

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, June 12, 1963.

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

Prayer by the Rev. Mr. Roy W. Moody of Gardiner.

The journal of yesterday was read and approved.

Conference Committees Report

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Limiting the Amount of Salary of Certain State Officers" (H. P. 830) (L. D. 1217) reporting that they are unable to agree.

(Signed)

ANDERSON of Ellsworth
WADE of Skowhegan
COOKSON of Glenburn

—Committee
on part of
House.

WHITTAKER

of Penobscot
BROOKS of Cumberland
LOVELL of York

—Committee
on part of
Senate.

Report was read and accepted and sent up for concurrence.

The SPEAKER: At this time, the Sergeant-at-Arms will please escort the gentleman from York, Mr. Rust, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Rust of York assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Kennedy retired from the Hall.

Papers from the Senate

Final Reports of the following Joint Standing Committees:

- Agriculture
- Business Legislation
- Claims
- Election Laws
- Health and Institutional Services
- Highways
- Industrial and Recreational Development

- Inland Fisheries and Game
- Labor
- Legal Affairs
- Liquor Control
- Municipal Affairs
- Natural Resources
- Public Utilities
- Retirements and Pensions
- Sea and Shore Fisheries
- State Government
- Transportation
- Welfare

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Consolidate the Maine Unitarian Association with Northeast District of the Unitarian Universalist Association" (H. P. 295) (L. D. 389) which was passed to be engrossed in the House on June 5.

Came from the Senate referred to the 102nd Legislature in non-concurrence.

In the House:

The SPEAKER pro tem: The Chair recognizes the gentleman from Topsham, Mr. Mendes.

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

The SPEAKER pro tem: The gentleman from Topsham, Mr. Mendes, moves that the House insist and ask for a Committee of Conference.

The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, I would like at this time to move that the House recede and concur, and I would like to address the House briefly on my motion.

The SPEAKER pro tem: The gentleman from Mechanic Falls, Mr. Foster, now moves that the House recede and concur with the Senate. The gentleman may proceed.

Mr. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: This bill item 3 and item 4 is a companion bill. It was before the Legal Affairs Committee, and took up considerable time and re-hearings. It was reported out of that Committee eight to two in favor

of referring it to the 102nd Legislature. I feel that several days ago when this was passed in the House that perhaps I was a little bit delinquent that I didn't at that time address the House and felt, however, that when it came before us again, that I would.

Now the reason for continuing to the 102nd Legislature as given and influenced the majority of the Legal Affairs Committee was not but what they have a perfect right to consolidate. They have that inherent right to consolidate. There was one problem that confronted us and which bothered us considerably, and that was the question of property, trust funds that there might be in either one of these respective groups, and as to how that would be handled after or upon consolidation. Requests were made to the proponents to present us with some formula that they had in mind which could be followed in dealing with their property and property rights including trust funds if they have any. The Committee was unable to get such a statement or such a formula from the proponents.

Now we felt that if we passed this and upon consolidation and if there were problems of property and property rights involved, that that would lead to dissension and perhaps eventually trouble between these two Christian groups. We thought that if it was put over to the 102nd Legislature and the proponents knew in advance what or why the Legal Affairs did not go along with their bill, that they would in the meantime resolve this problem of division of property.

Now that could lead to court action and if you get into a situation like that after a consolidation, that will lead perhaps to disunity and of course we don't want Christian disunity, and we thought that we would be digging a pit for them to fall in if we didn't express ourselves in this way. So it was the opinion that we were doing these two Christian groups a kindness and giving a consideration—giving them an opportunity to resolve this problem. You can well see that if some person

some years ago had created a trust fund for either one of these Christian organizations, that it would be a serious legal problem as to whether or not the income from that fund could be applied to another or a union, including some group or organization that was not mentioned in a trust fund. That is the chief reason and the only reason that the Legal Affairs Committee felt as they did, and I see of course that the Senate has gone along with our way of thinking. We think that these two organizations in the next two years can resolve this serious problem which would lead to be a very serious problem, resolve it and come before the next Legislature and of course it would be passed. I think they would be very much happier for it. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Topsham, Mr. Mendes.

Mr. MENDES: Mr. Speaker, I would just like to tell the House that this is permissive legislation, and would have to be voted on at a joint convention of both parties. I don't care to debate this situation any further in our House. I think it should be debated at their joint convention. And by allowing the conference committee to hash this over, they may come up with something that would be suitable to both parties. I urge you to defeat the motion to recede and concur.

The SPEAKER pro tem: The Chair would advise the House that the motion of precedence is the motion of the gentleman from Mechanic Falls, Mr. Foster, that the House recede and concur with the Senate in referring this matter to the 102nd Legislature. Is the House ready for the question? All those in favor of the motion of the gentleman from Mechanic Falls, Mr. Foster, that the House recede and concur, will please say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Seventy-three having voted in the affirmative and twenty-five having voted in the negative, the

motion to recede and concur did prevail.

Non-Concurrent Matter

Bill "An Act to Consolidate The Universalist Church of Maine with Northeast District of the Unitarian Universalist Association" (H. P. 296) (L. D. 390) which was passed to be engrossed in the House on June 5.

Came from the Senate referred to the 102nd Legislature in non-concurrence.

In the House: On motion of Mr. Foster of Mechanic Falls, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Resolve Authorizing Newtuck Corporation of Portland to Bring Civil Action Against the State of Maine (H. P. 1104) (L. D. 1584) which was passed to be engrossed in the House on June 10.

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

In the House: On motion of Mr. Childs of Portland, the House voted to recede and concur with the Senate.

Non-Concurrent Matter
(Later Reconsidered)

An Act relating to Minimum Number of School Days in Public Schools (S. P. 598) (L. D. 1565) which was passed to be enacted in the House on May 24 and passed to be engrossed on May 22.

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

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

On motion of the gentlewoman from Guilford, Mrs. White, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

The following Communication:

STATE OF MAINE
SENATE CHAMBER
AUGUSTA

June 4, 1963

Hon. Harvey R. Pease
Clerk of the House of
Representatives
101st Legislature

Sir:

The President has appointed as conferees on the part of the Senate on the disagreeing action of the two branches on:

Bill, "An Act to Reorganize the Department of Economic Development" (H. P. 1089) (L. D. 1561)

Senators: KIMBALL of Hancock
NOYES of Franklin
LOVELL of York

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

The SPEAKER pro tem: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, I move that we reconsider our action whereby we engrossed L. D. 1364, "An Act relating to Operating Business on Sunday and Certain Holidays," in the House yesterday, and would like to speak on this motion briefly.

The SPEAKER pro tem: The House will be at ease.

House at Ease

The SPEAKER pro tem: The House will be in order. The Chair will advise the members of the House that we are in possession of Legislative Document 1364, "An Act relating to Operating Business on Sunday and Certain Holidays." Reconsideration was moved yesterday and failed. The Chair would advise the gentleman from Belgrade, Mr. Sahagian, that if he wishes to move reconsideration today, he must move the suspension of the rules. Does the gentleman so move?

Mr. SAHAGIAN: Mr. Speaker, I do.

The SPEAKER pro tem: The gentleman from Belgrade, Mr.

Sahagian, moves the suspension of the rules. All those in favor of suspending the rules will rise and remain standing until the monitors have made and returned the count. This takes a two-thirds vote.

A division of the House was had.

Thirty-eight having voted in the affirmative and sixty having voted in the negative, the motion to suspend the rules did not prevail.

Mr. Wade of Skowhegan was granted unanimous consent to briefly address the House.

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: In requesting unanimous consent to very briefly address the House, my purpose is to bring to the attention of the House the fact that the Dirigo Boys State which is held annually under the auspices of the American Legion, is being held at the University of Maine June 16 through June 21. I am very happy to be able to say that, looking through the program, we find that again our Honorable Clerk will participate on Wednesday, June 19, as he has done for many, many years. Further I also note that the gentleman from Orono, Mr. Anderson; the gentleman from Brewer, Mr. MacLeod; the gentleman from Bangor, Mr. Minsky; the gentleman from Bangor, Mr. Mower; and the gentleman from Bangor, Mr. Wellman, our Majority Floor Leader, are participating this year in the program. This may be new to some members of the House, but it is something that has been held annually for a great many years whereby the young people of the State of Maine have an opportunity to progress along the lines of formative government, and I do sincerely hope on the part of the American Legion to extend an invitation to each and every member who may have an opportunity to be in the vicinity of Orono, to take advantage and drop in and see this terrific program. Thank you very much.

House Reports of Committees Divided Report

Majority Report of the Committee on Taxation reporting "Ought

not to pass" on Bill "An Act Increasing the State Liquor Tax" (H. P. 825) (L. D. 1212)

Report was signed by the following members:

Messrs. WYMAN of Washington
BROWN of Hancock
LETOURNEAU of York
— of the Senate.

Messrs. WATERMAN of Auburn
JONES of Farmington
COTTRELL of Portland
ALBAIR of Caribou
— of the House.

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

Report was signed by the following members:

Messrs. WOOD of Brooks
BROWN of Fairfield
AYOOB of Fort Fairfield
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER pro tem: The gentleman from Farmington, Mr. Jones, moves that the House accept the Majority "Ought not to pass" Report. Is that the pleasure of the House?

A viva voce vote being doubted by the Chair, a division of the House was had.

Fifty-four having voted in the affirmative and thirty-four having voted in the negative, the motion prevailed.

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

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Establishing an Excise Tax on Livestock" (H.P. 838) (L.D. 1225) reporting same in a new draft (H. P. 1106) (L.D. 1587) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
LETOURNEAU of York
BROWN of Hancock
—of the Senate.

Messrs. COTTRELL of Portland
 BROWN of Fairfield
 AYOOB of Fort Fairfield
 ALBAIR of Caribou
 WOOD of Brooks
 WATERMAN of Auburn
 —of the House.

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

Report was signed by the following member:

Mr. JONES of Farmington
 —of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Waterman.

Mr. WATERMAN: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Waterman, moves that the House accept the Majority "Ought to pass" Report. Is that the pleasure of the House?

The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: As you will notice, I am the only dissenter on the acceptance of the bill. I take this position because at the public hearing on this bill, the individual who was responsible for the bill being before you, upon questioning, informed me that he came before us at this time with this bill because basically the local assessor in his community had, he felt, unfairly assessed the valuation of his livestock. Number one, right there to me, is what often happens when someone receives what they feel is an impartial favor or unjust equity and charge, at the local level, that they come here at the State Capitol to try to get around the action of the local authorities. Now your selectmen or your assessors in your local towns and you have your other local assessors, and your town or city charters, give them the authority for performing this action. In coming before the State Legislature why you are trying to bypass the local authorities, usurp the powers of your local communities. That is one reason why I am opposed to this bill.

Another reason why I am opposed to the bill is because it's quite a deviation from the present method of taxation. This method of taxation places a tax, sort of an excise tax, upon your livestock, regardless of the valuation of the livestock. You might have a cow that, a grade cow, the market value for beef purposes say would be \$150, and the owner would pay \$1 tax on that animal; or that cow might be a registered cow with high qualities and be worth \$1,000, and you'd still pay \$1 tax on it. I feel as though the tax is very unfair because of this reason.

There are also several other reasons why I'm opposed to this measure, but I won't take your time now to belabor the issue. I move that we indefinitely postpone the article, this bill and all its accompanying papers.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker and Ladies and Gentlemen of the House: I have been holding on my desk here for some time, two or three petitions in connection with this H.P. 838, and I have one here from the town of Fayette representing quite a number of people who have cattle, dated March 16, and also quite a petition from my own town, and one from the Town of Monmouth. Now I think that in connection with this bill there is quite a lot of unrest. It's not all because of one case. I think it has developed other cases, but I feel there is some unrest amongst the farmers in regard to the assessment on their cattle, and I would be in favor of this bill. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, if I had a barn with a hundred head of cattle in it, possibly worth fifteen or twenty thousand dollars, I would be awful tickled to be able to get by, by paying \$1 per head for those. By the same token, this bill says \$1 a head per cattle, and 25 cents per head per sheep. I'm not in the farm business, but I have done a lot of assessing on

this. It just doesn't make sense. That means that a cow is only supposed to be worth four times as much as a sheep; and a sheep, I think the gentleman from Auburn, Mr. Turner, could verify this is a long way from being worth one-fourth what a cow is worth. So I think this is a bad bill all around, and I heartily support the gentleman in his indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brownville, Mr. Ross.

Mr. ROSS: Mr. Speaker, I heartily concur with my good friend Mr. Cookson from Glenburn. Being a selectman in the Town of Brownville, we assess horses for instance at \$50 a head, and with our tax rate which I will admit is high, our property tax rate, it brings us in better than \$5 a head, so you can see what this bill would do just to our small town. It would cut our income down considerably, and I'm unalterably opposed to it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Waterman.

Mr. WATERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill that you have on your desk this morning is a redraft of L. D. 1225. When this 1225 came before our committee, I was a little bit unfavorable to the idea of levying an excise tax on livestock. However, upon doing a little studying on the bill, and taking into consideration some of the things that are happening throughout the state — most of you have probably noticed through the past few months in the newspapers, auction after auction after auction where farmers have been selling their herds, and going out of the business of dairying.

However, on a short term basis probably this might be detrimental to some of these smaller towns, but if you take it over the long run, if a person sells his livestock and no longer needs his acreage kept in tillable land, he can, if he so chooses, plant his tillable acres to trees. Now I don't know about some of the other small towns, but I know in my own city tillable land is taxed at the rate of a \$40

valuation per acre, and the valuation per acre graduates downward with the use of the land. If it is in woodland, we have several categories of woodland, and it ranges all the way from \$2 to \$14 an acre in woodland. If it is pastureland, it can be valued at \$20 an acre. If it's allowed to grow up to nothing but brush, it's only \$2 an acre. Well if you have these farms with no livestock on them, and in a period of time they grow up to brushland, I wonder what some of these small towns are going to realize for property tax valuation in a few years.

Under the present law, there are three different graduations of livestock. You have from up to eighteen months of age, animals are exempt, from eighteen months to two years, they are in another category, and from two years and older they are in another category. Now I understood one gentleman saying, telling about the different values of registered cattle over grade cattle; now in our town all milch cows are valued at \$90 a head regardless of what they are, and I think that in a lot of other towns in the State of Maine it's the same way. It doesn't make any difference; if you've got a prize cow, she's still valued the same as a grade animal. I know that there are some people who have both, dairy cattle and beef cattle, and in these instances in many cases the beef cattle are valued at the same rate as a dairy animal. We all know that a beef cow will not bring in as much income over a year period as a dairy animal will, and in many instances the taxation on the animal is greater than what the annual income from that animal could ever be expected to be.

By levying an excise tax on all animals regardless of their age, except, as it states in the redraft, those born after January 1st of the year in which the tax is levied are exempt, but anything born prior to January 1st would be taxed at the rate of a dollar a head. Well, if you had a feeder cattle enterprise, those animals, many of them go to market before they ever reach the eighteen

months of age. Under our present system, there is no tax collected from those animals. Under this new proposed legislation, they would be taxed at the rate of \$1 a head. True, perhaps a sheep isn't worth one-fourth as much as a cow. However, if you lowered the value on sheep much below the 25 cents a head, the tax would be rather negligible, and we felt that the 25 cents was reasonable to begin with. We felt, or the majority of the committee felt that by going to an excise tax, and this is not new, it is being done in other states and in our own state poultry has a special tax levied upon them relative to the number of square feet in the house in which they are kept, on broilers — poultry for meat purposes only, so this would not be entirely complete departure. But if we did have an excise tax, perhaps some of these fellows who have reached the age where they don't feel that they can purchase the expensive equipment that they need to stay in the dairy industry, they already have equipment to harvest their hay crop with, they have barns, they might be induced or this might be an incentive for them to keep some animals on the land. The town would still receive some tax monies from these beef animals. They would still keep the land as tillable land so the property value would be in the upper bracket; and over the long run it seemed to me and the other members who signed the Majority Report, that perhaps the towns would be better off in a long run if perhaps we could induce some of these farmers to keep some livestock other than dairy cattle.

There is a Feeding Experiment Station, perhaps some of you have noticed beside the Maine Turnpike down I believe in the Saco area, which is being operated by I think Jordan's Meats. I am told that they have come to the conclusion that they can raise as good beef here in the State of Maine as they can import. And if, through further findings in their experimentation, if we could by having a tax on the books that would be an incentive, perhaps

induce more beef to be raised here close to the market, some of the small towns would be a lot better off. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Benton, Mr. Kent.

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: I heartily concur with the remarks of the gentleman from Auburn, Mr. Waterman. I know that this committee has done a lot of work on this bill, and have come out with it in a redraft. I wonder if we realize, ladies and gentlemen, what a crisis that the dairy industry is here in Maine today. I doubt if we really do. The gentleman from Auburn, Mr. Waterman, mentioned to you several auctions which have taken place here just previous this spring and also last fall. The other day I was talking with an auctioneer, a very prominent one, and he advised me that he has sixty auctions of dairy farms lined up between now and fall.

Now let us take into consideration what will this mean in loss of taxation to our towns. Not only will they lose the taxation from the cattle, but also the land as has been mentioned would start growing up to bushes, the buildings will not be kept in repair. Therefore what will happen? They will deteriorate, they will become so that you will not be able to tax them at all. So this bill possibly will have a little effect in loss of taxation to the towns at the present time; but the overall picture, if some of these farms that are going out of the milk business would put some beef cattle on these farms and keep them in production, not only that but if they keep some beef cattle on these farms, they are going to keep machinery. They are not going to sell the machinery, so what do you have there? Another picture of your machinery dealers and so on and so forth, so there is a broad field to consider in this bill.

Now I think actually that there are some changes that need to be made in this bill. In fact, possibly this dollar may be a little low, although take it into consideration that you are going to tax stock which has never been taxed before, which will bring in income on the other end

of it. But I believe that this bill has a lot of merit. I hope the motion of the gentleman from Farmington, Mr. Jones, to indefinitely postpone this thing will be soundly defeated, and then I hope that we will table this so that we may have a chance to study it, and then come up with maybe some amendments to this bill and help this dairy situation out in the State of Maine. It really needs it.

You already have a law on your books which helps the poultry industry out which you finely debated on this Floor a little previous in this session, which they have their broilers — they only pay on half value, which is written right into your law. So you already have made an exception to the broiler industry, and now that your dairy industry is in a crisis, certainly they need some help in their direction also; and I sincerely hope that the motion of the gentleman from Farmington, Mr. Jones, is defeated so that we may work out something with this bill which will help our dairy industry and the economy of the State of Maine. Thank you.

The SPEAKER pro tem: The Chair at this time would interrupt debate for the purpose of recognizing in the House, a distinguished member of one of the three departments of government, the Honorable Randolph A. Weatherbee from Hampden, a member of our Superior Court. The Chair at this time would request the Sergeant-at-Arms to escort the distinguished gentleman to the rostrum.

Thereupon, the Honorable Randolph A. Weatherbee was escorted to the rostrum by the Sergeant-at-Arms amid the applause of the House, the members rising.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: Mr. Speaker, I would like to table this bill until the next legislative day.

The SPEAKER pro tem: The gentleman from Gouldsboro, Mr. Young, moves that this item lay on the table until the next legislative day.

All those in favor will say aye; those opposed, will say no.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Mower.

Mr. MOWER: Mr. Speaker, Ladies and Gentlemen: I think a lot of phases of this have been pretty well covered, but I am one of those few in here who own a barn full of cattle, and as far as I can see, there is throughout the state not a very uniform value placed on dairy cattle. One town will be charging a tax on \$50 a head, another one \$75 and \$100, \$110 or \$115. I have figured out my tax bill, and as it stands now only dairy cows that are producing milk at the time the assessor is there are the ones that are taxed. At the present time I would be paying a tax on thirty-seven milkers, but I have about ninety head of cattle. With this excise tax, I would be paying a dollar a head for all animals that were born previous to January 1st, and figuring it that way my tax bill wouldn't vary more than \$10; and also there are plenty of farmers who raise replacement cattle which aren't paying a cent on those heifers at the present time, and if this excise tax bill goes through, those farmers will be paying a dollar a head for those animals. So I think, as a whole, the towns will not be losing any money as far as taxation on the dairy cattle goes.

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

Mr. BRAGDON: Mr. Speaker, I have not had an opportunity to attend any of the hearings on any of these taxation bills, and this bill hits me this morning as somewhat of a surprise. I think it is unfortunate that it came in here so late in the session because I do think that it is a considerable departure from our present method of taxation. I do not wish to say anything against the dairy industry or the poultry industry or any other industry in the state. The question that I would raise is certainly we must have some money at the local level; and from the very figures that the gentle-

man from Bangor has just given us, it would look to me that on his ninety head of dairy cattle at a dollar apiece you might just about as well exempt him from taxation. If you look upon it in the ratio that we are taxing real estate at the local level, certainly, it is pretty much departing from the idea of obtaining any money from personal property at the local level. Frankly I don't know. I would have liked to have had this bill before us so that we could have had the reaction we'll say of our local assessors.

I am glad to do something for the dairy industry. I would be glad to do something for the poultry industry, which I understand we have already done. However, there is certainly profit in dairying, we hope, or they wouldn't be in the business. I might ask, when are we going to give relief to other industries, such as the potato industry which is not having a too fair season now? I think that this is a dangerous departure. I think we are saying that we don't have any confidence in our local assessors. Frankly, I don't think we have any occasion to pass such a bill as this. I am almost inclined to move its indefinite postponement, and I don't know but I will right now. I will so move.

The SPEAKER pro tem: The Chair would advise the gentleman from Perham, Mr. Bragdon, that the pending question is the motion of the gentleman from Farmington, Mr. Jones, for indefinite postponement of the Bill and the Reports.

The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, Ladies and Gentlemen of the House: I would be opposed to the indefinite postponement of this bill. I will admit that perhaps it ought to have some amendments on it. I am in the unique position of owning both the dairy herd and the beef herd with my partners, and I can tell you what happens when the tax assessor comes around. He values the jersey cows over there on the farm, the dairy cows, at a certain figure. I think it is \$65, and then he, in the next breath—the next figures that he

writes in his book, is \$65 for the beef cattle. I am in no position to argue with him because if I wanted to sell those animals, why the beef cattle would bring fully as much as the jerseys, but the income from those two types of animal is not comparable a bit. So I don't believe that we are doing a very good job of valuation on livestock in the state, and this is not a reflection upon any assessor. It is simply a reflection upon the system. So I would be very much opposed to the indefinite postponement of this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel as though I should say a few words in relation to how we assess taxes. I am an assessor in my town for many years. The livestock in our town we value at \$50 a head. Our tax rate this year is 115 mills, so obviously, this makes the tax a lot more than what this bill calls for. I think the bill might be all right, but I don't think that you should tax cattle for just \$1. If they were taxed \$2 or \$3, it would be more in line with the average across the state. Perhaps they do need relief, but in our town, for quite a few years, we have valued each milch cow \$50, and our tax rate is \$115 per thousand. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Etna, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen: As an assessor of several years, I am in favor of this bill. It establishes a uniform system of taxation for cattle. We have heard in Auburn the value of a cow is \$90, the value for taxation purposes. In Brownville, the valuation of a cow is \$50. This bill establishes a uniform system all over the state. I am in favor of it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Mexico, Mr. O'Leary.

Mr. O'LEARY: I am very much opposed to this bill. Mr. Speaker, Ladies and Gentlemen of the House. We have just had a costly re-evaluation program done in

our town, and now along comes a bill like this and it is going to upset everything that we have established. I believe that our taxes ought to be left with our tax assessors along with the program that our surveyors have done for us.

The SPEAKER pro tem: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, I don't say that this isn't a uniform tax measure, but I do say that it isn't uniform as far as the taxable—percentage-wise with the other real estate and with the different, for instance, the sheep. There is going to be a feud between the sheep and the cattle raisers here for one thing, I mean because there is such a percentage difference in the way they are being taxed as opposed to their actual value. It is going to create a problem.

The SPEAKER pro tem: The Chair recognizes the gentleman from Benton, Mr. Kent.

Mr. KENT: Mr. Speaker, the gentleman, Mr. Dudley, has mentioned that possibly this tax is too low. I think I also mentioned that myself. I think that the dollar a head on cattle, especially milch cows, possibly is a little bit low. That is why that I feel that this bill could be amended so it would be a uniform bill; so I hope it will have the chance to be amended so it will be suitable for everyone.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waldoboro, Mr. Waltz.

Mr. WALTZ: Mr. Speaker, Ladies and Gentlemen: There are two points that have been brought out here that I would, in my own mind at least, take exception to. My good friend from Farmington, Mr. Jones, pointed out that there was a big spread between the value of these animals. That is quite correct, I agree with him. However, I think all of us subscribe to the idea of excise tax on cars. We may have a car that is two years old that is in excellent shape, and yet the man or woman who has one that is in poor condition pays exactly the same amount of tax based upon the year and the model of the car. I feel

that this thing in that respect would work out very nicely.

I also want to point out to you that at the present time cattle under eighteen months of age are more or less exempt from taxation whereby should this bill pass, cattle four months and older would be subject to the excise tax. One more thing that I think is a factor in this, and I believe my friend Mr. Berman, the gentleman from Houlton, pointed out, that there is a question in his mind about how the assessors would react to this situation. I want to say this, that so far as the assessors in my own home town are concerned, they are definitely in favor of it. Apparently in days gone by so far as the assessing is concerned, it has been more or less a hit and miss proposition. For example, an individual might figure that a cow was worth \$50.00 and he would value it that way. He would go into a neighboring farm and right away there would be a lot of discussion, well, you valued my neighbor's cow at \$50.00 and his cow is in excellent shape. I don't think mine are worth over \$35.00. So it goes. I believe if we have a standard something like this bill to work upon everyone would be happy. I do also want to agree with my good friend from Benton, Mr. Kent, that the price is too low. In other words, the spread between cattle and sheep is not adequate. I consider that we have an authority here in the House on cattle and I am surprised that he has not sounded off before. I certainly feel that we should have a few remarks from him, because he could certainly straighten us out insofar as the spread between cattle and sheep are concerned. I certainly don't want to force the issue, but I know us farmers would be delighted to hear what the gentleman from Auburn, Mr. Turner, thinks of the matter.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker and Members of the House: I think this is a good bill and it is set up in the right direction. Just one change, I have talked with Mr.

Waterman quite a lot on the bill, and I kind of feel as if perhaps the first year or two this is set up if we had just \$2.00 a head on cattle it might balance the thing up a little better, but I keep quite a lot of cattle, but I kind of beat this game a little. The first of April I don't own any cattle, but after that I — I get rid of them all by the first of April and then I start in after that, so I don't pay any tax on cattle, but I would if it was down where it belonged you know, but when you have got to pay \$5.00 or \$6.00 a head and that might be all you would make on them, so it might keep you out of business. But I think this is a good bill but I would kind of like to see that \$2.00 per head for a year or two.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I have put in quite a lot of time in the last three months on this bill. I think the greatest benefit to this bill is to the towns that assess taxes, not to the farmer. I don't do much of any farming myself. I keep a few sheep around, a few young beef cattle. I don't know how long I will because there is no money in them whatever, but to the towns, there is money in livestock. Up in my town, there is about ten percent of the livestock in town than there was ten years ago and some more of them are going out of business. The real estate, the fields and pastures that they use for those cattle are growing up to bushes. They are taxed much less than they were when they were grazed and kept in livestock. The differential between the twenty-five cents on sheep and \$1 on cattle, I believe from a start it should be \$2 on cattle, but in my town, they value cattle \$40 and sheep \$10, and that is one-fourth too. So there would be no change there. But this is not, in my opinion, a bill that is going to boost the farming a great lot other than to keep more livestock on the farm for the benefit of the other taxpayers in the town. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: I still maintain that this is a matter of principle, whether we are going to consider our local assessors being qualified to handle the job in which they accept when they are elected to office. I feel that the discussion that has taken place on the Floor of the House this morning on this bill by the proponents of the measure bear out the fact that they actually do not have much faith in the ability of their local assessors. Therefore, they come here to try to get the State Legislature to override and usurp the powers of the local communities.

It has been stated that many of the dairymen are going out of business, and if this bill should pass, it would give sufficient relief to many farmers whereby they would continue in the farming business. I question this very highly. The farmers who are going out of business are going out of business because there's no money in the enterprise, not because they are over taxed. So far as the towns losing money if this bill fails to pass because they will be so many letting their farms go back to bushes, I still feel that that will happen regardless of whether this bill passes or not.

Quite a few of the people who have spoken for this bill this morning are people who have livestock of their own, and I don't know, there might be a little conflict of interest involved. If the animals as has been stated under eighteen months old are not taxed on the present system, why that would mean a little favor in the present system. In coming back to the amount in the bill here, I don't like to get down to it, but I will, it states \$1 a head tax on cattle, and 25 cents a head tax on sheep. While the sheep will bring about \$2.50 or \$3 on the market, so that is about a ten percent tax. On the cow that is worth probably \$250 or \$300, a \$300 tax, that is quite a differential.

Now another thing on the excise tax problem on automobiles, if you have a car that you pay \$10,000 for, you pay one form of tax. That is, you pay one amount. You don't pay the same amount as you would if a car you bought was \$2,000. So there is a differential here. And I raise the constitutionality of the bill. So I hope that my motion to indefinitely postpone does prevail.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I think I had in mind perhaps that I would pose a question to the gentleman from Bangor, Mr. Mower, but I think perhaps instead, I will make a statement and anyone may take issue with me who sees fit. In my area to the best of my knowledge, a good dairy cow is probably valued at from \$300 to \$500. I am going to pick a figure of \$400. So by the gentleman from Bangor, by his own admission, he probably has an investment of \$56,000 in dairy cattle on which he pays a tax of \$90 under this bill. I guess that is all I wanted to point out.

The SPEAKER pro tem: The Chair recognizes the gentleman from Fairfield, Mr. Brown.

Mr. BROWN: Mr. Speaker, I would correct two things. One on the bill is the wording of the word 'neat' cattle. I haven't seen any 'neat' cattle lately this being pasture time. But it should be meat cattle. And reference to my good friends Mr. Dudley and Mr. Bragdon, this bill does not pertain to dairy cattle. It is strictly meat, and we in considering this in the Taxation Committee had in mind the very thing that Mr. Waterman suggested; namely, the introduction of a new industry here on feeder cattle where the same system or a similar system would be followed as that in the broiler industry.

Now the taxation problem on this particular item, I feel, would be less because many of these feeder cattle would go to market before the present law of your eighteen months. Hereford cattle in beef in-

dustry now only are sold in the fall. They are born in the spring and sold in the fall and sent to feeder stations and sold the next spring. So most of the cattle, this is an opinion and may not be correct, but most of your feeder cattle are sold before they reach the age of eighteen months. So you see that there is a tax advantage. Now when you come to the cost differential between a dairy cow and a beef cattle, there is a vast difference.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I would take issue somewhat with my good friend from Perham — perhaps it wouldn't be taking issue because undoubtedly he is right up in his area. But if he wants to buy some cattle, he could come down in my area and I will see that he gets some of the very best that is down there for not over \$300 and probably a great many of them — the very best of them for \$250. And that would be new milch cows. If he wants to buy them just before they freshen, why he probably could buy them from \$150 to \$175. Now these are facts because I deal somewhat in this area. And I might say that if this bill is passed, it would be helpful to put this dairy industry and the farming industry out of business. Now down in my area just a few years ago, I transported milk and had twenty years for a dairy and I had twenty-six farmers. There are four of them left now. Right near me was a man who was milking sixty-five cows and he is out of business. There was another man milking thirty-five and he's out of business. And right across all around through the southern area, that's what's happening. So if you want to continue this thing and drive the cattle business out of the State of Maine, you pass this bill and it will be very helpful.

Mr. Bragdon of Perham was granted permission to speak a third time.

Mr. BRAGDON: Mr. Speaker and Members of the House: I rise mainly — in the fear that the gentleman from Fairfield possibly left the impression that this does not include—

it mentions neat cattle but it does include dairy cattle. I certainly hope that no one gets that impression because I am certain that this does include dairy cattle. And actually, ladies and gentlemen of this House, the people who are mainly benefiting by the passage of this bill, and I have some very good friends in the dairy industry, are the people who own the very best herds of dairy cattle in the state which is a protected industry. And I would point out to you that many industries in our state, including the poultry industry and the potato industry are not protected; and I see in this a great benefit to the most profitable industry that we now have in the State of Maine, mainly, the dairy industry. Somehow or other, I fail to see the necessity of it and I again point out that I think that it is going to be very crippling to many of the assessors in our local towns.

Mr. Waterman of Auburn was granted permission to speak a third time.

Mr. WATERMAN: The question of constitutionality was asked by the gentleman from Farmington, Mr. Jones and I have here in my hand a letter from the Attorney General's office, and I will read a portion of it: "We are in receipt of your request for an opinion as to the constitutionality of L. D. 1225 H. P. 838, An Act Establishing an Excise Tax on Livestock. The pertinent provision of this proposed statute reads as follows: I. Excise tax on livestock." And that is the same as the original 1225 was. And I also asked whether this provision is properly classified as an excise tax. I wondered perhaps if it might be better called a head tax. He goes on to say, "We must answer both questions in the affirmative, and, for the sake of clarity, both questions will be answered together." So it is constitutional and the term "excise" is a proper term.

To go back to some of the things that are in the redraft, I have a letter from Ernest Johnson, State Tax Assessor, and he states that, "Line 15: We have used the expression 'neat cattle' rather than simple 'cattle'. 'Neat Cattle' are bovines (that is, cows, bulls and

oxen); 'cattle', generally, covers many different kinds of livestock." "We have used the expression 'draft horses' rather than 'farm and woods horses' as you suggested." I had suggested that the term farm and woods horses be used so than pleasure horses which are more valuable would not be included. And he states that they use the term draft horses because "the shorter expression covers the same territory. A draft horse is defined in the dictionary as a horse used for heavy hauling, as distinguished from a saddle or carriage horse." I might state that it was Mr. Johnson's opinion that perhaps a \$2 figure would be more realistic than the \$1, insofar as the relative value of the livestock is concerned. If the bill should survive and gets to its first and second readings, then if the feeling of the membership is that it should be \$2, that would be alright with me.

But I have a letter here from a gentleman from my area, a Mr. Keene, and he states, "In exploring the effect of possible land use alternatives for a hypothetical plot of land in Auburn, I have used the base values per acre prior to adjustment by location factors. These base land values were established by an impartial revaluation. I have also assumed a tax rate of 70 mills."

And I have here five different possible uses. If you had 100 acres of tillable land in Auburn which under present tax laws are valued at \$40 an acre and if they were planted to trees, the annual tax under a livestock excise program where your cattle in the town were bringing \$1 a head, why this 100 acres would bring in \$28. If it were allowed to grow up to brush, it would bring \$14. One hundred acres used to supply feed for 30 beef cows and 15 young cattle, the combined tax of the cattle and the land retained as tillable land would be \$325. One hundred acres used to supply feed for contract raising of 60 immature dairy replacements, if they were still using the land as tillable land at the rate of \$40 acre valuation, with this \$1 a head for these immature cattle, they would receive \$340

annual tax. If the 100 acres were used to raise feed for sale to other livestock enterprises, they would net \$280 which would be far better than the \$28 if it were planted to trees.

An in his letter he goes on to say: "As a member of both the Auburn Planning Board and the Androscoggin Valley Regional Planning Commission, I certainly would support any uniform method of livestock taxation which would encourage continued use of our open lands for cropping or pasture as a desirable method of maintaining our municipal tax bases and contributing to our local economies."

As I have stated before, we felt that this measure would be an incentive measure to perhaps bring an animal industry or beef industry. We aren't primarily concerned with the dairy industry, and I don't believe that this would change that too much anyway because the cost of equipment that a man has to have today to stay in the dairy business and the type of barns that are being required, there are many who are at the age where they don't feel that they can invest the money to stay in that kind of a business. It is not as lucrative a business as my good friend, the gentleman from Perham would perhaps have the House believe, and I could take him to many dairymen that could prove my point. But we are interested and we hoped by this bill to induce a beef industry into this state. And as has been stated by others, if you can get a cattle or a livestock industry in here, keep this land—looking at it at a broader aspect, not just as a tax on cattle, but as an overall picture and into the future to keep this land productive and keep these people on the land, keep the machinery on the farm and have somebody that will be patronizing local machinery dealers to replace machinery, to harvest their hay crops, it appeared to the majority of the committee that this might be an instrument that would give that portion of the industry a shot in the arm. And I think the agricultural industry in the State

of Maine certainly needs all the shots in the arm that it can get.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I do not propose to be any expert on livestock so to speak, but this bill has an interesting aspect to me. In Chelsea, we have a gentleman from Texas who has started a beef ranch. About a month ago when I was in our town office, he spoke to me about this matter of taxation of beef cattle. He said he was paying about \$10 a head each year on these animals, and he felt that this was much too high. I think so too. Because a beef creature, so to speak, can't be sold until it is two to two and one-half years old I understand, and he keeps breeding stock on hand all the time, and these cows are taxed year after year at a certain amount. The market profit is very low. But this gentleman has taken a farm which was abandoned. He has built himself a very lovely home. He has built a nice barn, and has reclaimed this land and has put it into production for seed and pastures, and I believe that he had a point there. I agreed with him at the time, little realizing that we would ever have a bill before us that would bring forth the principles that he had told me on that day. I think perhaps he might be interested in going over this bill. So for that reason, I think that perhaps this might be an industry that would be well suited for central Maine, more beef farms, and perhaps this is something that we really should look into further. I hope that the bill is not indefinitely postponed.

Mr. Kent of Benton was granted permission to address the House a third time.

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up a point raised by the gentleman from Farmington, Mr. Jones. He mentioned here that sheep was only worth \$2.50 apiece. I suggest that he hasn't been into a store and brought a leg of lamb lately. The wholesale price today that the stores have to pay for lamb to begin with is fifty cents

a pound. So I think that he would be a little bit off in left field as far as \$2.50 apiece is concerned in value. And as far as the \$400 on cows is concerned, I have sixty milch cows right at the present time, and if anyone has got \$400 apiece and they will come down, I will go out of business. Thank you.

Mr. Viles of Anson then requested a division on the motion to indefinitely postpone the Reports and Bill.

The SPEAKER pro tem: A division has been requested.

Mr. Jones of Farmington was granted permission to address the House a third time.

Mr. JONES: Mr. Speaker, in self-defense, I have to come back with a reply to my good colleague from Benton, Mr. Kent, and that is, we have with us here in the House a few individuals who have sheep and I think one down here in front of me, Mr. Wood; if I could ask Mr. Wood how much his sheep would bring in on the market today, if he was forced to sell some, if he would give us that answer.

The SPEAKER pro tem: The gentleman from Farmington, Mr. Jones, has addressed an inquiry through the Chair to the gentleman from Brooks, Mr. Wood, who may answer if he chooses.

Mr. WOOD: In answer to the question from the gentleman from Farmington, Mr. Jones, I haven't sold any sheep this spring, but I did last fall. Sheep that I sold last fall brought \$3.50 to \$5 apiece. Lamb brought eleven cents to sixteen cents on the market in September and October. The ones I had, I guess perhaps some had some that filled in that sold earlier that brought a little higher price. There was a time during the early part of last fall that I could have bought probably as many sheep as a freight train would haul for about \$4 apiece and that is the average price, and has been the average price for several years of ordinary grade sheep.

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

Mr. JALBERT: Mr. Speaker, I have a clipping here from today's Boston Produce Market. Lamb. Good to prime, forty-eight to fifty-five. I think my seatmate is fibbing.

Mr. Waterman of Auburn was granted permission to address the House a fourth time.

Mr. WATERMAN: Mr. Speaker, there have been mentioned that the potato farmers in Aroostook County would like to have a little help too. Well, I have been in Aroostook County a few times and there is some very beautiful land up there — and I have seen some nice Angus, some nice beef Shorthorns, and some nice Herefords in that county. Perhaps if the potato industry isn't particularly good, maybe by the passage of this bill, we might have some good beef coming out of Aroostook County to go with those potatoes.

The SPEAKER pro tem: The pending question is the motion of the gentleman from Farmington, Mr. Jones, that the Reports and Bill "An Act Establishing an Excise Tax on Livestock," House Paper 1106, Legislative Document 1587, be indefinitely postponed. A division has been requested. All of those in favor of indefinite postponement, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-three having voted in the affirmative and seventy-two having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft given its two several readings and tomorrow assigned for third reading.

At this point, Speaker Kennedy returned to the rostrum.

SPEAKER KENNEDY: The Chair thanks the gentleman from York, Mr. Rust, for serving as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted the gentleman from York, Mr. Rust, to his seat on the Floor, amid the applause of the House, and Speaker Kennedy resumed the Chair.

Order Out of Order

On motion of Mr. Wellman of Bangor, it was

ORDERED, that Dianna Lynn

and Sherry Lee Andersen, grandchildren of the Speaker of the House, be appointed to serve as Honorary Pages for today.

The SPEAKER: The Sergeant-at-Arms will retire to the rear of the Hall of the House and escort the Honorary Pages to their position.

Thereupon, the Misses Dianna Lynn and Sherry Lee Andersen were escorted to the well of the Hall of the House by the Sergeant-at-Arms to serve as Honorary Pages for the day. (Applause)

(Off Record Remarks)

Passed to Be Enacted

An Act Revising Laws Relating to Pineland Hospital and Training Center (S. P. 418) (L. D. 1161)

An Act relating to Definition of "Hotel" under Liquor Law (H. P. 299) (L. D. 393)

An Act to Create a Mount Desert Island Regional School District (H. P. 475) (L. D. 678)

An Act relating to Election Districts in City of Portland and Urban Renewal in Portland and Bangor and Clarifying Borrowing Capacity of City of Biddeford (H. P. 541) (L. D. 758)

An Act relating to the Definition of Aid to Dependent Children (H. P. 958) (L. D. 1392)

An Act to Provide for the Reorganization of School Administrative District No. 3 (H. P. 1101) (L. D. 1579)

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.

(Off Record Remarks)

Orders of the Day

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

AN ACT relating to Exempting from Property Tax Pleasure Boats in the State for Storage. (H. P. 1092) (L. D. 1567)

Tabled—June 6, by Mr. Oberg of Bridgton.

Pending—Passage to be Enacted.

The SPEAKER: The Chair

recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, Members of the House: I ask permission to table this until June 14.

The SPEAKER: The gentleman from Raymond, Mr. Edwards, moves that item one be tabled until June 14. Is this the pleasure of the House? All those in favor will say aye; those opposed, no.

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

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Oberg.

Mr. OBERG: Mr. Speaker and Members of the House: I would now move indefinite postponement of this particular L. D. 1567 which simply states that pleasure vessels and boats in the State on the first day of each April whose owners reside out of the State, and which are left in this State by the owners for the purposes of repair or storage. The way I read this bill, this word storage bothers me very much. I can foresee a situation in my territory where we might have an owner of a pleasure boat, Chris Craft if you will or other boat of some value, who comes from the Town of Portsmouth and his neighbor who comes from the Town of Kittery, one being exempt from taxation on this boat and the other not, and I feel that it is a discriminatory bill and a special interest bill. I therefore move for the indefinite postponement of it.

The SPEAKER: The question now before the House is the motion of the gentleman from Bridgton, Mr. Oberg, that item one be indefinitely postponed.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I rise in opposition to the motion of the gentleman from Bridgton, Mr. Oberg. This is a particular piece of legislation which will hurt no one in the State of Maine; it will take no tax dollars from the State of Maine, but it will do our boating industry some good because there are a great many people who live in other states who would be very happy to leave their boats here in Maine if there was no tax

either for storage or for repairs. Now this means that in the off-season during the winter months these boats and craft would be left here in Maine for storage and for repair. That would keep our various shipyards and boat marinas busy during the winter months. And on that basis, I think this bill has considerable merit, and I hope the motion to indefinitely postpone does not prevail. I request a division.

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

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: This is another piece of legislation coming before you because of discontent with the services of your local tax assessors. At the time we heard this bill, my mind I know and I believe I could say that most of the members of the committee's minds were focused on the marine boats on the sea, on the high waters. This bill came as a result — a lot of the maritime boats or ocean-going yachts and saltwater boats sometimes were put up in the boathouses for repairs and storage and the following spring on April 1 when the assessor would come around, he assessed them along with all others. However, the owners of these boats felt as though they had been unduly assessed by the assessor. That they thought the assessor was out of line. And that is the reason why this bill is before you.

At the time I believe I signed the bill out "Ought to pass" because my mind was focused as I say on the saltwater boats. However, after taking another look at the bill, I find that it would apply to boats on inland waters as well. Now we have many people around Moosehead Lake, Rangeley Lakes and practically all of our lakes who have small-sized boats and fairly large boats on the inland waters. I believe the interpretation of this bill is such that if one owner took his boats up to a storage plant for repairs or storage in a commercial storage house, he would be tax free according to this bill; but if he left his boats in his own dock and his own camp, then he could

be taxed. So therefore, I sort of question the wisdom of having this bill because a lot of the towns like Rangeley, Raymond, Belgrade, Moosehead Lake, many others down — Grand Isle, I guess and down there in Washington County, those towns are going to lose some of their tax revenue. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, Ladies and Gentlemen: I realize that we must take steps to become more competitive than we are in the storage boat field, but there are several small coastal towns that I represent that derive a very large proportion of their taxes from these boats, and I think that we must be concerned this morning with these coastal towns. I would say that if this L. D. were adopted, that the taxation system in these small towns would be very seriously disrupted. Therefore, I would ask you to go along with the motion of the gentleman from Bridgton, Mr. Oberg, to indefinitely postpone this measure.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bridgton, Mr. Oberg, that item one be indefinitely postponed.

The Chair recognizes the gentleman from Auburn, Mr. Waterman.

Mr. WATERMAN: Mr. Speaker, when the committee heard this bill, we were given to understand that some of the other states do not tax boats, and perhaps the gentleman from Farmington, Mr. Jones, has already stated this. I was called out for a moment, so I didn't get all of his talk. But if we were to not exempt these boats left in storage, there are many boatyard operators that were afraid that they would lose their business and it would be taken to Rhode Island, and thereby, they wouldn't have the repair work to do in the winter on these boats, therefore, many of their employees would be without a job. Because of these reasons, I signed the bill "Ought to pass." I think at the time we were thinking

primarily of the saltwater boats, but I don't like to see boats go untaxed, but if we have to make concessions to some of our visitors to keep them here and keep their boats here and help some of our small industries, then we will have to favor this bill.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bridgton, Mr. Oberg, that Bill "An Act relating to Exempting from Property Tax Pleasure Boats in the State for Storage," House Paper 1092, Legislative Document 1567, be indefinitely postponed. All of those in favor of indefinite postponement, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty having voted in the affirmative and forty-four having voted in the negative, the motion to indefinitely postpone did prevail.

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

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, I would move that the House reconsider the action taken earlier in the day whereby we receded and concurred with the Senate on item 6, page 2, L. D. 1565, "An Act relating to Minimum Number of School Days in Public Schools.

The SPEAKER: The gentleman from Gorham, Mr. Treworgy, moves that the House reconsider its action whereby it receded and concurred with the Senate as of this morning on "An Act relating to Minimum Number of School Days in Public Schools," Legislative Document 1565. Is this the pleasure of the House?

A viva voce being taken, the motion prevailed.

Thereupon, on motion of Mr. Treworgy of Gorham, the House voted to insist on its former action

and request a Committee of Conference.

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

HOUSE JOINT ORDER Relative to the Legislative Research Committee being directed to Study the Municipal Tax Structure of the State and to report its Findings to the 102nd Legislature. (H. P. 1107)

Tabled—June 10, by Mr. Childs of Portland.

Pending—Passage. (Ordered Reproduced)

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

Mr. CHILDS: Mr. Speaker, I move this lie upon the table unassigned.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that this Order lay on the table unassigned. Is this the pleasure of the House?

All those in favor say yes; those opposed, say no.

On a viva voce vote, the motion to table unassigned did not prevail.

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

Mr. LIBBY: Mr. Speaker, I move the passage of this Order.

The SPEAKER: The gentleman from Portland, Mr. Libby, now moves the passage of the House Joint Order.

The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, my only reason for asking this be put on the table unassigned is because a few weeks ago the Majority Floor Leader suggested that all matters being referred to the Research Committee should lie upon the table and when the session comes to the closing days, that they should be taken up in preference. I don't think this Order is any different than the other Orders which have been referred to the Legislative Research Committee. I am not going to debate what is good or what is bad about this particular Order. I think this should be treated as other Orders, and I hope that this body will go

along with the thinking of the Majority Leader, and place this upon the table with other matters being referred to the Research Committee, and I hope somebody shall table it to the wishes of the Majority Party.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Cape Elizabeth Mr. Berry.

Mr. BERRY: Mr. Speaker, I think it is the custom, Mr. Speaker and Members of the House, that Orders originating in the House would be tabled on the Senate table, and that Orders originating in the Senate would be tabled on the House table.

The SPEAKER: The gentleman from Cape Elizabeth is correct. Is the House ready for the question? Is it the pleasure of the House now that this House Joint Order be passed and sent up for concurrence?

The motion prevailed. The House Joint Order was passed and sent up for concurrence.

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

HOUSE REPORT—Be Referred to the 102nd Legislature—Committee on Judiciary on Bill "An Act relating to Civil Liability of Legal Entities and Certain State Agencies." (H.P. 909) (L.D. 1316)

Tabled—June 10, by Mr. Plante of Old Orchard Beach.

Pending—Acceptance.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: If you have had an opportunity to read L. D. 1316, you would find that it is a most important piece of legislation. Much can be said pro and con and I simply tabled this that I may have an opportunity to inquire through the Chair of anyone on the Judiciary Committee why this has been referred to the 102nd session of the Legislature rather than try to resolve it at this session.

The SPEAKER: The gentleman from Old Orchard Beach, Mr.

Plante, poses a question through the Chair to any member of the Judiciary Committee who may answer if they choose.

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

Mr. BERMAN: Mr. Speaker, I am a member of that Committee, and this also happens to be my bill and I'm glad that the gentleman from Old Orchard has called it an important piece of legislation, because it is. Now what this is about, and I'm sorry I can't be very brief about it, is that for over fifty years in Maine, a patient in a non-profit hospital, and anyone connected with these legal entities and state agencies have been at the mercy of the employees. Now with regard to the hospitals for example, many years ago there was a Mrs. Mary Jensen down in Portland and she was ill with typhoid fever, and her attending physician arranged for her to occupy a private room in one of the hospitals, and she remained a private patient and it was the duty of the hospital to take care of her. Now because this typhoid fever caused some sort of a mental condition, Mrs. Jensen evaded the supervision of her hospital attendants and she fell through a window to a sidewalk, and these injuries caused her death. Now at that time litigation ensued, and, mind you this was many years ago, and the final tribunal in Maine which heard the case declared that the hospital was just privileged, that they were immune from these negligent acts for letting Mrs. Jensen fall to her death.

Now even at the present time if this hospital had liability insurance, and was trying to help out the widows, and the widowers, and the orphans after such a tragedy, the companies would be able to rely on what I term this unfortunate case, and refuse to do anything at all for the helpless. Now it's hard for me to conceive of any fair-minded hospital wishing to be in this position. Now quite recently, this is from the Bangor Daily News, there was a comment that blood transfusion mixups kill five thousand, doctors said. Doctor Albert Erlick cited

the case of the mother in a report on blood transfusion fatalities and he said: "Incompatible blood transfusions caused by technical or administrative errors killed more than five thousand patients during 1960." He said most of these deaths resulted from administrative errors, which are preventable. Now another author aptly described the giving of blood transfusions as playing Russian Roulette, with bottles of blood instead of a revolver, and while the odds are in the physician's favor that nothing will go wrong, the patient takes all the risk.

Now these are the sort of situations that made me put in this bill at this time. For example, down I think it was in New York, a mother of six children by the admitted negligence of a United States hospital died because that hospital injected her veins with a major mis-matching of blood, and quite recently down in Tennessee there was what they call a hundred thousand dollar mixup where a man entered a hospital in Chattanooga for a hemorrhoid operation, and he lost his left testicle. Now in Michigan quite recently Boy A got admitted for a hernia operation for which Boy B had been admitted, and Boy B had his tonsils and adenoids removed. So this is a situation which this complicated bill of mine was trying to accomplish, and I suppose that's why that some members of the Judiciary Committee did not want to go along with me and why it's probably been referred to the next Legislature.

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

Mr. SMITH: Mr. Speaker, in an effort to answer the question of the gentleman from Old Orchard, and not undertaking to debate the question of liability of hospitals, the legislation proposed by L. D. 1316 is extremely broad and would affect charitable corporations other than hospitals. It would affect churches, towns, the whole question of immunity of governmental organizations, the State of Maine, the question of the immunity of the State

of Maine suit is involved in the larger problem. It was, therefore, the view of the Judiciary Committee that a thorough study of the entire matter should be made and a report brought back. Within the limit of the time available, the staff available to the Judiciary Committee, it was their considered judgment that this matter could not be adequately handled at this session.

The SPEAKER: The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, Ladies and Gentlemen of the House: Going to the merits of the bill, I would like to point out that the so-called doctrine of charitable immunity, that is, anything that is a charity cannot be sued even though they are negligent, was based on an early English case which was taken over by the Commonwealth of Massachusetts, and because Maine law follows the Commonwealth of Massachusetts in many respects, we took it over from them. But, unfortunately, no one in the Commonwealth of Massachusetts or in the State of Maine in the courts has looked to the fact that England repudiated the doctrine. I think the bill is a good bill. I think that charities, many of which and practically all of which carry liability insurance should not escape for their negligent acts, and I would support the bill if it came up for a vote.

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

Mr. CHILDS: Mr. Speaker, may I say that not only has England now abolished this doctrine, but many of our leading states in the country have abolished the doctrine of charitable immunity. The consensus now is that a duty is owed to all the public, and that insurance is available to just about every charity that now exists. Let me tell you about a case that I had one time which involved an American Legion Post. They were holding a dance at the American Legion Post, and this particular party that I happened to be representing was sitting at a table, and a small rumpus started and my client got hit over the head with a beer bottle. The function was being held

for the benefit of the Post, the Post was realizing money from it, and when I brought suit on it, the attorney for the insurance company—for most of these charitable institutions, they do carry insurance just for their protection, but they still use as a defense, charitable immunity. I certainly didn't think too much of the doctrine, but then again who knows, the law court may still uphold the Jensen case. I am of the opinion that if that went to the courts again that the Jensen case would be overturned, but most of our leading states have held now that a duty is owed to the public, insurance is available, and these charitable institutions have the opportunity to avail themselves of this insurance. So, therefore, I think I shall move that we substitute the bill for the report.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Childs, that the House substitute the bill for the report.

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

Mr. WELLMAN: Mr. Speaker, without attempting to comment on the merits of this particular measure, I would point out to you that there is currently in the legislative works a Joint Order with a filing number of Senate Paper 624, which is establishing an Interim Joint Committee to consist of two Senators, three Representatives, the Attorney General or an assistant who shall investigate this entire matter and report to the 102nd Legislature.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, as a member of the Judiciary Committee, I would rise in opposition to the motion of the gentleman from Portland, Mr. Childs, to substitute the bill for the report. I think by way of explanation, I would like to point out to the members of the House this morning, that there has long been a distinction between private businesses, and non-profit businesses which are charitable corporations. A private business charges you enough money to make a profit. A charitable corporation provides you services at the least cost

possible to you without a profit. Because of that basic principle, it has been public policy for years and years that non-profit charitable corporations be exempt from suit for negligence. Now that doesn't mean that if an employee of one of these charitable corporations goes beyond the scope of his employment that you could not sue that employee. We are talking about the non-profit corporation itself, and I think that fundamental rule is a good rule. It has worked well over the years, and I think it should still be in effect, and this particular principle is exactly the same principle that is involved in the law relating to the malpractice statute for doctors and people engaged in the healing arts. It is good public policy to leave the law the way it is.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: Some days ago I had a bill in here concerning malpractice, and whereby a physician was liable for his acts for two years. I would say this to you, I think you will find that the majority, if not all of your hospitals, and I am limiting this to hospitals, carry insurance for this type of thing, yet they are not liable. Many doctors today are brought into court simply because they cannot sue the hospital. A nurse may not be in attendance in the recovery room and the patient may fall on the floor. They can't find out who the nurse is. They can't sue the hospital, because if they do, the Jensen rule would apply, so the doctor is the one who is brought in for malpractice, on the theory that the doctor is the captain of the ship and all members of the crew; he is responsible for any negligence of any member of the crew.

This also applies, and if you will read the bill, to the Maine Port Authority who are exempt and to the Maine Turnpike Authority. You cannot sue these people. I would bear these things in mind when you vote on this bill.

The SPEAKER: Is the House ready for the question? The question before the House is the mo-

tion of the gentleman from Portland, Mr. Childs, that the House substitute the Bill for the Report on Bill "An Act relating to Civil Liability of Legal Entities and Certain State Agencies," House Paper 909, L. D. 1316.

Mr. Rust of York then requested a division on the motion.

The SPEAKER: A division has been requested. All those in favor of substituting the Bill for the Report, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy having voted in the affirmative and forty-eight having voted in the negative, the motion to substitute the Bill for the Report did prevail.

Thereupon, the Bill was given its two several readings and tomorrow assigned for third reading.

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

Bill "An Act relating to Procuring Liquor for Certain Persons." (S. P. 328) (L. D. 993) — Filing S-88 & S-101)

Tabled—June 10, by Mrs. Kilroy of Portland.

Pending—Passage to be Engrossed.

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

Mrs. KILROY: Mr. Speaker, Members of the House: This bill has already been covered by another document, Legislative Document 667. So, therefore, I move the indefinite postponement of this Bill.

The SPEAKER: The gentlewoman from Portland, Mrs. Kilroy, now moves the indefinite postponement of this Bill. Is this the pleasure of the House?

The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I rise in support of the motion of the gentlewoman from Portland, Mrs. Kilroy, and urge the indefinite postponement because other legislation has covered this matter.

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 of Unfinished Business:

Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure." (S. P. 596) (L. D. 1563) (Filing S-244)

Tabled—June 10, by Mr. Rust of York.

Pending—Motion of Mr. Anderson of Ellsworth to Indefinitely Postpone. (Yeas and Nays Requested)

Mr. Albair of Caribou offered House Amendment "C" and moved its adoption.

House Amendment "C" was read by the Clerk as follows:

HOUSE AMENDMENT "C" to S. P. 596, L. D. 1563, Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure."

Amend said Bill in section 1 by inserting before the period and single quotation mark at the end the following underlined words:

'and mortgages on farm property where the mortgagor derives his principal source of income from the operation of such farm property whenever created'

Further amend said Bill in section 2 by inserting before the period and single quotation mark at the end, and after the underlined figure "1964" the following underlined words:

'with the exception of mortgages on farm property where the mortgagor derives his principal source of income from the operation of such farm property'

Further amend said Bill in section 3 by inserting before the period and single quotation mark at the end, and after the underlined figure "1963" the following underlined words:

'and mortgages on farm property where the mortgagor derives his principal source of income from the operation of such farm property whenever created'

Further amend said Bill in section 4 by inserting before the period at the end of the 2nd paragraph, and after the underlined word "foreclosed" the following underlined words: **'with the exception of mortgages on farm property where the mortgagor derives his principal source of income from the operation of such farm property'**

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

Mr. EWER: Mr. Speaker, there are a couple of questions that I would like to ask in regards to this amendment.

The SPEAKER: The gentleman may state his question.

Mr. EWER: Mr. Speaker, the first one is in case of a man who works in a factory, and has a small poultry business on the side, would this be considered—suppose the income from the two things were about equal, would this be considered as bringing him under this amendment or not?

The SPEAKER: The gentleman from Bangor, Mr. Ewer, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I think the amendment speaks clearly for itself when it says that his principal source of income is the controlling factor. That would be what his predominant income is, whether it comes from farm revenue or from revenue as an employee in some other industry.

The SPEAKER: Does the gentleman consider his question answered?

Mr. EWER: Not wholly, no Mr. Speaker, I would suggest that this question of the principal source of income might vary from year to year. If the price of poultry and eggs were way up in one year, that might be it, if it were way down in another year, that might not be it. The second question I had is with the various amendments for farmers, fishermen, and so forth and so on, we have amended this so that everybody except the little fellow who has a job is exempt from this. It seems to me that this is fast becoming class legislation, because of these amendments.

The SPEAKER: Does the gentleman care to make a motion?

Mr. EWER: I would go along with the motion previously before the House of the gentleman from Ellsworth, Mr. Anderson.

The SPEAKER: The Chair

recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker and Ladies and Gentlemen of the House: I believe if the bill is a good bill, it would be good for farmers also. I do not believe in this amendment, and therefore I move that the amendment, the bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Scarborough, Mr. Coulthard, moves that House Amendment "C" be indefinitely postponed, Is the House ready for the question?

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion of the gentleman from Scarborough, Mr. Coulthard, to indefinitely postpone this amendment. I realize the gentleman from Scarborough is in the agricultural industry, and I also feel that this amendment is warranted under the circumstances. There are many areas where the people engaged in the farming industry risk a whole year's income in the production, the cultivation and the harvesting of a crop, and even then there is a considerable period of time after that before they are able to return their money on that investment, and because of that I would support the amendment.

While I am on my feet this morning, I would like to clarify one or two other points that have come up in recent editorials, particularly in reference to the Portland Sunday Telegram, an editorial which appeared there last Sunday. If any of you read that editorial, I think you would have got the same impression that I did, that my connection with this bill is directly related to banks and bank lobby. Now that is the furthest thing from the truth. I happen to feel strongly about this bill because I feel it is good legislation. The bills which I filed in this connection were filed at my own instance and at no one else's. No member of any bank lobby and no banker ever presented me with a bill and asked me to file it, but I happen to practice law in the

adjoining State of New Hampshire, one of our sister states, and it has been my opportunity to observe the difference in the bankers' attitudes between Maine and New Hampshire.

The Portsmouth banks serve the southern part of York County in mortgage money, they provide a great deal of the funds in that area; and I can tell you from experience that where the State of New Hampshire had what is known as a very short foreclosure period, approximately six weeks, that law has been on the books in the State of New Hampshire since the early part of this century. Now they are a fairly rural and agricultural state the same as we are, and things over there I think are going quite well. They are progressing as rapidly as we are, in fact, much more so.

But getting down to the difference, when the banks come along to lend money in Maine as opposed to lending money in their own state, they have an altogether different idea as to how much they should put into a piece of property. If you had the same property in an equivalent area of southern New Hampshire and the same piece in the equivalent area of York County, you would find that in New Hampshire you could get a twenty to a twenty-five year conventional mortgage with a 20 percent down payment. Now if you were to come over here into Maine, that same bank would require on a conventional loan, a minimum of 30 percent down payment, and they would give you fifteen to eighteen years term. Now that difference alone seriously hampers the turnover of real estate and the construction of new property, because if you have to put more money down and you only have a shorter period of time, that means that you've got to have more money to operate on, because it takes more money to buy a piece of property and it takes a larger monthly payment to take care of it. Now when it comes to seasonal property, there is also a big difference in the attitude of these banks. In New Hampshire they will give you a 70 percent mortgage. In other

words, if you want to buy a piece of seasonal property, they will give you twenty years, and they will only require 30 percent down payment. Now if they come over into southern York County, which I feel is equivalent in a recreational and resort area, they will require a 40 to a 50 percent down payment, and they will give you twelve to fifteen years; and the only difference in their attitude is on the period of a mortgage foreclosure because if they run into a tight money situation, as banks often do, these mortgages in the State of Maine that they have, they cannot discount to the large metropolitan banks who buy up these mortgages to provide more money into the economy, but they will take those New Hampshire mortgages just like red, hot cakes, and they will take all they can get.

Further than that, under our mortgage foreclosure laws, a bank does not foreclose until it has no other alternative than to do so. They give the holder of the mortgage every reasonable opportunity to get himself bailed out, and to sell his property if he can; but what happens, it is usually the person who is not really trying to do something for himself, who does not care about the bank, and who will stay on the property, not pay the taxes, not pay the insurance, let the property deteriorate and stay there just as long as he can, and if the bank takes twelve months to foreclose after they have given him every consideration, that fellow will stay there until he's absolutely put on the street. That places an undue burden on the bank. It needlessly ties up the mortgage money available for these banks to put into other good properties, and it is an undue burden on the depositors in those banks by tying up their money without any profit on it, because after all a bank is in the business of lending money to make a profit for its depositors who are you and I.

Therefore, I hope that the motion of the gentleman from Scarborough, Mr. Coulthard, to indefinitely postpone this amendment does not prevail, and I hope the bill receives final passage.

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

Mr. MCGEE: Mr. Speaker, Members of the House: There is just one thing to decide here. It is my opinion, having had some experience in it, that this is a good bill, something that should be passed. I would support the amendment for this reason, because without the amendment, the bill itself might be defeated. With the amendment, I think it would pass. Therefore, I will support the amendment.

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

Mr. BRAGDON: Mr. Speaker, my only connection with banks is that I do periodically go to them for loans, and I intend to vote for this bill because I think it is a good bill for those people who do have to do that type of business with banks. I think it's going to work to their advantage. With regard to the amendment, I think that those who are favoring the amendment possibly are mistaken. I think that that is going to work against them. However, I will vote for the bill either with or without the amendment.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I cannot agree with my good friends who have just spoken. I cannot agree with the gentleman from York because he says New Hampshire is doing wonderful things. I think they did a wonderful bad thing in having this tax — or this lottery business which went out of date when Louisiana lottery went out of date, and I remind you if you've ever looked that situation over, it took years and years to get rid of that.

I think what the real efforts of this bill will do and what it's all for is to make the rich man richer and the poor man poorer. It seems to me like an awful thing to kick a person out of their homes just for the sake of making a few dollars. I told you the other day about one case that I knew of whereby the bank kicked a fellow out, and

he had the money, and I sold the place for \$3,500 and he had a \$2,000 equity in it and his mortgage was up. This was three days before he got his money and the bank took the whole of it and wouldn't give him back any. That's how wonderful and what good banks are. I also want to bring to your attention that there is a law on the books now that a mortgagee can step in any time when the property is being misused, and not kept up, and take over, so we don't need that. Simply by this amendment you pacify the farmers, but I'm thinking about those other people in this state besides farmers, the people who own homes, and I would like to see those people protected as they have been for the last great many years. I think this is bad legislation, and I don't think there's any need of it. I think the banks will survive very nicely without giving them any more hold on people's homes and lives.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Kent.

Mr. KENT: Mr. Speaker and Ladies and Gentlemen of the House: This bill calls to my attention a piece of property in my own town which the bank had to foreclose on. Due to the year's limit of time of take over, this family moved out of the home, and left it and went off into another part of the state. This building had to stay all winter with no care, the pipes froze up, and it was left in very bad condition. I also believe that this bill will give banks more initiative to lend money if they have this shorter period of foreclosure.

I would like to read to you a note from one of my constituents, who was a former member of this body, and he states this: "Those who oppose this bill seem to consider only the interests of the debtor with no consideration for those who have, by their savings, made the money available for the mortgage in the first place. They would have us believe that it is only the big money people who are putting money into mortgages.

"My savings are in a mutual bank where, for the most part, small depositors have made small

accounts. This bank has over 79 percent of its deposits invested in mortgages, and we have already passed a bill which permits it to invest 85 percent of its deposits in such mortgages, thus helping to provide homes for those who need them and jobs for the people who build and repair them.

"The opponents of this bill would lead us to believe that the bankers are lending their own personal funds, but that is not the case. They are only agents. It is your money and mine they are lending, and I believe we are entitled to some consideration and protection." Thank you.

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

Mr. BERRY: Mr. Speaker and Members of the House: I think this piece of legislation is a step in the right direction. We have heard recently of the head of one of our larger banks in the state say that Maine bankers need to take a new look on our economic light and I think that this bill is a tool that can pep things up a little bit.

There are two instances I have personal knowledge of which I think illustrate exactly what the problem is. Some time ago I had occasion to make an application for a loan to a bank and it was turned down for reasons which weren't too germane to the actual situation, and I went across the border into New Hampshire, and I won't forget what the banker told me. He said the loan is all right. You can have the money, he says, but when will you people in Maine ever wake up and modernize your banking laws, and I think this is very applicable here.

And my second instance which I should like to relate is a situation very close to my home where a man and his wife had some trouble and she left him, and the poor fellow fell apart literally, and he stayed in his house and drank until all his money was gone, and finally the oil ran out in the burner and he left, and it was two years before anybody was able legally to step in and save that property, and by that time it cost more to rehabilitate

the property than the property was worth, but it had to be done.

I think these two instances show that this is a good piece of legislation. Personally I don't think the amendments are good and necessary, but I feel like several of the previous speakers, that I will go along with them because I think the bill itself is a very good bill, and I hope the motion to indefinitely postpone does not prevail.

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

Mr. EWER: Mr. Speaker, I had worried a good deal about this bill, but I finally decided that I would, although somewhat reluctantly, go along with it, but with all the various amendments and exemptions that have been presented, I do not feel that the bill in its present form is the same thing. I think if you are going to exempt three or four different classifications of people in the state, that perhaps everybody should be given the same amount of consideration. I realize that the farmers, the fishermen and perhaps other groups are in financial difficulty from time to time, but I do feel that when you start giving special consideration to one group at the expense of another group, it's not good legislation. For that reason I feel that I must vote against the bill with its amendments, although I had planned on voting for the original bill.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I would remind the gentleman from Bangor, Mr. Ewer, that the pending question is on the adoption of this amendment, not on the bill. Am I correct?

The SPEAKER: The question before the House is the motion of the gentleman from Scarborough, Mr. Coulthard, to indefinitely postpone House Amendment "C."

Mr. RUST: I would also like to state to the ladies and gentlemen of the House here this morning, that this particular piece of legislation does not apply to existing mortgages. It only applies to a mortgage which is taken out on or after January 1, 1964, and at

that time when any individual might or might not enter into a mortgage transaction with a bank, his circumstances at that time would control as to whether he was primarily engaged in farming or whether he was not primarily engaged in farming, because like any other contract, the circumstances at the time you enter into it control, and things that happen subsequently have no bearing on the original terms of the contract.

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

Mr. ANDERSON: Mr. Speaker, I would like to withdraw my request for a roll call, and ask for a division when the vote is taken.

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

Mr. EASTON: Mr. Speaker, as I understand it, the only question before this House at this present time is on the amendment and whether or not it shall be indefinitely postponed. This being true, this is the first and I hope the last time that I will arise in this House as an attorney. I am chairman of the Title Standard's Committee for the Maine State Bar Association, and this amendment troubles me no end. From many of your very efficient and careful attorneys, I agree that mortgages will be drawn after this bill and amendment becomes law, if they do, to specifically state therein that the mortgagor is or is not principally engaged in agriculture, but I am also reasonably sure that this particular phrase will be omitted in a generous percentage of mortgage instruments which being true, will irrevocably foul up the titles to every single title on which foreclosure has been made within less than one year, and it is for this reason that I do rather forcibly oppose this particular amendment.

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

Mr. COULTHARD: Mr. Speaker and Ladies and Gentlemen of the House: I would beg to differ with the Speaker. I think my motion was to indefinitely postpone

the amendment, the bill and its accompanying papers.

Now in answer to the gentleman from Benton, Mr. Kent, in my opinion, I may be—I stand corrected, but if a piece of property is abandoned, I would assume that the bank or any other partner or partners would be able to step in and take over. The reason for opposing this amendment is the fact that I feel this is class legislation, and the gentleman from York is correct when he states that I am in an occupation as a market gardener. We do have a mortgage on our property. We're allowed less than the given amount for a mortgagee of a home. I think that other businesses that require reasonable risks such as our type of business is also in the same category, so that is the reason why I oppose the amendment.

I feel that we, as farmers, no matter what type, have been given considerable consideration in this Legislature and legislatures of the past, and the other day as I recall the bill was defeated and, apparently, someone, other body or parties corralled a group of farmers and said well here we'll take care of you and let's pass this bill. This I am opposed to. I feel that if it's a good bill for the majority of the people of the State of Maine, I think that the farmers should be classified as men and women that can stand up to their responsibilities.

Therefore, that's the reason I make the motion to indefinitely postpone the amendment, the bill and all of its accompanying papers.

The SPEAKER: The Chair would advise the gentleman and the House that the pending question will be the disposal of House Amendment "C." There is already a pending motion relative to the bill.

The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I rise in support of the comments made by the gentleman from Winterport, Mr. Easton. I signed the Majority "Ought to pass" Report in favor of this bill, but I cannot

as an attorney go along with amendments which pick out certain classes of our population to exclude from the terms of the bill.

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

Mr. CURTIS: Mr. Speaker, I would like to pose a question to any of our attorneys. If this bill goes in effect and receives passage and takes effect in 1964, could the mortgagee write into the mortgage that he would give the buyer twelve months to redeem or would that be illegal?

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, poses a question through the Chair to any member who may answer if he chooses.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: It is perfectly proper and legal for any two persons to contract for a period of redemption which is not less than what is fixed by law. In other words, at the present time we have twelve months, and if you and your banker or any two persons agree to the mortgage for twenty-four months, thirty-six months or five years, that is perfectly legal. The only thing that you cannot do, you cannot contract for anything less than the law allows you.

The SPEAKER: Does the gentleman consider his question answered?

Is the House ready for the question? A division has been requested on the motion of the gentleman from Scarborough, Mr. Coulthard, to indefinitely postpone House Amendment "C." All those in favor of indefinite postponement please rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

Ninety-three having voted in the affirmative, and twenty-three having voted in the negative, the motion to indefinitely postpone House Amendment "C" did prevail.

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

Mr. KNIGHT: Mr. Speaker, I

would now offer House Amendment "G."

House Amendment "G" was read by the Clerk as follows:

HOUSE AMENDMENT "G" to S. P. 596, L. D. 1563, Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure."

Amend said Bill in that part designated "Sec. 7-A." of section 4 by inserting before the last underlined paragraph, the following underlined paragraph:

"The interest on any real estate mortgage indebtedness shall not exceed 10 per cent a year, provided that this paragraph shall not apply to any person, copartnership, association or corporation licensed under chapter 59, sections 210 to 227, to any savings bank, trust company, national bank, industrial bank or loan and building association or to any insurance company authorized to do business in this State."

The SPEAKER: Is it now the pleasure of the House that House Amendment "G" be adopted?

All those in favor say yes; those opposed, say no.

A viva voce vote being taken, the motion to adopt House Amendment "G" did not prevail.

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

Mr. KNIGHT: Mr. Speaker, is the main question open to debate?

The SPEAKER: The main question is open to debate.

Mr. KNIGHT: Ladies and Gentlemen of the House: I have refrained from speaking on this subject until this time. The amendment that you just defeated would limit private money lenders to ten per cent on any loans under this bill. I am opposed to this bill and move that indefinite postponement be accepted, but before this is done I would like to ask a question through the Chair of the gentleman from York, Mr. Rust. Under the New Hampshire law, if there is any equity left or any surplus left in the property after foreclosure, is that returned to the mortgagee, and I would also ask if under this law if there is any left, will it be returned to the mortgagee?

The SPEAKER: The gentleman from Rockland, Mr. Knight, poses

a question through the Chair to the gentleman from York, Mr. Rust, who may answer if he chooses.

The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I would be delighted to answer the question of the gentleman from Rockland, Mr. Knight. There is a basic difference between the theories of mortgages in the State of Maine and the theories of mortgages in the State of New Hampshire. When you mortgage your property to the bank in Maine, you sell it to him subject to the right of getting it back. When you mortgage your property to the bank in New Hampshire under their theory, you convey them no title and they cannot get it until they foreclose. So as a result of that in New Hampshire, when they foreclose the property, they are selling it for your benefit and if there is any excess, they then return it to you because they are selling your property.

But here in the State of Maine under our theories of mortgages, when the bank forecloses, it is foreclosing on its own property and taking possession. That is the basic difference in the two theories of mortgages.

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

Mr. KNIGHT: Mr. Speaker, I would follow this up one further then. It is my understanding that if there is any deficiency after they sell your house, the bank can still proceed against you for that deficiency. Therefore, when you lose the old homestead and if there is any profit, the bank keeps it. If they sell and suffer a loss, you are liable for that loss. Therefore, I support the indefinite postponement of this bill.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I would like to join the gentleman from York, Mr. Rust, as he ably presented this bill to you this morning. Now I believe that there is one thing that should be of prime interest to each and every one of us. Now we realize that the banks

use the money of the depositors to loan out. Now the banks do in a large part control the economy of any state or any community in which they operate. Now as we know that Maine is not in an era of prosperity at the present moment. Now if this bill will in any way be of aid in relaxing loan money by the banks to individuals by shortening the mortgage term, I strongly recommend that this bill be passed, and let us see if by giving the banks a shorter time of foreclosure, that it will not stimulate the economy of this state and encourage them to loan money more generously. I think it would be the greatest thing that can be done if we can encourage the banks to loan money more freely and improve the economy and building in this state.

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

Mr. CURTIS: Mr. Speaker, I do not feel that the question asked by the gentleman from Rockland in reference to the law how it would affect if this bill receives passage, after the mortgagee had taken over the property and sold it and there was an amount of money left, whether it could be returned to the former owner. Now if this bill had that in it or put it in by an amendment, I might be more pleased with the thing. But as I understand him, he didn't make it too clear, so I would like to ask the gentleman from York if that is what this bill proposes to do. Would it change the present law whereby no money would be given back for the bank to use.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, poses a question through the Chair to the gentleman from York, Mr. Rust, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. RUST: Mr. Speaker, Ladies and Gentleman of the House: I would be glad to advise the gentleman from Bowdoinham, Mr. Curtis, that this bill makes no changes in our existing mortgage laws or our theories of mortgage laws in the State of Maine other than reducing the period of redemption from

twelve months to six months. There are no other changes in the law being made but that.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Ellsworth, Mr. Anderson, that Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure," Senate Paper 596, Legislative Document 1563, be indefinitely postponed. The Chair understands that the gentleman withdraws his request for the yeas and nays, and requests a division in its stead.

Thereupon, Mr. Curtis of Bowdoinham requested the vote to be taken by a roll call.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, requests the yeas and nays. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All of those requesting a roll call vote, will please rise and be counted.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, a division is ordered. All of those who are in favor of indefinite postponement of this Bill, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-six having voted in the affirmative and sixty-seven having voted in the negative, the motion to indefinitely postpone did not prevail.

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

Mr. KNIGHT: Mr. Speaker, may an amendment be offered at this time?

The SPEAKER: An Amendment is in order.

Mr. KNIGHT: I have an amendment here, and I would present it. What it would do is it would return any surplus to the mortgagor.

The SPEAKER: The gentleman from Rockland, Mr. Knight, offers House Amendment—the amendment has not been reproduced. This matter will lay on the table pending reproduction.

On motion of Mr. Wellman of Bangor,

Recessed until 1:30 this afternoon.

After Recess

1:30 P.M.

The House was called to order by the Speaker.

The SPEAKER: The pending matter before the House, the amendment offered by the gentleman from Rockland, Mr. Knight, having been reproduced, the matter before the House is the adoption of House Amendment "H." The Clerk will read the amendment.

Thereupon, House Amendment "H" was read by the Clerk as follows:

HOUSE AMENDMENT "H" to S.P. 596, L.D. 1563, Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure."

Amend said Bill by adding after section 2, a new section, as follows:

"Sec. 2-A. R. S., c. 177, § 6-A, additional. Chapter 177 of the Revised Statutes is amended by adding a new section 6-A, to read as follows:

'Sec. 6-A. Application of surplus. After the foreclosure of a mortgage under this chapter, if there shall remain surplus money after satisfying the mortgage and payment of the cost and expenses of such foreclosure, the surplus shall be paid over to the mortgagor.'

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

Mr. KNIGHT: Mr. Speaker and Ladies and Gentlemen of the House: All this amendment does is that if after foreclosure and all expenses due to the foreclosure are taken care of, if there is any surplus left over, it will go to the mortgagor. Now this is a two-way street. Right now if they foreclose your mortgage and there is a deficiency, they go after the mortgagor for that deficiency. Why shouldn't it be fair then that any surplus left over go to the mortgagor, as it does in New Hampshire? I move that we accept this amendment.

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

Mr. SMITH: Mr. Speaker and Members of the House: From reading the amendment which has just landed on our desks, it appears to me that many points are left open for definition. The Judiciary Committee had before it a draft of a proposal during this session which would accomplish substantially what this amendment seeks to accomplish. It has many technical aspects. I believe the—and the committee turned down their proposal. I believe for example the expression "surplus money," I think there should be much more care applied to that situation. "After satisfying the mortgage and payment of the cost and expenses," but what check is there on "cost and expenses"? What do the expenses include? Do they include maintenance of the property which has been foreclosed, and for how long? At what date is this surplus determined? Are real estate taxes included in the computation? I would almost rather see the bill defeated in its entirety than to have it passed with such an amendment as this.

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

Mr. CHILDS: Mr. Speaker and Members of the Legislature: As you undoubtedly know, I was one of the signers of the "Ought not to pass" on this particular piece of legislation. I also was on the committee who agreed that I would sign it "Ought to pass" if this amendment was attached to it. For as the gentleman from Rockland, Mr. Knight, said, this is a two-way street.

Now as far as it being ambiguous, I think it is just a question of what actual costs are. If it become a matter for the court to determine what the costs are, let it be that way. I don't think we can possibly spell out exactly what the expenses and costs are. I feel that if a mortgagor has made his investment and he runs into trouble and if there is a foreclosure, if there is going to be any equity whatsoever, that he certainly is entitled to that equity and it should not go to the bank. Therefore, with this amendment attached to it I certainly would

be in favor of this bill and I hope that the amendment does pass.

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

Mr. MCGEE: Mr. Speaker and Members of the House: I got to talking about this this morning. I have been interested in this bill. As far as this amendment is concerned, I assure you that when a piece of property is sold because of foreclosure you haven't got to worry much about there being any money left because the banks are not in the business of acquiring property that way. They usually sell them to get the amount of the mortgage out of the property, and if the property is worth more than the mortgage it is very simple and the property is saleable. The person who owes the mortgage is going to sell the property and get his balance himself.

So I don't think you have to worry much about this amendment, whether it does pass or whether it doesn't pass it is just a good gesture to provide a little better feeling for those people who hold or owe the mortgage. And if there is anything left, they could get it. So I don't think it amounts to too much if this is passed or not. We should get at the bill.

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

Mr. TAYLOR: Mr. Speaker and Ladies and Gentlemen of the House: I would like to concur with the gentleman from Rockland, Mr. Knight, that this amendment that he has offered will certainly be a great step forward in correcting the inequities of our present mortgage law. Now it is true, in some cases, that there would not be any money left over for the mortgagor, but there are also many, many cases that there would be money left over. And I believe that this would be the fair way of settling this problem, and I certainly hope that when the vote is taken that this amendment will be included.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the gentleman from Rockland, Mr. Knight, relative to the adoption of House Amendment "H" and would move that it be indefinitely postponed. I would say that there might be some sentiment for the feelings as were expressed in the amendment proposed by the gentleman from Rockland, Mr. Knight. However, to do this would require a substantial redraft of our existing mortgage statutes, other than those which we are talking about here this afternoon. If this amendment were to be adopted, it would becloud and confuse the issue and our existing mortgage laws.

Now, two of the most important features to produce the result which the gentleman from Rockland, Mr. Knight, proposes, is that you would have to require the mortgagee, the bank, to carry out an early sale of the property after foreclosure. Otherwise, you would never know what it would bring. To do that, you must establish notice to the original owner of the property, you must establish the terms and conditions of the sale, you must limit the expenses that are involved and you must make provisions for turning over the excess. Now to provide for these things, you would have to have a completely different type of mortgage and I feel that this amendment here is only beclouding the issue and would be detrimental to the general effect of the bill.

Also, as the gentleman from Auburn, Mr. McGee, has said, real estate mortgages that are foreclosed under our procedures are done so after a lengthy time and invariably they do not produce any excess for anybody, because the property is not usually worth what is owed on it and it would be a little bit futile to go against the original borrower because by that time he is worthless also even on his note. And I hope that the motion to indefinitely postpone prevails.

The SPEAKER: The question now before the House is the motion of the gentleman from York,

Mr. Rust, that House Amendment "H" be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker and Members of the House: I will say that the gentleman from York, Mr. Rust, has been very general in his comments. Possibly there are some other aspects of our foreclosure laws which should be amended, but I think it would be quite clear as to what the intent of the Legislature was if this amendment is added to this bill. They say that is a rare occasion that there are cases where there is any equity, and that may be very true. It may be a rare occasion. But I am talking about the times that there is an equity which is there; and if there is an equity there, why I believe that money belongs to the mortgagor. Now I think this House has made a step forward, they have made a concession to the bank, they have dropped the yearly redemption period to a six month redemption period. And I think here is a chance for us to also do something for the borrower, and I think this amendment will do it. I hope that his motion to indefinitely postpone will not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from York, Mr. Rust, that House Amendment "21" be indefinitely postponed.

Mr. Knight of Rockland asked for a division.

The SPEAKER: A division has been requested. All those in favor of indefinite postponement of House Amendment "H," will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-six having voted in the affirmative and ninety-one having voted in the negative, the motion to indefinitely postpone House Amendment "H" did not prevail.

Thereupon, House Amendment "H" was adopted.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I move that it be engrossed as amended.

The SPEAKER: This Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure," Senate Paper 596, Legislative Document 1563, having had its three several readings and the Committee on Bills in the Third Reading having reported that no further verbal amendments are necessary, is it now the pleasure of the House that it be passed to be engrossed as amended, in non-concurrence?

The motion prevailed, and the Bill was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "H" in non-concurrence and sent to the Senate.

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

Bill "An Act relating to Discrimination in Rental Housing." (S. P. 426) (L. D. 1169) (Filing S-269)

Tabled—June 10, by Mr. Rankin of Southport.

Pending—Motion of Mr. Rust of York to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I had prepared an amendment which I thought might make this bill a little bit more palatable to those of us who are opposed to it, by putting it back in the field of public housing as opposed to private housing. However, in discussing my amendment with some people who are in favor of the bill as it now stands, I find they were not very receptive to the idea of my amendment. Therefore, I shall not propose it.

I shall stand here this afternoon in opposition to the bill as it is, and I hope that the motion to indefinitely postpone does prevail because I strongly feel that the rights of each of us and those of our neighbors to do what we will with our own private residences and our summer camps is of more importance than the problem that may exist in this bill and the laws that it attempts to correct because it is not as great as that of the individual rights of each and every one of us throughout the state. I ask for a division when the vote is taken.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: It is my feeling that we need not prolong the debate on this question. Last week, on a roll call vote, we adopted this measure—I think very wisely so, by a vote of 79 to 37. Although we recognize that arbitrary indignities are taking place in many areas throughout the United States, I think that we should examine our own back yard, and recognize the fact that perhaps in this area, like other states, we have been too cautious; we have delayed too long. I feel that this is both a moral and statutory commitment. I hope that you will overwhelmingly pass this bill today.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Kent.

Mr. KENT: Mr. Speaker and Members of the House: I hope that before we vote on this bill today, that each and every one of us will ask ourselves one question. And this question is, if we would—say that we wanted to go to Florida and rent our own home for the winter, or if you had a camp that you don't want to use at the pond for the summer, that if you put this up for rent, would you like to know who was going to rent that regardless of race, color or creed—maybe in your own race; would you not like to know and make some investigation of whom that person was that was going to go into that rent? And if you refused, would you like to be brought into court and have to specify why? I ask you all to ask yourselves this question, would you like to be able to investigate a rent of your own regardless before that you rent it to someone?

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: We debated this issue to quite some length the other day and we passed it by a roll call vote. And I would concur with the remarks of my distinguished colleague from Old Orchard

Beach, Mr. Plante, that the bill should be passed today; and I sincerely hope that we will do so by an overwhelming vote.

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

Mr. LITTLEFIELD: Mr. Speaker and Ladies and Gentlemen of the House: A man in my town who has a number of small single rents and a few double rents is quite disturbed about this bill. So am I.

A year or so ago, a representative from Dow Air Force Base asked this man if he would rent to Negroes. He said he would. The first two families were well respected and they were well welcomed in our town. The next family was as bad as some we call white trash. The man drank, did not pay his bills, and one of the boys caused a lot of trouble. Now this man at present is repairing a home which he intends to rent and he wonders what will happen to him if this bill is passed, and he refuses to rent it to that last family who caused him and the neighbors all the trouble.

This same situation could apply to any race, religious creed or color. I don't wish to pass the buck to my townsmen in this matter. I have a home to sell or rent and I am wondering whether I am going to have a right to say whether it shall be sold or rented to a desirable family. I have some good neighbors that I have lived beside for a number of years and I would like to have some consideration for them.

A year ago, my wife and I called at an eating place in Liscomb, Alabama. On the wall was a printed statement in a frame. I copied it in a notebook. It read as follows: "This is a privately owned business. It is not based in or located on municipal, county, state or Federal property. It is not a public utility, school, church or polling place. We receive no grants or subsidies from any city, county, state or Federal funds. We reserve the right to seat our patrons or deny service to anyone. Any person creating a disturbance on these premises after being denied service will be prosecuted."

Now, are we, here in this North, going to be obliged to place a similar sign in front of our home and our rents for protection from a bill such as this? This is a bill to create plenty of trouble. I do not believe such a bill is necessary in the State of Maine and I want to be recorded as strongly opposing it. Never trouble trouble until trouble troubles you.

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

Mr. BERMAN: Mr. Speaker, I thought I wouldn't have to talk on this bill again, but I see the opposition is out in some force and I would say this. How you are going to vote on this bill this afternoon I hope will be in the same manner as when this unhappy matter of discrimination was thoroughly aired and debated in this House last week. I would urge that sweet reason and good conscience hold you firm and keep all of you steadfast. Certainly, we could do little better than recall the powerful spirit of Saint Paul and say that already we have fought to give this bill birth, we have run a good race for freedom, for decency, for conscience, we had hoped we would finish the course last week, and now the opponents of this bill are trying to kill it, and I say, ladies and gentlemen, I hope the killers of this dream will not prevail, for once their arguments are sifted, and with no reflection on anyone who has fought for his beliefs, and the great and noble aspirations of people struggling for decency and fair play prevail, I certainly think that we shall be able to look back on this day in the 101st Legislature, and say this has been one of our brightest hours.

I would close for now and just remind you of one of our young cousins from across the sea. She was just a little girl on the verge of womanhood, and just before she was taken away to the camps by the Nazis of her own country and of the Third Reich, she wrote in her little book "In spite of everything, I do believe people are really good at heart."

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

Mr. LOWERY: Mr. Speaker, Ladies and Gentlemen: I find myself in a rather strange position. I do not like this bill as it is. However, knowing that the possibility of passage of the Constitutional Amendment, which I prefer to a bill against discrimination, will probably be defeated, I am going to say that I now will support this bill because I cannot know that the other one will pass. Thank you.

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

Mr. CHILDS: Mr Speaker and Members of the House: As you undoubtedly know, I was a signer of the "Ought not to pass" Report on this Committee, and I want to tell you my reasons why I signed as I did.

I was not present at the hearing on the bill nor was I present at the executive session, so when the bill came to me I had to draw my own opinion as to how I would sign this bill on my own conclusions and my own observations from everyday life. I happen to live in Portland where there are many Negro families; matter of fact some of the Negro boys in Portland are my very best friends, and the remark was just made: "Don't bother trouble until trouble bothers you." So as I sat there and I analyzed how I was going to sign the bill, I say if I say this bill ought to pass, I am saying to the people of the State of Maine that this problem exists in the State of Maine; that we have people who are prejudiced and we have people who are bigotists, and I was naive enough to think that that situation did not exist, and I therefore signed the bill ought not to pass because I certainly would not say to the people of the State of Maine the situation does exist.

After I returned home a week or so later, I received a call from a very good colored friend of mine in Portland by the name of Harold Richardson, who was in high school with me, we played football together, we played basket-

ball together. He asked me if he could come up and see me, and I said, certainly, Harold, come on up. So that afternoon he came up, and I did not anticipate what he wanted, I thought possibly it was either a social call or it was a request to receive some legal advice as I had done legal work for him in the past, and he asked me: Why did you sign that bill, Dana, on the discrimination, ought not to pass? And I explained the reason to him and he said: Dana, you probably really believe that, and I said yes. He said we have been friends together, we have played ball together, I have been in his home and he has been in my home. So he told me of some of the experiences he has gone through as an individual, and I was absolutely flabbergasted. He told me when he got married and he attempted to buy his own home in Portland, which was around Libbytown, that after he moved in he received word from some of his neighbors that if he stayed there for any length of time that everybody else in the neighborhood would move. He said subsequent to that time, he has lived there now for a number of years, that even his next door neighbor came to him and said Harold, when you moved in here, I was one of the people that was going to move out. He said now I want to tell you, he said, that I am sorry for what I said; he said, you are one of the finest neighbors that I have had. He told me of this experience and other experiences, and I thought — later I said now why wouldn't Harold have told me that during the period he was going through this, through these problems, because he was friends with me and friends with other boys; so I had to think that probably the reason that he never mentioned it to us was because that he was too proud and ashamed, and I don't think that he was ashamed of himself, he was ashamed of people like myself who happened to be born with a white skin.

He also told me of some other situations in Portland, colored families who had moved into Port-

land, and had exactly the same problem. They would make a telephone call about a rent; they would be told that the rent was vacant; they would be told what the price was; they would say that they were coming out to look at the rent. A colored person would go out there and a woman would come to the door and they said that she would look aghast and she would say I am sorry, I don't handle that, my husband has to handle it, why don't you call back this evening, and when they would call back in the evening, it would be the same old story, I'm sorry, it has just been rented. So it proved to me how naive I was. The situation does exist. It certainly exists in the City of Portland.

The very same boy that I am talking about, Harold Richardson, was only recently elected by the City of Portland to the Portland Water District; so I say that these people are exactly no different than we are, their skin may be of a different color. But there is discrimination in the State of Maine. I know now from very first hand advice, and I am certainly ashamed that I signed the report as I did, and I will guarantee you I will now vote for passage of this legislation.

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

Mr. RANKIN: Mr. Speaker and Members of the House: It has been charged that the opposition to this bill is wrong. Last Friday with thirty-four members absent, the bill received its two several readings and on Monday with sixty members absent an attempt was made to pass this bill to be engrossed. I managed through the courtesy of forty-four members of this House to table this bill because I thought if we were to vote for the bill or against it, as many members as could possibly be here should be in attendance to have their say as proponents or opponents, and this is my opportunity, the first time I have spoken, to have my say.

Today, ladies and gentlemen, a situation exists in this Nation which

should be of grave concern to every citizen of the United States of America. I refer to the disputes now prevailing between the white and the Negro citizens in the several states. The present course of events, if mediation of the problems involved is not possible, could well lead to extensive bloodshed and to the loss of thousands of lives. L. D. 1169 is not the solution. If enacted, it could well serve as a platform upon which our white and our Negro citizens in Maine could engage in racial struggle. The rising anger of the white against the Negro and the rising anger of the Negro against the white in these several states is a fearsome thing to behold. Rightly or wrongly, ladies and gentlemen, for better or for worse, the Negro is on the march, and I trust you may give me a moment to read a dispatch or two of the Associated Press, which I was given this afternoon upon my request. "An estimated 150 law officials have poured into Cambridge, Maryland following a race riot during the night. Two white men were shot and at least four others were injured by bricks. Three fires broke out after fire bombs were tossed into business establishments operated by whites within the Negro section of the eastern shore community." And another item of grave concern to all of us. "An integration leader in Danville, Virginia is calling for larger racial demonstrations in the radically tense Virginia City." And probably the most important item of all, "A Negro leader has promised massive nationwide Negro demonstrations if Congress filibusters expected civil rights bills. The Reverend George Lawrence says the demonstrations will tie up airports, railroads, bus depots. The Minister was referring to the civil rights legislation President Kennedy outlined in a radio and television address last night."

It is my conviction that if L. D. 1169 is enacted, it will add coals to the fire which is already beginning to simmer, and just as the gentleman from Houlton, Mr. Berman, has pled with you to vote for this

legislation, I beg you to vote against it.

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

Mr. JALBERT: Mr. Speaker, I last week moved the previous question on this bill. I certainly had no intention at all of getting into this debate in any way, shape or manner. I have a great deal of respect for the gentleman from Southport, Mr. Rankin. I would advise him, however, and advise the remainder of the House that if you find your way in the press room, because in all fairness, let's bring out the stories in toto, you will also find that a Negro leader was killed early this morning, shot in the back.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: This is the Maine Legislature and in 1820 this Legislature adopted a Constitution that was forward looking, because it said that all men are created equal and had certain rights, among those, possession of property, and mind you, this was forty-three years before the Emancipation Proclamation. All that we are talking about here today is a bill that would give everyone equal opportunity to obtain the housing that he desires. We are talking about equal opportunity and not about any preference whatsoever.

In 1820 we saw fit, when slavery was in existence, to come out and say that all men were free and equal and had the equal rights to obtain property. Today we are doing nothing more than reaffirming the first section, Article 1 of our own Constitution, and that is all you are voting on, and I hope the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker and Members of this House: The gentleman from Rockland just gave a pretty impressive talk, but unfortunately I don't agree with him. I believe today we are voting on something that is most important

to all of us. I do not believe we are giving anybody equal rights; if we are, we are taking away rights from those that already have them.

Now aside from the civil rights aspect of this thing in the matter of race, creed, religion or color, do you, as responsible Members of this Legislature profess to take away the rights of the people that own this property? I think if you will consider for a minute, you would object very strongly if those people said we don't have to pay a tax, we cannot be assessed. I fail to see why we have any right to tell anybody what they can or cannot do with their own private property. Now I realize that we have heard many convincing arguments that people do not have private property, that they don't own it, that it is for the best of all; but believe me, I fail to see why that by discriminating — this bill is discriminating, it is discriminating against anybody that has worked and acquired property. It is discriminating against them, and I leave it to your conscience, if you want to discriminate against the people that have acquired property and pay the tax on it and the upkeep and maintenance and the troubles that go with it. I leave it to your conscience if you want to discriminate against them, or against somebody else. If you are going to say to them you do not have any rights to this property, you own it, you own it in name only, and the only right you have is to pay taxes, I don't believe that you are going to go with that, and I certainly hope that this is indefinitely postponed.

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

Mr. RANKIN: Mr. Speaker, the gentleman from Lewiston, Mr. Jalbert, is right, he has added to my argument. Under the weather: "Jackson, Mississippi, Medgar Evers, a prominent southern Negro leader, was gunned down in the driveway of his home early today in Jackson, Mississippi." Ladies and Gentlemen, this isn't an issue to play with, this isn't something to do because you think it is good, because you get a gold or a silver

star, this is for real. People are dying over this issue. If you think that the passage of this measure will not result in trouble in Maine, then vote for it, but if you have any doubt about the seriousness of what you are doing, then by all means vote against it.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I was unable to be here last Friday when this matter was debated before. As a member of the Judiciary Committee, and one who signed the "Ought not to pass" Report I have no desire to avoid giving my reasons for signing that report, and I shall undertake to do so.

It seems to me the matter is one which can be considered unemotionally and reasonably, and I don't think we need to be ashamed of admitting that there are legitimate property rights involved. However, if this legislation—in my opinion, if this legislation would remove prejudice, intolerance, discrimination, if it would open the minds and the hearts of the people of Maine to accept all races and creeds, I would favor the bill; but this is a piece of legal machinery which is proposed to be put on the books of the State of Maine, the Statute books. I am convinced that legal machinery will not accomplish the purpose. It is education, experience, familiarity, knowledge of other races and creeds which will bring tolerance, not this L. D. 1169.

Now the question before us is not a technical one. It does not involve factual or legal complexity, but rather a determination of the role of public law in this area of moral principle, and whether or not public health, safety and welfare is endangered to the extent that the state should intervene at this point.

The basic question as I see it is, is the proposed L. D. reasonable in the light of social need, and most important of all, does the law accomplish its purpose, or would it accomplish its purpose? I have heard no testimony during the hearing or since then that similar laws in other states have accomplished the end desired.

A landlord under the present law may refuse to enter a rental contract for any reason which may appeal to him; too many children, the presence of animals in the applicant's family, or a personal dislike, or any other of countless considerations. Now the proposed law merely limits the reasons which a landlord may use to refuse to rent a private accommodation. Various people have said to me, oh well, let's put the law on the books, we can get around it. Well as a responsible body, aren't we charged with more than putting laws on the books which may easily be evaded? If the law does not accomplish its purpose, as a responsible body it seems to me we should not pass such laws. Merely from a statement of the proposed law, its unenforceability becomes apparent. It appears to me hypocritical when proponents say and they have said to me, we can avoid this, an easy way out is to give in to the emotional urge to pass a law for the benefit of all and then use reasons to get around it.

Elimination of prejudice against race, color and creed from our society is most assuredly noble in purpose, founded on high moral principle and consistent with the federal guarantee of equal protection of the law, but is elimination of prejudice and discrimination to be accomplished by a statutory enactment, particularly if it is in conflict with another fundamental right which we need not be ashamed of, that is, the freedom of contract. This right is basic in the law and it applies to both majority and minority groups. The freedom of right to contract applies to all.

Now the police power of the state has been challenged in this area, and it has been found constitutional in other states to pass such legislation, and I have no quarrel with that whatsoever. It is constitutional. Police power may legally intervene between individuals and declare certain contract practices to be against the public interest. Refusal of home rental accommodations may ultimately be one of those practices which are declared to be illegal. The present L. D., however, it seems to me, fails to meet the problem if one truly exists, and by

reason of the fact it is most admittedly difficult to enforce and many people say there is no real intention of enforcing it. They say it is proposed largely for moral effect. At the same time a right of the individual to use his own property as he sees fit for purposes not injurious to society as a whole, is completely ignored.

Justice Kirk of the Massachusetts Supreme Judicial Court in a minority opinion which approved the constitutionality of this type of legislation, on May 16, 1962, expresses the point of view which I am undertaking to express to you, as follows: This is taken from the Report of a case Massachusetts Commission Against Discrimination vs. A. J. Colangelo, Supreme Judicial Court of Massachusetts, a minority opinion: "The subject of the legislation is the owner of purely private property which is to be used as a home for three or more families. The effect, if not the object of the legislation, under the shibboleth of anti-discrimination, is to authorize a public body to determine who shall occupy the privately owned premises and to apply sanctions for disobedience to its determination. This is, I respectfully submit, a deprivation of one of the essential attributes of ownership and an invasion of a constitutionally protected interest to an extent which has never before been attempted in this Commonwealth."

Continuing the quote: "I firmly believe that such a deep invasion of rights in purely privately owned property for residence purposes is repugnant to, and cannot stand in conflict with, the natural, essential, and unalienable rights *** of acquiring, possessing, and protecting property' recognized and protected by Article 1 of the Declaration of Rights."

This Legislature has before it L.D. 1448, a Resolve to Amend the Constitution of this State under which the preservation of civil rights of citizens would be guaranteed. It was tabled the other day. If there is need for an expression of fundamental human rights in addition to those already in the Federal and State Constitution, the suggested Constitutional

Amendment together with court interpretation, which ultimately must come, would in my view, more firmly establish the equal economic and social opportunity we seek for all, than this legislation sponsored L. D. 1169.

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

Mr. BEDARD: Mr. Speaker and Members of the House: I am very glad today and proud to be able to go along with this bill. The reason that I feel that this is a good bill is a little incident that took place last summer when we went on a fishing trip, the family. We hired a cottage up in the northern part of Maine, my family and my uncle and his wife and family. We got up there in the northern part of Maine and we got settled down at the lake, and everything went very well for two days. On the third day we were ready to go out fishing, we were in the boat, and the man that owned the cottage out there, after being well paid, came over to me and asked me, he said this gentleman here with you, is this your relative? And I said yes, this is my uncle. Well he says: I'm sorry to tell you sir, but he says we do not allow anybody by the name of Cohen at this camp site.

Now ladies and gentlemen of the House, I don't go along with this. I don't think it makes any sense. We planned this trip for over one month. Now just because my uncle's name was Cohen, I do not think that this was a reason to make us move out of that cottage. Now we moved, we packed up, we spoiled our vacation, we drove sixty miles into Fort Kent and we were twelve people, we had to rent a room at the hotel in Fort Kent. Now if you think that this makes any sense at all, you can vote against this bill, but I certainly am going to vote for this bill now and in the future.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker, last week this bill was debated for over two hours, and I now move the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question, it must have the desire of one-third of the members present. All those who desire the previous question will rise and remain standing and be counted.

A sufficient number arose.

The SPEAKER:

Obviously, more than one-third having arisen, the Speaker will entertain the motion for the previous question which is debatable by each member to the time of five minutes. The question now is shall the main question be put now. All those in favor say yes, those opposed, no.

The motion prevailed on a viva voce vote.

The SPEAKER: For what purpose does the gentleman arise?

Mr. SCOTT of Wilton: I request the yeas and nays.

The SPEAKER: The yeas and nays are requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the membership present. All those desiring a roll call will please rise and be counted.

33 members arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call is ordered. The pending question is the motion of the gentleman from York, Mr. Rust, that Bill "An Act relating to Discrimination in Rental Housing," Legislative Document 1169, Senate Paper 426, be indefinitely postponed. All those in favor of the motion to indefinitely postpone will answer "yes" when their name is called; all of those who oppose indefinite postponement will answer "no" when their name is called.

The Clerk will call the roll.

ROLL CALL

YEA — Benson, Birt, Bragdon, Carter, Chapman, Choate, Coulthard, Cressey, Curtis, Dennett, Dunn, Finley, Gilbert, Hanson, Harrington, Hawkes, Henry, Hobbs, Hutchins, Jones, Kent, Linnekin, Littlefield, MacLeod, Norton, Oberg, O'Leary, Osborn, Osgood, Pierce, Rand, Rankin, Ross, Augusta; Ross, Brownville; Rust, Sahagian, Shaw, Smith, Bar Harbor; Smith, Falmouth;

Smith, Strong; Taylor, Thornton, Vaughn, Viles, Waltz, Ward, Waterman, Watkins, Wight, Presque Isle.

NAY — Albair, Anderson, Ellsworth; Anderson, Orono; Ayoob, Baldic, Berman, Bernard, Berry, Binnette, Boissonneau, Bourgoin, Bradeen, Brewer, Brown, Fairfield; Cartier, Childs, Cookson, Cote, Cottrell, Crockett, Crommett, Davis, Dostie, Drake, Dudley, Easton, Edwards, Ewer, Foster, Gallant, Gifford, Gill, Giroux, Gustafson, Hammond, Hendricks, Jalbert, Jameson, Jewell, Kilroy, Knight, Laughton, Lebel, Levesque, Libby, Lincoln, Lowery, MacGregor, MacPhail, Maddox, Mathieson, McGee, Meisner, Mendes, Minsky, Mower, Nadeau, Noel, Oakes, Pitts, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Reynolds, Richardson, Ricker, Roberts, Roy, Scott, Snow, Susi, Thaanum, Townsend, Treworagy, Turner, Tyndale, Wade, Wellman, White, Guilford; Whitney, Williams, Wood, Young.

ABSENT — Bedard, Blouin, Boothby, Brown, So. Portland; Burns, Bussiere, Cope, Denbow, Hardy, Hendsbee, Humphrey, Jobin, Karkos, Pease, Philbrick, Tardiff, Welch.

Yes, 49; No, 84; Absent, 17.

The SPEAKER: The Chair will announce the vote. Forty-nine having voted in the affirmative, eighty-four having voted in the negative with seventeen absent, the motion to indefinitely postpone does not prevail.

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

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

AN ACT Appropriating Funds for Sewage Treatment Plant and Purchase of Equipment at Gorham State Teachers College. (Emergency) (H. P. 410) (L. D. 563)

Tabled—June 10, by Mr. Wellman of Bangor.

Pending — Passage to be Enacted.

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 division was had. 107 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.

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

AN ACT relating to Effective Date for Salary Increase for County Officers (S. P. 543) (L. D. 1467)—(Filing S-183)

Tabled—June 10, by Mr. Prince of Harpswell.

Pending—Motion of Mr. Cote of Lewiston to Indefinitely Postpone.

Thereupon, on motion of Mr. Cote of Lewiston, the pending motion prevailed on a viva voce vote, the Act was indefinitely postponed in non-concurrence and sent up for concurrence.

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

SENATE MAJORITY REPORT (8) — Ought not to pass — MINORITY REPORT (7) — Ought to pass with Committee Amendment "A" (S-275) — Committee on Constitutional Amendments and Legislative Reapportionment on RESOLVE Proposing an Amendment to the Constitution Forbidding Discrimination Against Any Person because of Race, Religion, Sex or Ancestry." (S. P. 527) (L. D. 1448)

Tabled—June 11, by Mr. Plante of Old Orchard Beach.

Pending—Motion of Mr. Pease of Wiscasset to Indefinitely Postpone both Reports and Bill.

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

Mr. SMITH: Mr. Speaker, item 9 deals with L. D. 1448. This is a proposed amendment to the Maine Constitution. I would like to read it slowly and carefully: "Discrimination against persons prohibited. No person shall be deprived of life, liberty or property without due process of law,

nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof. ***" The pending motion is to dismiss that and not have it become part of our constitutional law. The 100th Legislature set up a Constitutional Commission, the report of which you have had before you for some time. On Page 2 of the first report of that Commission, designated L. D. 33, there is the following language: "A due process clause, similar to that which appears as the 14th Amendment to the United States Constitution and which would forbid discrimination against any person because of race, religion, sex or ancestry, should be added to the Maine Constitution," and a proposal was made by the Constitutional Commission in the following language: "No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof.***" That is the proposal you have before you, the original recommendation included the following words: "because of race, religion, sex or ancestry." That has been eliminated by an amendment. The Commission went on further to say: "We do not believe that anyone will challenge the desirability of amending the Constitution along the lines above suggested." Well someone has challenged it by moving that the entire resolve be indefinitely postponed. "It may well be said that in various places within the Declaration of Rights, as the same is now written, much of the protection given by the proposed new due-process clause appears. However, the rights with which we are here concerned are so fundamental and so important that if there is a second or repeat guarantee, such underwriting of protection is, we believe, all to the good."

Now how in all responsibility and consistency can this Legislature within ten or fifteen minutes after passing a law to assure lack of discrimination, turn around and

throw out a proposal to place in the fundamental law of this state the very guarantee against discrimination which it has indicated it desires. I urge you to vote against postponing indefinitely and approve the recommendation of the bi-partisan commission which proposed this resolve.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to concur with the remarks of the gentleman from Bar Harbor, Mr. Smith. It is my hope that we can receive two-thirds of the membership present here in favor of this bill. It is essentially a reaffirmation of our support of the due process of law, and as amended, although I preferred the original legislative document, as amended, I think it would still be essential that it be part of our basic law.

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

Mr. LOWERY: Mr. Speaker, this is the amendment that I was referring to in my former speech. I would much prefer this report here. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen: I heartily concur with the gentleman from Bar Harbor, Mr. Smith. I think this is very important legislation, and I would remind you that the Constitutional Amendment has to go before the people of the State of Maine before it is ratified. I hope that the motion to indefinitely postpone this does not prevail.

Mr. SMITH of Bar Harbor: I request the yeas and nays when the vote is taken.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. All those desiring a roll call vote will rise and be counted.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having risen, a roll call is ordered. The pending ques-

tion is the motion to indefinitely postpone item 9, Resolve Proposing an Amendment to the Constitution Forbidding Discrimination Against Any Person because of Race, Religion, Sex or Ancestry, Senate Paper 527, Legislative Document 1448.

All those in favor of indefinite postponement will answer "yes" when their name is called; all those opposed to indefinite postponement will answer "no" when their name is called. The Clerk will call the roll.

ROLL CALL

YEA—Harrington, Rankin, Rust, Taylor.

NAY—Albair, Anderson, Ellsworth; Anderson, Orono; Ayob, Baldic, Bedard, Benson, Berman, Bernard, Berry, Binnette, Birt, Boissonneau, Bourgoin, Bradeen, Bragdon, Brewer, Brown, Fairfield; Carter, Cartier, Chapman, Childs, Choate, Cookson, Cottrell, Coulthard, Cressey, Crockett, Crommett, Curtis, Davis, Dennett, Drake, Dudley, Dunn, Easton, Edwards, Ewer, Finley, Foster, Gallant, Gifford, Gilbert, Gill, Giroux, Gustafson, Hammond, Hawkes, Hendricks, Henry, Hobbs, Hutchins, Jalbert, Jewell, Jones, Kent, Kilroy, Knight, Laughton, Lebel, Levesque, Libby, Lincoln, Linnekin, Littlefield, Lowery, MacGregor, MacLeod, MacPhail, Maddox, Mathieson, McGee, Meisner, Mendes, Minsky, Mower, Nadeau, Noel, Norton, Oakes, Oberg, O'Leary, Osborn, Osgood, Pierce, Pitts, Plante, Prince, Harpswell; Prince, Oakfield; Rand, Reynolds, Richardson, Ricker, Roberts, Ross, Augusta; Ross, Brownville; Roy, Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Snow, Susi, Thaanum, Thornton, Townsend, Treworgy, Turner, Tyndale, Vaughn, Viles, Wade, Waltz, Ward, Waterman, Watkins, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Williams, Wood, Young.

ABSENT — Blouin, Boothby, Brown, So. Portland; Burns, Busiere, Cope, Cote, Denbow, Dostie, Hanson, Hardy, Hendsbee, Humphrey, Jameson, Jobin, Karkos,

Pease, Philbrick, Poirier, Tardiff, Welch.

Yes, 4; No, 125, Absent, 21.

The SPEAKER: The Chair will announce the vote. Four having voted in the affirmative, one hundred twenty-five having voted in the negative, with twenty-one absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted in non-concurrence and the Resolve read once.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 527, L. D. 1448, Resolve, Proposing an Amendment to the Constitution Forbidding Discrimination Against Any Person because of Race, Religion, Sex or Ancestry.

Amend said Resolve in the title by striking out the words "because of Race, Religion, Sex or Ancestry"

Further amend said Resolve by striking out all of the last 2 underlined lines of section 6-A and inserting in place thereof the following:

"discriminated against in the exercise thereof."

Further amend said Resolve by striking out all of the 2nd paragraph of the referendum and inserting in place thereof the following:

' "Shall the Constitution be amended as proposed by a resolution of the Legislature Forbidding Discrimination Against Any Person?" '

Committee Amendment "A" was adopted in non-concurrence and the Resolve assigned for second reading tomorrow.

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty tomorrow morning.