery, everybody is not going to be a winner. But when you do win, you are going to win a little better prize than a beano prize. We have allowed all this to happen. We have pretty well taken the position that we want more gambling in the State of Maine, that we want to open up the State of Maine. And I think right here is a chance where the treasury of the state can pick up several million dollars, as Mr. Ross said.

This does not force anyone to play the game if they don't want to. If they want to play they will, whether it is in the State of Maine

or New Hampshire or Michigan. There are always ways to send your money down in my area, just like one of the gentlemen said, I think it was Mr. Ross, they pool their money and a man goes down. They do the same thing in my area. They pool their money and they go bet on the horses down at another track when we don't have any racing in Skowhegan. So I do not think this is a valid argument, that we do not want to expand because we have expanded.

I think this would be a good thing for the State of Maine.

The SPEAKER: The Chair recognizes the gentlewoman from Scarborough, Mrs. Knight.

Mrs. KNIGHT: Mr. Speaker, would the clerk read the Committee Report, please?

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to move to vote against the motion on the floor.

One of the lottery bills that was heard this year was mine. The money would have gone to erecting homes for the aged. But a large number of the aged said they didn't want to receive money from this source. So the State Government Committee, in its wisdom, turned out one bill as being majority "ought to pass."

I would like to make a few statements. For example, in the Portland Press Herald, a month ago or so was the page where they ask different people that they meet on the street and so forth, there are always a few pictures. And out of the ten people on this particular page, only one was opposed to a lottery.

I might say the other years that I have been here—this makes, I think, the fourth time around that I have had the opportunity to vote for or against a lottery. Other times I have voted against it, but because of or perhaps by being better educated—that would be one way to say it—and also because of studies being made. Now, ESCO

made the study on this, I believe, last year or the year before; and they said that this would generate about \$1.9 million.

I have had many many people call me, write me, especially one mathematician from the college, who says that this is not anywhere near right, that they would probably generate about \$10 million from this bill.

Too, I would like to point out to you now where this money is going to go. "The monies from the appropriation in said lottery funds shall be appropriated only for the repayment to the general fund of the amount appropriated to set up and implement this chapter for payment of prizes to holders of winning lottery tickets or shares."

Now, the distribution to municipalities through the State Municipal Revenue Sharing Program, this means that each town in the State of Maine would receive an amount from this state lottery.

I urge you to vote against the motion to indefinitely postpone.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I speak for the indefinite postponement of this bill. I recognize before I speak that a lottery is always a very luring proposition. It does produce funds, and everybody needs money all the time, particularly these governments which lap it up by the millions.

The fellow who knows how to handle his money is very happy to see this go through, because he knows he isn't going to be taken in. You look at the lottery bill, and it provides for a 45 percent plus payback. Well, the fellow who has the money is good at handling money, and he isn't interested to put out a dollar to get back 45 cents, so he says, sure, this is a great deal. You ought to have a lottery, because I am not going to have to pay my taxes this way, you can bet your boots on that. There is no gun against your head. You don't have to do it, so I never will. The support is, unfortunately, much the people who will be victimized by a lottery.

The history in the states that have had lotteries, they have started out with \$2 and \$3 tickets, and they have fallen on their face. They get down to 25 and 50 cent tickets, like your numbers games in Harlem and like that where the people with the least capability of handling their financial affairs, which spells out the people at the bottom of the ladder, the people who are receiving welfare from the government; and they are a real sucker for this, 25 cents, 50 cents, and the chance at a hundred thousand bucks. And it just bleeds them dry and our welfare load goes up. So, we wind up just recycling these dollars that we collect from the lottery back into the hands of these people who put it out 25, 50 cents at a time in purchasing lottery tickets. I think that it is an illusion. I don't believe it has done any good anywhere.

I hope that you vote against it. I have every faith that it will be killed in this session, because I believe that there is enough common sense on the grounds here to see the fallacy of this dream.

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

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: Several months ago I distributed a legislative questionnaire to my constituency. One of the questions I asked was on state lottery. Well, having received a majority of the people on that questionnaire who favor the lottery, I felt fairly confident in signing the majority "ought to pass" report. However, since I signed that report, I have had such a flurry of activity that I am going to have to support indefinite postponement today.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say at this point that I agree fully with the remarks made by the gentleman from Pittsfield, Mr. Susi, and the gentleman from Standish, Mr. Simpson.

I would like to add one more comment in support of the motion to indefinitely postpone. We are faced every time we come into this legislature with increased expenditures for one thing or another. And you can just bet that if we tie a state lottery into our increased expenditures in the various departments or for any particular department, we are going to continue to bleed the people in this state who can least afford such an expenditure on lottery. It is like a magnet.

I think that this is a very very dangerous precedent. I think that it is regressive. I think that this is one of the most regressive measures of obtaining state revenues that we have. I think it is even potentially more regressive than a very high property tax or a very high sales tax rate.

If you are interested in reform of our system of updating revenue and our system of taxation, then you certainly do not want to build a system of state lottery into our method of financing the state budget, because it is going to catch up with us on the other end, like the gentleman from Pittsfield has mentioned. What we extract off the top in lottery ticket sales we are going to be putting back on the bottom in welfare payments in assistance to people that are needy.

So I certainly hope that you will use very good judgment and vote for the indefinite postponement of this morning.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have had some trouble making up my mind about this issue, but after I have seen a number of the gambling, the race horse people get up on the floor this morning and take the dog in the manger attitude that if you are going to gamble, you only gamble the way we want you to, I guess I am going to go for the lottery; because I believe in freedom of choice.

Unquestionably in Bangor, the short loan companies do the

largest amount of business; the largest amount of money is loaned in that area during the race season so these poor people can go to the track and wager looking for that pie in the sky.

So, on the basis of being fair and equitable to everyone, I am going to support — or move against the indefinite postponement of this bill this morning.

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

Mrs. WHITE: Mr. Speaker and Members of the House: We have been given a list this morning of areas in which we have liberalized and expanded gambling with the comment that why we don't go ahead with this. Well, my comment is, why isn't this a good place to stop. I don't feel this is good, sound taxation measures.

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

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: In the County of York we have approximately 500 families that happen to work at the Naval Kittery Shipyard. You would be amazed at the traffic back and forth, ticket-wise, that occurs. So, what I am trying to tell you is that these people are endeavoring in this sport now, and why not let the State of Maine make the most of it.

I am in favor of the lottery, and I want to go on record as such.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of the lottery. The reason I am in favor of the lottery is this: In the first place, let the state get the share of the money that is spent in recreation in this state. People from out of state will come here in the millions during the summertime, will help pay for a share of this.

My second reason for being for the lottery is this: I have been running for this House for 11 terms; and everytime I would come out with my petitions for another term, the main question

that was asked of me by my constituents at home, when are we going to have a state lottery? "Well," I said, "if it ever comes up on the floor of the House, I shall vote for it." And I am committed today in voting for the state lottery, because my constituents want it at home.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I support the motion before the House to indefinitely postpone this item. I think it is just another means — you can have taxation or lotteries or what have you, but it seems there is a group in this House and always has been that is trying to pick the public's pocket, regardless of how they do it. It is getting to the people for money. I stand firmly here against some of the reckless spending.

I am reminded of some intoxicated sailor, the way money is carelessly spent here, because it is the other people's money. And so, these same people have got to find the money, and obviously they have to pick the pockets of somebody. I am against picking their pockets whether it is by a method of lottery or by method of taxation. It gets the money away from them and that is the main item they are after.

I support this motion to indefinitely postpone.

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

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: I support this state lottery. It was mentioned just a little while ago that we are victimizing the low income people. These same gentlemen who feel we are victimizing the low income people would also oppose having a casino in the State of Maine similar to what they operate in Las Vegas. I grant you, it is not the low income people that go to Las Vegas, it is the high income people, people who make all kinds of money. These same people would object to having a casino in the State of Maine.

I don't see where these people feel that we are victimizing the low income people. If you take and note when you go up and get your gas at a gas station today, you will notice that your low income people that you feel that you are victimizing are being victimized every day. It is getting so he can't hit the road anymore.

The middle income man, he won't be able to hit the roads this summer. What are we doing about the high cost of gas today? Very little.

These same gentlemen who oppose this, they have heard of what a bank night is; they have heard of what a pot of gold is; they know what a ham jamboree is; they know what a turkey shoot is. And whenever you have one of those, no matter where it is in the state, whether it is conducted by either the Democratic party or Republican party, where they have field days — now, these booths that are attended by us politicians, not excluding anybody, people mingle around these booths. If you don't call that lottery, I would like to know what the name is.

I support the lottery system, and I don't feel that the low income people are going to be victimized by it, because they are craving for it.

Most of the gentlemen that opposed this bill, they say some of their constituents want to have some of these lottery tickets out of New Hampshire, and out of Massachusetts for a measly little 50 cent ticket. They say that the low income people would be disillusioned. There is only one way that people would be disillusioned, that is if the lottery is not run properly, if you hold back that 40 percent that you are supposed to pay out. Then they are going to be disillusioned. There is no disillusion if you sell a 50 cent ticket and you tell them they have a chance on \$100,000, and it is run properly. There is no disillusionment there, because we know we are paying 50 cents, and if it is drawn properly and honestly, I know I am not being disillusioned.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: When this bill came up in 1965, I got very interested in it because I had to decide which way I was going to vote. I did do quite a lot of research on lotteries.

Lotteries have been very beneficial to mankind in history. However, the University of Pennsylvania, Yale all in their starting were supported by lotteries. Their buildings were built through lotteries. Thomas Jefferson's home was sold through a lottery. Since then, of course, we have had other ways of raising money, by the development of our corporation techniques.

I know, I would never invest in a lottery. But this last summer working on the Taxation Committee — when I said invest in a lottery, I wouldn't personally gamble to that extent. Life is a gamble and we have many opportunities daily to gamble, and profitably too.

I did get interested in the lottery this last summer on this Taxation Committee, because it was brought up; and I sent and got a copy of the Massachusetts law and the New Jersey law, and it is a great deal different from the type of setup they had in New Hampshire which really disillusioned people on lotteries in New Hampshire.

So, New Jersey started a new trend, and they introduced a smaller ticket, 25 cent tickets, 50 cent tickets, more frequent drawings. I was very much interested in it, almost to the extent of putting in a bill myself. But one of the great reasons in my change of mind perhaps was the reports of police chiefs. They frankly say that they are not going to stop the numbers game. You are not going to stop the numbers game, people are going to gamble.

Another thing that made me change my mind was the fact that Massachusetts agents have come up here in Maine. If you study the law, you will find that you set up a whole department on the lottery. I know we would have to get more room in the state house or the office space. It does provide employment. In Massachusetts, any-

body that has a job can be an agent. And they are recruiting agents in Maine. I know they go around to hospitals. A neighbor of mine is a doctor, and they all buy Massachusetts tickets, throw in a half a dollar, what of it.

I would rather wait another term, but as long as it — I mean another two years, not that I will be here. I would rather postpone it until we get a little more evidence in. But if you want to set up the thing, go ahead with it now. I will go along with it.

Just remember, New Jersey went into these frequent drawings. They went into smaller amount tickets trying to compete with numbers. The evidence isn't in yet, but numbers is going to be licked by a lottery.

From my point of view, if I were teaching a class in economics, I would certainly teach the kids coming up that there are better ways to invest their money than in a lottery. To me it sort of shows some kind of a moral weakness. But I know in my lifetime, you are never going to stop the numbers business, and you are not going to stop lotteries. Let her go as far as I am concerned.

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

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: The man with a problem with alcohol or the man with a problem with dope or the bank robber, you can put them in jail, probably, to get him away from his habit. But you put a gambler in jail, he won't be there ten minutes. He can find two ants crawling up the wall, he can have a bet placed down on one of them to see who hits the ceiling first.

Now, people are going to gamble. Let's do it right. I hope we defeat the motion on the floor today.

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

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: If you are going to subscribe to the interesting theory that because everybody does a thing, the state should collect for that particular reason, it opens

some interesting possibilities. If everything illicit, illegal or immoral can be opened to taxation and collection of profits, the state is going to be in a mighty interesting position.

Now, my point here is that you are ignoring the fundamental fact underneath this particular question. Wipe the dollar sign off your eyes. Look ahead at what is in this bill. There is just one question, is it right or is it wrong? In your own hearts you know. You are going to vote, and I hope you vote to support the motion to indefinitely postpone.

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

Mr. DYAR: Mr. Speaker and Members of the House: The gentleman from Portland, Mr. Cottrell, in his debate mentions the Commonwealth of Massachusetts several times.

In 1786, the Commonwealth put up a public lottery, 50 complete townships in this state. They expected to sell 2,720 tickets as some 60 pounds apiece. During this lottery, which was probably actually the first lottery in the State of Maine, they sold 437 tickets producing 26,220 pounds or the equivalent of \$87,400; and the area between the Penobscot and the Passamaquoddy, 50 townships, 165,000 acres, sold for \$87,000.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: We have had horses in the stable, and now I understand we have dogs in the manger; but regardless of this, this would be a very poor business proposition. We only have a million people in the State of Maine all together, from the babes to the graves. And you can be sure that very few professional men or businessmen who have the money to do something like this are going to be bothered chasing someone to buy tickets, even though that perhaps as recreation they play poker in the locker room at the country club or something like this or even in their homes. This is poor morally, and

it is poor businesswise. And again, let's dump this one.

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

Mr. TANGUAY: Mr. Speaker and Ladies and Gentlemen of the House: Today I want to try to explain myself. It takes me quite a while, because I don't think I have the background and the words of what I am trying to get across very slowly and broadly.

Back in 1939, 1940 we had a world war conflict, number two. In '45, oddly enough, trying to stay away from the draft, like most of you, I was drafted. In 1945 I went to a little country by the name of Germany, found my way through there; spent four and a half years over there. This country was still going with buggies, horses, carts. Some of these veterans that came over there — they were still pulling the carts with the bull over there.

As far behind as they are, Germany today, even after the conflict they have gone through, after we polarized them, after we knocked Hamburg, Frankfurt, Berlin, there was nothing but rubble. But they have what they call "toto" games. The Americans, we feel that we are first. We are way far from being first; "toto" is being played in Germany. It is run by the government. There is no disillusionment there. The people just love it. Believe you me, even the occupation forces loved it. I mean, we had opportunity. In four and a half years, I didn't get to win once, but I was glad to participate.

Being Americans, we are fortunate. We can think for ourselves, and we approach different items from the bottom of our heart. We can do what we please, we are free. Being free, way down deep—a gentleman by the name of Mr. Maddox a little while ago said vote the way your heart feels. Well, I doubt very much — I feel sure that the majority of you people that sit in this House today at one time or another, I mean, you did things that you wanted to do. I doubt very much that if we don't have a majority of the people that at one time or another bought a chance on a lottery, on a car or a \$500 prize or a snowmobile. That is lottery.

When we say lottery, that is what we are now calling lottery, and we want it run by the state so that it will be run properly.

Get these crumbs off the streets with their little \$50 gadget, \$100 gadget, when they can buy a 50 cent ticket and win \$100,000 or \$50,000. We have got to get these crumbs off the street. When I say crumbs, I will say like some of these well-organized organizations throughout the state.

I represent one of them. We have had a little pot of gold on meeting nights, and we finally made them legal at the last session. Now, the most they can win is \$30 and \$40, and it is a pleasure to be part of it. It would be a pleasure to play the lottery in the State of Maine if you would only vote not to indefinitely postpone this bill.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to speak to the morality of gambling or to the advisability of the state being in the lottery business. But I would like to point out to you the nature of the bill that dedicates the proceeds to revenue sharing.

I signed the "ought not to pass" report, and that was one of the reasons why I signed it. For those of us who are seriously interested in tax reform, I say to you that this kind of bill drives one more nail into the coffin of tax reform. It represents tax relief, and I would hope that you would indefinitely postpone it.

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

Mr. CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: We have heard quite a bit this morning on the revenue, but but we haven't heard much on the cost. I would like to know what this would cost to administer this gambling bill.

This has been before this legislature in years past, and I consider this a moral issue. I would like to support the motion of the gentleman from Rockland, Mr. Emery.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Members of the House: Regarding the cost, there is a \$400,000 price tag; but within two weeks once the tickets were circulated and sold, this price tag would be eliminated. In the bill it says—and I think I quoted it once before—"the monies in said state lottery fund shall be appropriated only and shall be returned to the general fund immediately."

Now while I am on my feet, I have heard a lot about gambling. I don't think this is a gamble. I think this is merely a person's right to do as he sees fit.

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

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: I am not so much concerned about the moral aspects of this bill or the financial gain to the state. If I would vote for this bill, when I got home to Mars Hill, they would tar and feather me and dump me into the foul smelling Prestile Stream.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: It amuses me to hear people talk about gambling. Lottery isn't gambling. How would they figure that? You spend a quarter, you spend a half dollar and they don't pay back one tenth of one percent. What I call gambling is going down in the locker-room that the gentleman, Mr. Donaghy, mentioned this morning.

If you have got \$400. When you get done and the \$400 is amongst those playing, you haven't lost anything. Maybe one man has got it all, but that is gambling. This isn't gambling.

I don't believe in gambling, and if I did, I would probably get at it. Anything that you cannot shuffle, you don't want to put your money into it.

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

Mr. KAUFFMAN: Mr. Speaker, Members of the House: I believe this last legislature created an act

to build a new liquor store in the Town of Kittery simply to compete with the State of New Hampshire in liquor prices.

More tickets are sold to out-of-state people in the liquor stores in New Hampshire than anywhere else. If we are going to compete with New Hampshire on liquor, I say we should have a state lottery in Maine.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I spent an awful lot of years listening to gambling talk pro and con. But before you take a vote on this indefinite postponement, I would like to submit to you the fact that this country is operating one of the biggest gambling houses that was ever known to the world. I am talking about the New York Stock Exchange.

When you talk about bleeding the little fellow for his money on a lottery here in the state, why not talk about the stocks and bonds that have been sold in this state that don't even have a recording on the stock exchange in New York City? All of these things are worthy of consideration.

Gambling is something that the individual will either do or not do according to their own conscience. But there isn't any in the New York Stock Exchange, and that is gambling.

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

Mr. COTTRELL: Mr. Speaker, Members of the House: The Taxation Committee has researched the lotteries, and they felt that they could in Maine, considering everything, have a net revenue of \$3,900,000. It cost cost 55 percent to administer it and the 45 percent would be paid off.

As I say, I think that if a lottery could guarantee an in-road on numbers, which is illegal and it is building up millions and millions of — billions of dollars for not the best purpose, if a lottery could make in-roads into that illegal, awful thing that is hap-

pening in our country, it would certainly be an advantage.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Rockland, Mr. Emery, that Bill "An Act Providing for a State Lottery" (H. P. 1507) (L. D. 1938) and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carrier, Chick, Churchill, Clark, Cottrell, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Finemore, Gahagan, Good, Hamblen, Haskell, Henley, Herrick, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McNally, Merrill, Morton, Murchison, Palmer, Parks, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Sproul, Stillings, Susi, Trask, Tyndale, Webber, White, Willard, Wood, M. E.; The Speaker.

NAYS — Ault, Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carey, Carter, Chonko, Conley, Connolly, Cooney, Cote, Cressey, Crommett, Curran, Dam, Deshaies, Drigotas, Dudley, Dunleavy, Farley, Farrington, Faucher, Fecteau, Ferris, Fraser, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, Knight, LaPointe, LeBlanc, Lynch, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mul-kern, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pont-

briand, Ricker, Ross, Sheltra, Smith, D. M.; Smith, S.; Talbot, Tanguay, Theriault, Tierney, Walker, Wheeler, Whitzell.

ABSENT — Albert, Briggs, Dow, Flynn, Gauthier, Hoffses, LaCharite, Mahany, Rolde, Santoro, Soulas, Strout, Trumbull.

Yes, 63; No, 74; Absent, 13.

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

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

Bill "An Act Relating to Benefits Payable under Workmen's Compensation Law When Employer or Supervisory Employee Violates Safety Statutes" (H. P. 1258) (L. D. 1633).

Was reported by the Committee on Bills in the Second Reading and read a second time.

Mr. Tierney of Durham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-399) was read by the Clerk and adopted.

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

Bill "An Act Relating to Hours of Work and Minimum Wages for Taxicab Drivers" (H. P. 1035) (L. D. 1356) (C. "A" H-387).

Bill "An Act Relating to Reports of Bureau of Labor and Industry" (H. P. 1156) (L. D. 1489) (C. "A" H-386).

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

Bill "An Act to Authorize the Investment by Savings Banks in Real Estate for Purpose of Historic Preservation" (H. P. 1408) (L. D. 1848).

Was reported by the Committee on Bills in the Second Reading and read the second time.

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

Mr. SIMPSON: Mr. Speaker, I now offer House Amendment "A"

under filing number H-402, move its adoption and would like to speak to my motion.

House Amendment "A" (H-402) was read by the Clerk.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House, I have discussed this amendment with the chairman of the committee and also the sponsor of the bill.

Since the 104th, anyway, the savings banks in this state have always shown a good interest in trying to get involved in the real estate business in the State of Maine. I have no objection to them whatsoever of getting involved in historic preservation, and I wholeheartedly agree with the thought. But the words I wish to strike out of this particular bill at the present time are the words "or other properties", which I believe to be very far-reaching.

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

Bill "An Act Relating to Deposit of State Funds" (H. P. 1503) (L. D. 1932) Emergency.

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

Bill "An Act Relating to Probate Fees" (S. P. 172) (L. D. 427) (C. "A" S-114).

Was reported by the Committee on Bills in the Second Reading and read the second time.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I have a house amendment under filing 391 which you might like to look at. This deals with lawyers' fees on probate work.

In many cases, some members of the bar are really soaking the people for this type of work, because their fees are based on a set rate plus a percentage of the gross estate.

I had a bill drawn to do this same thing, but I did not present it because I was told that in the major probate reform bill, this was going to be in there. It was not and hence, this amendment.

Legal fees for various services are set by the Bar Association and they are found in a strange little book entitled "The Maine Bar Directory." In the case of inheritance work, they have their own schedule.

Now, generally, except in the case of large estates, which are few in Maine, the work of probating estates and filing taxes is simple. And in many offices they even have their clerks do it.

Now, I am going to give you a couple of examples. Since a person's house is in his net estate, many people of moderate means leave a gross estate of between \$25,000 and \$50,000. In this little book, the lawyer's fees are \$1,350 plus 4 percent in excess of \$25,000. Now, let's say one leaves an estate of \$40,000. The barrister would get \$2,000 right off the top; and to me, this is ridiculously high, especially since the federal government will allow you to leave \$60,000 without an inheritance tax.

If a person were lucky enough to leave a hundred thousand dollars, including his real estate, the lawyer would get approximately \$4,000, although the work would probably be no more. If there are no complications to this, I understand that a competent attorney could do this work in approximately two days.

I feel that a flat hourly fee is much more fair than the percentage basis which has nothing to do with the amount of work done. My amendment states that he can receive up to \$35 per hour for this type of work. Now, I know that that sounds like a lot to many of you.

Some lawyers in the state favor this, and I have talked with some judges who are in favor of it. However, there might be a question of germaneness on this, even though both refer to probate work, are in the same Title 18 and only two sections apart.

I would not like to embarrass the Speaker of the House, who is a lawyer himself, to make this de-

cision; and for this reason, I will not present the amendment. However, I want the lawyers of the State of Maine to beware. They will see this type of bill again.

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

Mr. BRAWN: Mr. Speaker, I would like to ask a question through the Chair of Mr. Ross. Did I understand the gentleman from Bath to say some members of the bar are soaking the public?

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

Bill "An Act Relating to Valuation of Shares of Joint Owners of Property and to the Disposition of Joint Property on Death of a Joint Owner" (H. P. 1277) (L. D. 1664) (C. "A" H-368).

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

Bill "An Act Relating to the Appointment of Active Retired Judges of the District Court" (H. P. 566) (L. D. 745).

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Perkins of South Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-388) was read by the Clerk and adopted, the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act Relating to the Advertising of Drug Prices" (S. P. 506) (L. D. 1590) (C. "A" S-123).

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

Passed to be Enacted Emergency Measure

An Act Relating to Procedures Applicable to the Use of Federal Revenue Sharing Funds by Counties. (H. P. 1470) (L. D. 1895)

Was reported by the Committee on Engrossed Bills as truly and

strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of same and none against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Increasing Compensation of Full-time Deputy Sheriffs in all Counties. (H. P. 415) (L. D. 564)

An Act Recognizing the College Status of the Glen Cove Bible School and Relating to Conferring Degrees. (H. P. 589) (L. D. 780)

An Act Revising the Laws Relating to Oil Burner Men's Licensing (H. P. 652) (L. D. 915)

An Act to Modify the Test for Determining Coverage of Injuries under the Workmen's Compensation Act. (S. P. 404) (L. D. 1206)

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

Enactor

Tabled and Assigned

An Act Clarifying Certain Municipal Laws. (H. P. 1118) (L. D. 1454)

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

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: On this bill here, the act clarifying certain municipal laws, I would like to point out that a few things which I feel are objectionable in the bill; and afterward, then I would hope that someone would table it for one day.

We do have three amendments on this bill. The first two, of course, I have no objection to because one of them, being mine, number 349, which allowed for the appointment of a deputy moderator. But then we go over into the Senate amendment, under filing number S-121. This is where the objection comes.

About five weeks ago, I had before the committee a bill to put

back into the Title 30 of the Revised Statutes the whole section, 4952, which was repealed, and this related to planning boards and the procedure for a municipality to set up a planning board. That bill came out under 17-A, and so there was no debate on it.

In 4952, under the heading Planning Board, it says, of course, "a municipality may establish a planning board" and then it speaks to the appointments to the planning board and the board will consist of five members and two associate members and what their duties would be.

Then under the old law, it said, "a municipal officer may not be a member or associate member of the board." When I had my hearing on the bill, that was where the objection came, from two selectmen in the Town of Solon and one of the federal people that has one of these federal jobs. That was the whole objection.

Now I find that with these objections we are playing around in an entirely different section of Title 30, and we are playing around as far as planning boards are concerned, that we should give some thought to putting back into Title 30 planning boards and then play around with that section and not with the saving clause.

Many of these planning boards that operate in the state today, they are operating quite well. And they were enacted under the Section 4952. The people had faith in the law when they enacted their planning boards, because there was nothing bad in the original law or the original section that was amended out. But now we come to the amendment under H-329, which strikes out "except that municipal officers may serve as members or associate members." That was the main objection to the bill I presented when I presented it, put back in that section.

Now, we come to this Senate Amendment, S-121. Senate Amendment S-121 is the real bad part of this, because it says "municipal employees and employees of school administrative districts shall not serve as members of planning

boards." This would, in some towns, create quite a burden on finding members for the planning boards. You do not usually find a big waiting list of members that want to serve on some of these boards, because they are non-paying, and they do entail a lot of work and sometimes you do not make friends being on that board. And if you do make friends, you have a division of half the town being friends and the other half being enemies.

When you say that no municipal employee or employees of school administrative districts shall not serve as members of the planning board, what is an employee? Is an employee of a school district one who works for the district? Does this eliminate all directors, all administration of a school district? Does it eliminate teachers? Just what is an employee?

When it comes to municipal employees, assuming that a town has a municipal engineer, he would be working for a town; and this is one of the very men the planning board would want. It would save the town money if he were a member of the planning board, and he would take that appointment; because he wouldn't have to be paid an hourly rate, because this is a board that does not receive pay. If you limit this municipal engineer or you limit your highway foreman to not being on the board, then if you need any advice in that field that they are concerned in, then you have got to bring them in and pay them an hourly rate. I just think this amendment is going a little too far when you start putting this in, because the original law never had this. And if the objection to the original law was that municipal officers — and municipal officers in municipalities meaning selectmen — could not serve as associate members or a member of the board and originally that was the only objection, then I see no reason going further in adding all these other people who cannot serve, because in the next session we will be back here putting more amendments on this.

The prime objection is that we are amending Section 4964, which is the saving provision under this title. If we are going to do anything on planning boards, then I think we should re-enact, at least, the number 4952 and the title "Planning Boards" and then put this in the section where it belongs and not put it in under a saving clause. Because what does this do again? Under the saving clause it says, "any planning board or district established and any ordinance or map adopted under a prior inconsistent and repealed statute shall remain in effect until abolished, amended or repealed."

We have a planning board in my town, as many of your towns have. Does this mean that when a member's term expires that if this member is an employee of the town or the school district that he cannot be reappointed? Does this mean that the towns that have the plumbing inspector that is operating under the provision where — not under the state provision where the State Treasury gets the feed money, but some towns have plumbing inspectors and building inspectors where they raise an annual appropriation of so much money to pay them. This is prohibiting this very man here to serve on a board.

These are the people that these towns need on the board. They need people who know what is going on, and there should be some liaison between your S.A.D.'s and your municipalities. A lot of your problems in the past have come because of lack of communication between these various organizations or various groups or various boards.

I think we should give consideration here before we pass this bill to be enacted. I would hope someone would table it for one day so that some of us could get together with the members of the Legal Affairs Committee and see what can be done in the form of amendment to take out some of this and at least put it back in the proper place in the title.

On motion of Mr. Martin of Eagle Lake, tabled pending pas-

sage to be enacted and specially assigned for Monday, May 21.

An Act Relating to Compensation and Specific Periods of Injuries under Workmen's Compensation Act. (H. P. 1173) (L. D. 1510)

An Act Prohibiting the Acceptance of Money for Enrollment of Voters (H. P. 1270) (L. D. 1645)

An Act to Clarify Certain Provisions of the Personnel Law (S. P. 524) (L. D. 1655)

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

An Act to Create a Commission to Study the Workmen's Compensation Law (S. P. 541) (L. D. 1693)

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

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I have been watching this bill for some time and taking a look at it; and unless somebody can convince me differently, I would move the indefinite postponement of the bill and its accompanying papers. I would offer this suggestion: In my hand I have a report of the National Commission on State Workmen's Compensation Laws which pretty well shows that the State of Maine probably has one of the finest set of Workmen's Comp laws there are going.

Just under one section alone here, if all the recommendations of this particular national commission were adopted for all the states, the cost to the particular state — Maine would have a decrease cost of 9.8 percent while the rest of them would all have an increased cost.

My objection is not to the point that maybe we need to study it, but I question whether this shouldn't have come forth in the way of an order to study the workmen's comp laws rather than put a statute on the books that creates a commission to study it and then

the Senate Amendment has the particular Committee of Labor, Joint Committee of Labor, doing that study.

I agree, they should do it. But I don't agree with putting a bill on the books. I think we ought to have an order which reverts to the Legislative Research Committee. If we do what we want to do by having the joint standing committee work in the interim periods, then the Joint Standing Committee on Labor would be the committee to handle this. I would like to have somebody change my mind; otherwise, I would still like to indefinitely postpone the bill and all its accompanying papers.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: I agree 100 percent with Mr. Simpson. I have been watching this but I was hoping someone more qualified would tackle it. But I go along with it 100 percent. I don't think—compensation laws have got a lot of errors in them, I will admit. But I don't think we need a commission, and I hope you go along with the gentleman, Mr. Simpson.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Am I wrong in assuming that this was the unanimous committee report?

Thereupon, the Report was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker I wonder if someone from the Labor Committee could defend the report?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I don't know that I can defend it. I certainly go along with

the gentleman down in the right-hand corner, that putting this law on the books instead of an order is wrong, putting this law as a law rather than having an order for a study.

I think it was the feeling of the committee that a study should be made. I do not think it should be in the form of a law.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: I would say that the position of the gentleman from Standish is perfectly legitimate if he does, in fact, subscribe to the philosophy of this study.

When this came through, I didn't know the difference between an act and a resolve, and I am not sure I do right now. But I could say, yes, you do not need to clutter up the statutes with an action of this type.

It was a unanimous report; but in connection with the remarks the gentleman made regarding the fact that Maine has one of the outstanding comp setups in the country, I think this is in itself a need for this study to be made; because we are finding that a good many of the bills coming before our committee are concerned with the delivery of services rather than the degree of protection.

It is felt, I believe, by everyone on the committee that this would be a helpful matter and also to investigate the areas where perhaps we may, if we don't have this study, continue to elevate this level of compensation to a point where it would be unwise.

So I hope that the intent of this legislation will be recognized and I have no objection if the gentleman wishes to indefinitely postpone it. As I understand, he suggested he would introduce an order so that we could continue with this work.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I am told by the representative of the labor and industry that they don't need this. The gentleman from Standish, Mr. Simpson's

intention is what their wishes are. So I would hope that we go along with our business and kill it.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who can answer it. If we do indefinitely postpone this and put it in the form of a resolve, would the appropriation stick with the resolve? Could we, through a resolve, appropriate the money that is needed for this study?

The SPEAKER: The gentleman from Saco, Mr. Hobbins, poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The answer is yes. We could add funds to be added to the order that we would pass if we provided for this study.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question, Mr. Speaker, to the gentleman in the right-hand corner if he will introduce the order if we indefinitely postpone this bill?

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I hope we can save debate and I would be delighted to.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

An Act Relating to State Aid for School Construction (H. P. 1370) (L. D. 1827)

An Act Relating to Solid Waste Disposal (H. P. 1478) (L. D. 1903)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be en-

acted, signed by the Speaker and sent to the Senate.

Enactor
Tabled and Assigned

An Act Relating to Consolidating Reports of State Departments and Agencies (H. P. 1484) (L. D. 1911)

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

On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and specially assigned for Monday, May 21.

An Act to Simplify the Procedures on Municipal Charter Amendment Elections (S. P. 611) (L. D. 1914)

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

An Act Relating to the Statute on Boards of Visitors to State Institutions (S. P. 612) (L. D. 1915)

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

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

Mr. GOODWIN: Mr. Speaker, for the purposes of offering an amendment to L. D. 1915, I would like to move the rules be suspended for reconsideration whereby we passed this to be engrossed.

Mr. Dyar of Strong requested a vote.

The SPEAKER: For suspension of the rules, it requires a two-thirds vote. All in favor of suspension of the rules as to L. D. 1915 will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 49 having voted in the negative, the motion did not prevail.

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

Mr. GOODWIN: Mr. Speaker, Members of the House: Since I will not be able to offer this amendment, I would like to move for indefinite postponement of this

bill and all its accompanying papers.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, moves the indefinite postponement of L. D. 1915 and all accompanying papers.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I hope you do not go along with the motion to indefinitely postpone. This bill, in my mind, clarifies some of the problems with the board of visitors to our state institutions.

I guess the committee amendment is what is offensive to the department and Mr. Goodwin. We merely request that at any time the Committee on Health and Institutional Services sees fit, that we can request the Board of Visitors to appear before our committee.

At the present time, the Board of Visitors to our state institutions—I won't say they are Gods actually, but they report to no one except the hierarchy. I think if we are expected to appropriate monies to some of the Board of Visitors and so forth, pay their expenses and not be able to know what is going on within our state institutions, there is something wrong.

I feel that this legislature, and more especially, the Committee on Health and Institutional Services who is responsible for the legislation pertaining to the department, I think that we should have the right to call members of the Board of Visitors before our committee when we feel it appropriate.

I don't think this is a political issue. It should not become a political issue. The present statutes say that the appointing authority shall appoint at least two of the minority party to a Board of Visitors and we find that has been taken care of. In many cases, the entire Board has been from the minority party.

So I hope this morning that you do not vote for the indefinite postponement of this bill.

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

Mr. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to clarify why I am doing this. This bill was originally introduced to remove the statute on the Board of Visitors altogether.

However, after the hearing, members of the committee, including, I think, the sponsor, felt the need for the Board of Visitors as they did provide some benefit in bringing to light various problems within the various institutions. I think one of the main reasons for — or what we wanted to do was to get rid — and I agree with Mr. Dyar on this — get rid of this part of the law which brings politics into it which you have to have a minority member or a couple of minority members. This is reported unanimously, and I want to apologize, when this first came out, I didn't realize until after talking with several members of these different boards that we also included on here the statement that copies of all recommendations will be sent to the members of the Health and Institutional Services Committee. I had absolutely no objection to this. In fact, my amendment would have included this. The last section of this redraft members of these various boards objected to. I will read this to you, "and each Board of Visitors shall appear before the Joint Standing Committee on Health and Institutional Services upon request." Their objection was this: What this amounts to is almost to the point where it is almost subpoena power by the Committee on Health and Institutional Services to say that anytime you members of this particular board must appear before us and give us testimony on a particular subject. Members of the various boards have gotten in touch with me — and this has nothing to do with the department. Members of the boards have gotten in touch with me and say they will not serve on these boards if they are subject to this regulation. They do not mind coming and testifying on a particular bill or at a hearing

or something like this; but to require — it isn't in the laws where we have to require a commissioner or a superintendent of an institution to appear or anything of this nature, why the Board of Visitors?

I would like to state this, the Board of Visitors receive no money at all, absolutely no appropriations. They are completely voluntary. This is completely on their own. Each of these institutions has a board where they work on their own. They are under no state guidelines. They don't have to go there at certain times. This is strictly a volunteer group of people with their own expenses, go to these institutions; they meet, they sit down and talk with people, and they do this strictly on their own.

All I would like to see them do, any recommendations they make to the commissioner or the superintendents of these institutions be made to our committee.

I can see no valid reason why these Board of Visitors should be required to appear before our committee on request. I just don't understand this, and I think that if we do this, we are going to lose good members of these boards. Remember, they are not paid. There is no appropriation made for these boards.

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

Mr. MARTIN: Mr. Speaker, Members of the House: I have just been reading the bill, and there is something else that bothers me. I am wondering why the committee did it, in the redraft, 1915. Under the law, as I understand it, there was a provision that the Board of five visitors that was to be established and nominated by the Governor, at least two would be members of the minority party. That section has been dropped out.

I am sensitive to that because I am, at the moment, in the minority. And I am wondering whether or not at some point the Governor — regardless of the party in which we might be — could simply place all five members of the same political party on that Board of Visitors, which I think would

be a mistake. I do not know why the committee would have chosen to eliminate that provision from existing statute.

I am going to vote for indefinite postponement.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman from Eagle Lake answered his question. The present statute says that the governor shall appoint two members of the minority party to the Board of Visitors. This does not say that he cannot appoint five members of the minority party to a Board of Visitors. It does not say that he has to appoint any member of the majority party to the Board of Visitors. It merely states that he shall appoint at least two members of the minority party.

Now we as a committee didn't feel that politics should enter a Board of Visitors. If the Governor of this state, with the backing of the Council, wants to appoint people to the Board of Visitors, they should be appointed on their qualifications to do the job rather than their political background or for political patronage or reasons.

I am quite sure if you check the Board of Visitors, the present Board of Visitors in this state, you will find some of these boards having more than the minimum for the minority party on the board, and I have no objection as long as they do their job.

I am extremely concerned when these people on the boards are annoyed with the fact that they might have to report back to a legislative committee. If they go into our institutions and do the job they say they are doing on a once a year basis, I think they could report.

Some of these boards are doing well. A five-man board, three may be on a monthly basis, say, at the Augusta State Hospital, talk with the patients, the superintendent and the state employees there, they accomplish something. But some of these boards where they get together once a year — I

won't call it a party, but probably it is a get-together — and make recommendations — I won't say in a frivolous manner, either — I wonder if we need them.

The bill is in to eliminate the Board of Visitors. We compromised and kept these boards active. All we ask is that these boards be active, they accomplish their task and at least they report back to some committee of this legislature. I don't think that reporting back to the commissioner is going to do the job.

We are not saying that we are going to call this board in once a week, or we are going to call in every board. If we have got a problem at Thomaston like we have now and the Board of Visitors of the Maine State Prison had information that could help our committee in our investigations, I think we should feel free to request them to come before us. We do not have subpoena powers, but possibly we should. I am quite sure last year if we had subpoena powers, some of the mess in this state that is going on at the present time could have been taken care of.

If anybody on the Board of Visitors, which is voluntary as far as their going to a meeting, fears any legislative committee, I think they should probably back down. But I am quite sure the Board of Visitors that had financial problems, through an order to the Governor's Council, probably could get an appropriation to carry out their mission and there would be funding by the State of Maine. Whether this was done in the past, I don't know. But some of the things going on now, I know it is certainly going to happen in the future.

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

Mr. MARTIN: Mr. Speaker and Members of the House: If the gentleman feels that we ought to add an appropriation so that these people can get mileage to come from wherever they come from to meet with the committee, I have no objection to that. I think that would be fine.

I do go back to the point, though, that the provision where people had to represent the minority party is an important one. I have been here since 1965, and I can assure you that on every board and commission you can pick them out, and maybe that is unfortunate, but that is our political process and I want to preserve that. I think that if anyone feels strongly that they want to preserve this bill, it ought to be tabled, but at this point in time, I can't vote for it.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to stretch this out, but I would like to state that I feel the Board of Visitors could do a very good job and could be very beneficial to the state as long as they can remain in the very neutral, underlying position they are in now. We can ask them to come before us, but this states that they have to come before us if we request them. I am just speaking for members of the Board of Visitors who have contacted me, and they said they would like to be active, they would like to see these institutions run well and they would like to have a say in this and investigate these and everything, but they said they would feel threatened, that if they are called before these boards they would be put on the chopping block or whatever and be asked to divulge information which they may not feel capable to give.

These are not necessarily professionals, not necessarily members of the legislature — in fact, they can't be members of the legislature. They are basically just people who are interested in good and efficient running of these institutions. They are willing to come before the committee, they have come before the committee, but they just don't feel that they should be singled out to be almost to the point of being subpoenaed to come and testify. If we are going to do this, perhaps we should do it with everybody, like the superintendents and the commis-

sioner and various members of the staff, et cetera. I just can't go along with this bill as written now.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: I probably am going to drop a bomb on everybody in this place today, because I am going to tell you that my experiences on the Health and Institutional Services Committee are something that should never be, that should have never happened.

First of all, there is a definite division in that committee that divides along the lines of those who were on an old witch hunt committee which was to investigate the institutions and six new people, five or six new people on the committee who are there to do the job that we were intended to do in committee work.

I have seen item after item come up in our Executive Sessions that after debate all sorts of moves are made in the other body and within this group, for instance, special meetings in the morning an hour before our Executive meeting to solicit information from so-called "informants" from some of the several institutions that give us the dirty laundry. Now, I didn't join that committee to do that sort of work and I don't really want to see our committee turned into that.

This bill came into the committee. It was introduced to do away with all Boards of Visitors. The testimony there, there was one proponent there to do away with the Board of Visitors. The opposition came in and there were members of the Board of Visitors from Stevens School and from Augusta State Hospital and there were other members in the audience that didn't speak. But of those people who did speak, they are not being paid to take that day off and come down and appear and defend the Board of Visitors, but many good changes occurred at Augusta State Hospital because these people who were volunteers to the Board of Visitors, very talented people, they have attorneys,

doctors and professors who have put input into the administration of that unit. If we were going to do anything, certainly that bill, which could not pass our committee, the one that would have done away with all Boards of Visitors, we were willing enough, being freshmen legislators, to accept some kind of compromise. The compromise is what we have now, L. D. 1915, but the original bill was 1250. 1915, when we compromised it, we compromised on the fact that at least two people should be in the minority party. Being fair minded, it didn't really matter to me. In fact, I actually liked the way it was written? Having people who served on the Board of Visitors required to come before our committee is completely unfounded. What other committee can call any group before their committee?

I would ask that you indefinitely postpone this bill since you are not going to accept the resolution. We will come back at the special session and we will make it right.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I have never served on any investigating committee, so of course you know I don't have any axe to grind. But I do admire the ones who did serve on this committee and did such a splendid job. I shall go along with Representative Dyar this morning, and I hope you do not vote to indefinitely postpone this bill.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: There are many points about this bill, and maybe I don't particularly care for them myself, but I believe that we have got a committee that is a good committee. I think it is a committee that has been working and maybe the committee wants to address itself to the problems within the committee and not some of the institutions through the press and the courts.

You know, I think we are in a position with this bill that maybe we ought to try to clean up some of the things that are going on within the institutions around the state, and this committee could be given the opportunity to do so and I think we ought to give it to them.

Therefore, I would urge that you not accept the indefinite postponement.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I have been on that investigating committee and I do not know of any meetings that we have had beforehand, and perhaps if the gentleman from Gardiner had been there to a few meetings, he might have known what was going on.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I served on the committee that Representative Whitzell referred to and I refute every statement that he has made. I don't know of any secret meetings that were held. Because we aren't quite as liberal possibly as some of the newer members, he has taken it out on us. That is the way I feel. I hope you do not vote to discontinue this act.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: The meeting that I am referring to was one Executive Session on Thursday morning at ten o'clock, when we were supposed to meet, and there was a meeting that was held at nine o'clock. One of the members of the committee who decided not to go, Representative Soulas, told me about the meeting that was occurring at nine o'clock and it was the old committee versus the new committee. The old committee was there to gather some information, and Mr. Dyar, I am sure, can tell you the information they gathered that morning.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: The only meeting that I can remember of our committee meeting before the new one was at the time we were trying to get our report out. And many times we met in the morning, we met at night and we met without the new members. They had no information about the studies we were doing. We were being forced to get the report out, and that is exactly why we met and for no other reason.

The SPEAKER: The Chair recognizes the gentleman from Gardner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: I went into that meeting room because it was the old Executive Council chamber, myself and the other freshmen legislators on that committee, and we took our seats and we were asked to leave because they had business that wasn't for our ears to hear. So we were asked to leave the room. We didn't appreciate that fact. The fact that the meeting was occurring without all members of the Health and Institutional Services Committee being present was completely unheard of. It should never have happened in the first place.

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

Mr. DYAR: Mr. Speaker, I rise on a point of personal privilege as Chairman of the Committee.

The SPEAKER: The gentleman may state his point of personal privilege.

Mr. DYAR: Mr. Speaker and Members of the House: The reason this committee has to act sometimes the way we do, especially on the investigating committee of the 105th in getting our report out to the printers is the fact that certain people will come to our meetings and immediately go to the fourth floor in the next building.

Now let me tell you, we have had a lot of lobbying by people on the state payroll to kill our investigation. We held meetings with state employees all over this state. We did not tell anyone what time we

were leaving Augusta or where we were going, and yet we would get at that meeting and there would be an infiltration of people representing the department there to harass and embarrass other state employees who wanted to testify in private before our committee.

I don't go along with some of the statements here this morning, but I think we have got a very valid reason for acting the way we did.

I think the committee was established by an order passed in the 105th. It consisted of members who were members of the House and Senate in the 105th. We were to report back to the 106th Legislature, which we did. As Mrs. McCormick said, we met nights, we met mornings, we even had weekend meetings in cases to get these reports out and I don't think it would have been expeditious to have new members on the present committee attending these meetings. I am quite sure if they had asked to attend that they would have been extended the privilege. Certainly I would have been glad to have them there. But we were trying to get these reports out just a fast as we could so they could be acted on this session.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Meanwhile, back at the ranch, I think we ought to start discussing the merits of this legislation. There are enough problems in committees. If there are problems there, they take care of them there. If they can't, they ought to come to the leadership with them. In some instances that has been done. At times I guess leadership can't do much about it.

I know there are problems. I am aware of some of them. I am not going to get involved in this right at the moment, because I don't think we are on that topic. But I do think we ought to take a look at this bill, and that is all that we ought to be doing.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I could go into a lengthy dissertation, but I am not going to. I agree with the gentleman from Eagle Lake, we ought to take a look at this bill. We ought to take a look at the proposal that was submitted to us, and for that reason I would certainly hope that we have an opportunity to take a look at this bill by having someone table it for one day.

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

Thereupon, on motion of Mr. Finemore, tabled pending the motion of Mr. Goodwin of South Berwick to indefinitely postpone and specially assigned for Monday, May 21.

Resolve Authorizing Berkshire Mutual Insurance Company to Bring Civil Action against the State of Maine (H. P. 353) (L. D. 468)

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

Orders of the Day

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

Bill "An Act Raising the Age of Persons Who may Purchase Alcoholic Beverages or Sell as Licensees" (H. P. 799) (L. D. 1069).

Tabled — May 15, by Mr. Silerman of Calais.

Pending — Acceptance of either Report.

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

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

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Stillings of Berwick to accept the Majority Report and specially assigned for Monday, May 21.

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

Bill "An Act to Provide a Maine Citizen's Preference on State Civil Service" (H. P. 678) (L. D. 885)

Tabled — May 15, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Monday, May 21.

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

Resolution Proposing an Amendment to the Constitution Providing for Early Inauguration of the Governor (H. P. 1001) (L. D. 1326) (H. "A" H-271) (S. "A" S-100) (H. "B" H-361).

Tabled — May 16, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Monday, May 21.

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

Bill "An Act Establishing an Office of Early Childhood Development in Maine" (S. P. 515) (L. D. 1639)

Tabled — May 16, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would ask indefinite postponement of this bill and I would speak to my motion.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves the indefinite postponement of this Bill and all accompanying papers.

The gentleman may proceed.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This bill has problems in it, according to some of the information we have received from the Attorney General's office. It is up for enactment at this time. We could

have several options. We could pass it on to be enacted and send it back over to the Senate and let them correct it. The sponsor of this bill is not a member of this body. Discussing it with him, he feels that if we indefinitely postpone it, then he would have a chance to work on it in his own area and then if he could make some corrections in it, he could send it back to us and we could enact it at that time.

I have talked with several people in the House and they feel that this action is the proper procedure and the best procedure we would take. I would hope you would go along with that motion.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill "An Act Authorizing a Business Manager for the Department of the Attorney General" (Emergency) (H. P. 1297) (L. D. 1683).

Tabled — May 16, by Mr. Haskell of Houlton.

Pending — Motion by Mr. Carrier of Westbrook to reconsider failure of passage to be enacted. (Roll Call Ordered)

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

Mr. BIRT: Mr. Speaker and Members of the House: I would hope that the House would reconsider failure of enactment so that we can take a second good look at this bill.

This bill does, I think, make a good deal of sense. It seems much more reasonable to pay a business manager the twelve or thirteen thousand dollars he might get or the salary at whatever level he might be, but it certainly would be a good deal below what it is costing to hire an attorney or to have somebody of the caliber of possibly George West pending a good deal of his time taking care of the business administration for the Department of the Attorney General.

We have from session to session piled a good deal more work onto

that department. We have passed laws which require them to enforce in such areas as consumer protection and other areas of this type. In talking with some of the attorneys that I know, they tell me that in some of the larger law firms in the State of Maine at the present time they are doing the same thing. They are hiring a business administrator to take care of all of the business of the office. I am referring particularly to such areas as allocation of the particular case that come before them, the caseload and the case work, and I am not referring to the financial management of the office.

I understand this is being done. It is being done in the courts. They are doing the same thing. They are having a business administrator take care of just the allocation of workload. The Chief Justice of the United States Supreme Court has recommended this in the Supreme Court and he has recommended it in various other courts. I think that this action does make a good deal of sense and I hope you will vote for reconsideration so that we can enact this bill.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I hope we won't have to debate this very long, but it does seem as though there is no statute at the present time that say that the Attorney General has to use an attorney to run the business affairs of that department. I don't see why the Attorney General should be any different than the other departments about going before the Appropriations Committee setting up their needs and asking for them. He has already done this, and if the Appropriations Committee didn't give them enough money, why should they be coming to the legislature any more than any other department head?

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

Mr. NORRIS: Mr. Speaker and Members of the House: The Appropriations Committee unanimously adopted this bill. I mean, they have done exactly what the

gentleman from Lubec, Mr. Donaghy, is saying. The appropriations Committee has approved this and we certainly hope you will go along with passage.

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

Mr. CARRIER: Mr. Speaker, I now withdraw my motion for reconsideration.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, wishes to withdraw his motion for reconsideration.

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

Mr. MARTIN. Mr Speaker, that takes a majority vote and I would request a division.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that he withdraw his motion for reconsideration. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that the House reconsider its action whereby this Bill failed of passage to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

89 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Boudreau, Bragdon, Brown, Bunker, Bustin, Cameron, Carter, Chonko, Churchill, Clark, Conley, Connolly Cooney, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Davis, Drigotas, Dunleavy, Dyar,

Emery, D. F.; Evans, Farley, Farnham, Farrington, Ferris, Finemore, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Hobbins, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelley, Keyte, Kilroy, Knight, LaPointe, Lawry, LeBlanc, Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, Norris, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Ross, Simpson, L. E.; Smith, D. M.; Smith, S.; Sproul, Stillings, Susi, Tierney, Trask, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M.E.; The Speaker.

NAY — Berube, Brawn, Carrier, Chick, Cote, Deshaies, Donaghy, Dudley, Dunn, Faucher, Kelleher Lewis, E.; Lewis, J.; McMahon, McNally, Palmer, Rollins, Shaw, Shute, Silverman, Talbot, Theriault.

ABSENT — Briggs, Carey, Curran, Dow, Fecteau, Flynn, Gauthier, Herrick, Hewes, Hoffses, Huber, Immonen, Keyte, LaCharite, Maddox, McCormick, O'Brien, Rolde, Santoro, Sheltra, Soulas, Strout, Tanguay, Trumbull, Tynedale.

Yes, 104; No, 22; Absent, 24.

The Speaker; one hundred four having voted in the affirmative and twenty-two in the negative, with twenty-four being absent, the motion does prevail.

The Bill was passed to be enacted as an emergency measure, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Relating to Unemployment Compensation During a Lockout Because of a Labor Dispute" (S. P. 261) (L. D. 758) which was tabled earlier in the day and later today assigned.

Pending — Motion of Mr. Garsoe of Cumberland to accept the Minority Report in concurrence.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Cumberland, Mr. Garsoe, as to the reasons behind his motion.

The SPEAKER: The Gentleman from Brunswick, Mr. McTeague poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Cumberland Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Members of the House: In response to the gentleman from Brunswick, I would only repeat what I said this morning, it is the well accepted fact that the strike is the weapon of labor and the lockout is the weapon of management and labor disputes are areas that we should not project this legislature into.

But in addition, if this were the wish of this legislature, the definition of lockout is sadly lacking. It would create undue strife and put the Employment Security Commission in the role of mediating.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: It is my understanding that the definition of strike is a labor dispute whereas the workers stop offering their labor. The definition of lockout is a labor dispute where management locks the doors and says the guys can't work. Maybe I look at different dictionaries than anyone, but I suggest to any of you that have available on the floor, a dictionary might consider that.

As I understand the purpose of the bill and the purpose of the majority Labor Committee that reported favorably on the bill, if the employer says to the employee you can't work here, then they are entitled to unemployment compensation. It seems to me like common sense.

Mr. Speaker, I ask for a roll call on the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Members of the House: That would

be true, the purpose of unemployment compensation is to bridge people over when they are laid off from work through no fault of their own. But the obvious results of this is that you are going to have a dispute, and a dispute is resolved by the exertion of power from one side against the other. The problem would arise in the difficulty in determining whether this was a lockout or an engineered reaction, because it can be very quickly seen that there are many ways that slowdowns or strikes by small segments of industry could hamper and paralyze the rest of that operation to the point where perhaps work would have to be suspended.

I say again that this opens the door for the Employment Security Commission to be forced into the role of mediating and deciding a very sticky question as to whether or not this in fact was a lockout initiated by management or whether it was the result of opposing forces in a labor dispute.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: I would like to have this tabled for a couple of days. I was absent first thing this morning and did not hear the debate or anything, if this is in order.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker, I move this item be tabled for two legislative days.

Thereupon, Mr. McTeague of Brunswick requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the

gentleman from Milo, Mr. Trask, that this matter be tabled for two legislative days. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken

39 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I had not planned to participate in this, but I think before we do take a vote on it that the implications of the actions you are taking here should be well understood by everybody.

In the first instance, if you do go along with this line of thought of extending unemployment compensation in a lockout, you are going to put the employer, who pays the full shot of unemployment insurance. The whole cost of unemployment insurance is paid by the employer. So you are going to put him in a position, if you extend unemployment insurance to the employees that are affected as eligible for unemployment insurance, you then are going to put the employer in the position of financing their unemployment insurance, while he uses the only weapon of last resort he has, which is a lockout, because the unemployment payments of these employees are charged directly to the employer, and they result in an increase in rates.

So, as I view it, and I haven't read the bill in detail, but as I view it, the thing you are doing is slapping a financial penalty on an employer who uses the legitimate weapon which he has, his ultimate weapon of a lockout, you are slapping a financial penalty on him by increasing rates in the unemployment insurance that would be charged against him, which seems to me grossly inequitable to the employer. I am certainly sympathetic with the viewpoint that has been expressed here by Mr. Garsoe, this is a very inequitable action because the effect is exactly what I am telling you now,

that if you do this, you are going to penalize the employer by an increase in his unemployment insurance rate, because it makes his employees eligible for unemployment insurance, and this is charged directly against the employer.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I may be confused, but I think the gentleman from Houlton indicated that they are presently eligible for unemployment and of course that is not the case. Actually, I view this as an anti-welfare bill. If you allow industry to simply go in and lock anything they want to, heck, then we have got to worry about picking up the cost, and they can turn around and we have to pay welfare for the people that are not working.

It seems to me only fair that this be done. So I would ask you to vote against acceptance of the minority report.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I think the gentleman from Eagle Lake, Mr. Martin, very well knows that there is not a union of any account but what has a welfare fund that looks out for their own people when they are on strike.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I am wondering if we don't have a labor lawyer here that is worried about whether he will get his fees or not. If they have the funds from the unemployment . . .

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

Mr. McTEAGUE: Mr. Speaker; I rise on a point of personal privilege.

The SPEAKER: The gentleman may state his personal privilege.

Mr. McTEAGUE: The gentleman from Washington County, Mr. Donaghy, being unable to think of any valid arguments to oppose

a fair measure, finds it necessary to engage in attacks on personalities. We could talk about his involvement in the insurance industry, but I have not raised that. But if he wants to get into a swinging contest and disclose everything, I have voted consistently for the legislation to require legislators to disclose everything, I am perfectly willing to do it with him. We have a member of the press here now, and I am willing to start this afternoon.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, may continue if he wishes.

Mr. DONAGHY: Mr. Speaker; The gentleman has answered.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The strike is a legitimate weapon of the employee. The lock-out is the legitimate weapon of the employer.

Without addressing the question as to whether or not an employer arbitrarily locks his people out, if he stops his factory and lays his people off, they obviously are eligible for unemployment compensation. This would only be a factor in the presence of the labor dispute. I feel that just as we would certainly not guarantee the profits of an employer who is struck, then we shouldn't turn around and dump the cost of financing the strike against the employer.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I do want to respond to what the gentleman from Ellsworth, Mr. McNally, was referring to. I don't represent unions and I have so few union members in my own legislative district that I could count them on one hand. But I am very concerned about the employees who work for people and who work for companies where there are no unions involved. That is why I am going to vote for this bill. It is not because I want to benefit a union or anything along that line, since

the people that I represent don't belong to a union there are no union welfare funds, so to speak, to help them. Certainly this is the way to take care of that situation.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am not involved in union matters either, but I think one thing the gentleman from Cumberland, Mr. Garsoe, mentioned should be carefully noted, that was that what is a lockout would have to be determined. In my business for instance, if all of my shop people decided to go off the job, I probably would have to close my doors. Now, if that would be considered a lock out, I doubt if it would be fair and I don't think the members of this body would think it was fair. Therefore, I don't think this is good legislation and I hope you will go along with Mr. Garsoe.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: I do come from an area that does have a lot of light industry. I am talking about textiles, and shoes. And it is the employee that I am concerned about. I have heard many people stand up and speak on the floor today regarding how this will affect the employer. Well, there are many, many more employees out there who will be paid if the lockout is enforced. And if any employer closes the doors and locks out the employees, they can not earn a living — at present, under the workmen's compensation laws they will not be reimbursed.

The bill that I put in earlier this session would have eliminated the waiting period in unemployment compensation. It was heavily lobbied by the heavier industries, the paper and the big industries that are very stable. The reason that they lobbied against the bill was not because they are against paying unemployment compensation to people during that waiting period, but it was because they seem to have to carry the

burden of the light industries, the shoes, textiles, leathers and what not, and the food processors, et cetera. These are the industries that are abusing and are raiding the unemployment compensation fund, the way I understand it.

So I would hope that you would support Mr. McTeague on this measure. The majority of the committee did. Remember, this bill will actually serve employees, and most of us have been there and most still are.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I have been an employee for a good many years, but today I speak for the employer. I feel very strongly that the employee needs the employer. Some of the people who have spoken on the floor this morning evidently feel that the employer can be dispensed with. I don't feel that way. I think we really need this man. And I doubt very much if he would close a shop where it is making a profit for any reason that would hurt an employee. If he were hurting an employee, he would certainly be hurting the employer much more than he would the employee.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that the House accept the Minority "Ought not to pass" Report in concurrence on Bill "An Act Relating to Unemployment Compensation During a Lockout Because of a L. D. 758. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G.W.; Bither, Bragdon, Brawn, Briggs, Bunker, Cameron, Carrier, Chick, Cottrell, Cressey, Curtis, T.S., Jr.; Davis, Donaghy, Dudley, Dunn, Dyar, Emery, D.F.; Farnham, Ferris, Finemore, Gahagan, Garsoe, Hamblen, Haskell, Henley, Herrick, Hunter, Jackson, Kauffman, Kelley, Kelley, R.P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Martin, M c M a h o n , McNally, Merrill, Morin, L.; Morton, Murchison, Norris, Palmer,

Parks, Pratt, Rollins, Shaw, Silverman, Simpson, L.E.; Sproul, Stillings, Susi, Trask, Walker, White, Willard, Wood, M.E.; The Speaker.

NAY — Albert, Berry, P.P.; Berube, Binnette, Boudreau, Brown, Bustin, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Crommett, Curran, Deshaies, Drigotas, Dunleavy, Farley, Faucher, Fraser, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Kilroy, LaPointe, LeBlanc, Lynch, Mahany, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, V.; Mulkern, Murray, Najarian, Perkins, Peterson, Pontbriand, Ricker, Shute, S m i t h , D.M.; Smith, S.; Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell.

ABSENT — Birt, Carey, Dam, Dow, Evans, Farrington, Fecteau, Flynn, Gauthier, Hoffses, Huber, Immonen, Keyte, LaCharite, Lawry, Maddox, M c C o r m i c k , O'Brien, Rolde, Ross, Santoro, Sheltra, Soulas, Strout, Talbot, Trumbull, Tyndale.

Yes, 63; No, 60; Absent, 27.

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

Mr. Carrier of Westbrook was granted unanimous consent to address the House.

Mr. CARRIER: Mr. Speaker and Members of the House: I am addressing you today as a fellow legislator, a legislator concerned about the emotional outburst on the characters of individuals in this House during this past last two weeks. We can disagree on many things, but at all times, no matter how emotional the situation, I feel that all of us must resort to good manners and consideration for other legislators who are here with us. I hope that we can maintain the decorum of the past years and all of us work the remaining days of this legislature and try to make them pleasant ones.

The Chair laid before the House the following matter:

Bill "An Act Providing Pensions for Former Governors and their

Widows" (S. P. 363) (L. D. 1077) which was tabled earlier in the day and later today assigned.

On motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Henley of Norway to adopt House Amendment "A" to Committee Amendment "A" and spe-

cially assigned for Monday, May 21.

(Off Record Remarks)

On motion of Mr. Simpson of Standish,

Adjourned until eight-thirty o'clock tomorrow morning.