

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, April 27, 1965

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

Prayer by the Rev. Mr. Roy A. Bredholt of the First Lutheran Church of Portland.

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

The journal of the previous session was read and approved.

The SPEAKER: On behalf of the House the Chair would like to thank the forty-six members of the Winslow High School Band, under the supervision of their director, Gerald Pouzol, for the very fine concert presented prior to the convening of the Legislature this morning. This band performed in Nova Scotia four years ago sponsored by the Kiwanis Club of Nova Scotia. They gave three concerts there. They play at all school activities and three weeks ago they played at an exchange concert in West Newbury, Massachusetts. Again I wish to thank the band for their performance and for their rendition of the Star Spangled Banner, which is played on the first legislative day of each week. (Applause, members rising)

Papers from the Senate

From the Senate:

Bill "An Act relating to Mental Examination and Observation of Persons Accused of Crime" (S. P. 513) (L. D. 1485)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

Senate Reports of Committees

Report of the Committee on Judiciary on Communication from the Secretary of State submitting the Revision of the State Constitution by the Chief Justice (S. P. 35) reporting that the Revision of the State Constitution be approved, and with the Communication, placed on file in the office of the Secretary of State.

Came from the Senate with the Report read and accepted and the Communication with accompanying Revision of the State Constitution ordered placed on file with the Secretary of State.

In the House, the Report was read and accepted in concurrence and the Communication with accompanying Revision of the State Constitution ordered placed on file with the Secretary of State in concurrence.

Leave to Withdraw

Report of the Committee on Business Legislation on Bill "An Act Repealing Insurance Premium Charges in Small Loans" (S. P. 423) (L. D. 1358) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Covered by Other Legislation

Report of the Committee on Labor on Bill "An Act relating to Payments under Industrial Accident Commission Decrees" (S. P. 315) (L. D. 1092) reporting "Ought not to pass," as covered by other legislation.

Report of same Committee reporting same on Bill "An Act Providing for Compulsory Retirement of Teachers" (S. P. 432) (L. D. 1366)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Education on Bill "An Act relating to Ricker Classical Institute and Ricker College" (S. P. 186) (L. D. 551) reporting same in a new draft (S. P. 511) (L. D. 1482) under title of "An Act relating to Ricker Classical Institute" and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to Ricker College" (S. P. 482) (L. D. 1442)

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salary of Reporter of Decisions" (S. P. 328) (L. D. 1050) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" was read by the Clerk as follows: COMMITTEE AMENDMENT "A" to S. P. 328, L. D. 1050, Bill, "An Act Increasing Salary of Reporter of Decisions."

Amend said Bill in the 3rd line from the end by striking out the figure "\$900" and inserting in place thereof the figure '\$1,000'

Further amend said Bill by inserting at the end the following: 'The breakdown shall be as follows:

DEPARTMENT	1965-66	1966-67
Supreme Judicial and Superior Courts		
Personal Services	\$1,000	\$1,200'

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salaries of Clerks of the Law Court" (S. P. 329) (L. D. 1051) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

Came from the Senate with the Report read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows: COMMITTEE AMENDMENT "A" to S. P. 329, L. D. 1051, Bill, "An Act Increasing Salaries of Clerks of the Law Court."

Amend said Bill by striking out all of section 2 and inserting in place thereof the following:

'Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$834 for the fiscal year ending June 30, 1966 and the sum of \$1,000 for the fiscal year ending June 30, 1967 to carry out the purposes of this Act. The breakdown shall be as follows:

DEPARTMENT	1965-66	1966-67
Supreme Judicial and Superior Courts		
Personal Services	\$834	\$1,000'

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

Report of the Committee on Public Utilities on Bill "An Act Authorizing Public Utilities Commission to Revoke Dormant Truck Permits" (S. P. 323) (L. D. 1020) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" was read by the Clerk as follows: COMMITTEE AMENDMENT "A" to S. P. 323, L. D. 1020, Bill, "An Act Authorizing Public Utilities Commission to Revoke Dormant Truck Permits."

Amend said Bill, in the 10th line after the underlined word "has" by inserting the underlined words 'for a period of one year'

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House twenty-two students from the Adams School in Castine, accompanied by their Principal Charles Nichols and their teacher Marjorie Babcock. These young people are seventh and eighth grade students and they are the guests of the gentleman from Stonington, Mr. Richardson. On behalf of the House the Chair welcomes this group and we hope that your visit will be both enjoyable and educational. (Applause)

**Petitions, Bills and Resolves
Requiring Reference**

The following Resolve, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one-tenth of the members present objecting, was received and referred to the following Committee:

Highways

Resolve Authorizing Construction of Bridge to Quigg Island in Stevens Pond, Waldo County (H. P. 1095)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Cote of Lewiston presented the following Order and moved its passage:

WHEREAS, it has been brought to our attention that Donald Hutchinson of Augusta, operator of the State Capitol canteen, died on Saturday, April 24, 1965,

BE IT ORDERED, that the Maine House of Representatives extend to his widow, Jane, and family, its condolences and expression of sorrow;

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to his wife and family.

The Order received passage.

On motion of Mrs. Ruby of Bangor, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

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

Mr. Baldic from the Committee on Inland Fisheries and Game on Bill "An Act Increasing Salary of Commissioner of Inland Fisheries and Game" (H. P. 251) (L. D. 319) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

**Ought Not to Pass
Bill Substituted for Report**

Mr. Bussiere from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act relating to Appointment and Duties of Fire Department Officers as Forest Fire Wardens" (H. P. 105) (L. D. 113) which was recommitted.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I make a motion that we substitute the bill for the report.

The SPEAKER: The question before the House now is on the motion of the gentleman from Durham, Mr. Hunter, that we substitute the bill for the report. The gentleman may proceed.

Mr. HUNTER: Fire chiefs all over the state want to be the town forest warden. I have a list of fire chiefs here of forty different towns. I won't bore you reading them, but it's all the big towns in the state. You see fire chiefs by law are responsible for preventing fires as well as putting them out. Therefore, prevention must be controlled by burning permits and they are the ones that want to give out the burning permits because it is kind of embarrassing to them to find out that somebody else has given a permit to set a fire when they don't know anything about it.

Now, if the fire chief is responsible for putting out the fires he

ought to be responsible for everything else that goes on about a fire out in the woods and the only way for the chief to control the burning in dry seasons is to control the permits. And often difficulties arise when help is needed on a fire and a town warden can't send his equipment into another town. I was talking with the chief yesterday in one of the larger cities in the State of Maine and he says he has got seven million dollars tied up in fire trucks and things like that and nobody is going to tell him what he is going to do with it.

Now, this started in 1947 and everything was good. The fire chiefs were the town forest wardens. Town forest wardens are appointed for three years and often, for some reason or another, the fire chief doesn't always get appointed. And so far the Forestry Department has been keeping these people on that's not the fire chief in the towns and it is causing conflict around the country. And the only fair thing to do is have the town fire chief the town forest warden.

When the vote is taken on it, I request a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Durham, Mr. Hunter, that we substitute the bill for the report.

The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker and Ladies and Gentlemen of the House: I must rise in opposition to my good friend, Mr. Hunter. This may be all right for the fire chiefs in the larger cities to be acting as state fire wardens, but in your smaller towns where your chiefs — and this incidentally is where the biggest part of your forest fires are located of course, the State Forestry Department has picked people who are there in the area all the time. Usually your volunteer fire department chiefs are not available. They are out working perhaps in the city somewhere. So they pick someone who is, like a garage operator or a store operator or something like that right in the area, and they

know they are going to be there all the time. And as he said they are appointed for three years and you don't know if the fire chief is going to be there five minutes or not. So, all he has to do, if you know these volunteer fire departments, he goofs once and he is out. So, I must go along with the department and I hope that you will vote against the motion to accept the, to substitute the bill for the report.

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

Mr. POULIN: Mr. Speaker, Members of the House: I have to be in opposition to Mr. Cookson from Glenburn, due to the fact that if you have a fire in a town you will find your fire chief there. Now, what Mr. Hunter from Durham was getting at is that, after all, if the man is going to be the fire chief of the town he should have the responsibilities of setting the fires; in other words that's what it amounts to. If you want to burn out a certain area of land around your home and you want protection, you contact the fire chief because you know you might have a fire and he will send a squad up there to help you burn it. It may cost you a nominal fee but that is all part of it. But I think the fire chief should be the fire warden because we can't have fire wardens in every town, because if we did the Forest Department couldn't afford to pay them.

The SPEAKER: The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker, Members of the House: I have had two towns contact me on this and the fire departments have been opposed to this bill. So I am going to take that position.

The SPEAKER: The Chair recognizes the gentleman from Phillips, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Members of the House: We had a slight fire in the fields up in Phillips over the weekend and as it happens, when a fire chief leaves the town, he generally has somebody to take his place that will be available. In this particu-

lar instance, the forest warden for fires had not made this provision. The only ones that were there to put out this fire were the fire chief and the fire fighters in the town.

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

Mr. COOKSON: Mr. Speaker, Members of the House: I am sure that you all realize that the State Forest Fire Department — Division of Forest Fires, have these departments strewed in just about every other town around and they have all kinds of equipment. All anybody has to do when there is a forest fire, and that is primarily what these town forest fire wardens are for, is in case of forest fires, and just as Mr. Dunn said, these volunteer fire departments are not for this. This is just a bill that has been put in by the fire chiefs association of the state and I just wanted to bring that up.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Members of the House: It so happens that I belong to a volunteer fire department and live in a town where we have one man giving permits and another man fire chief. And there were times when we had five or six fires in different areas in that town burning with permits from this man who was not fire chief. Now, if you have a fire chief and he is giving permits, he is not going to give only so many permits in a given day and he is going to be careful where he gives them. He is going to have some people who are going to be on the ball to put out those fires.

In York County we had disastrous fires in 1947 and they did a tremendous amount of damage, burned all around us. We happened to be fortunate it didn't come into our town. And I have been in touch with the Forest Department and I have requested a vehicle from them to be left in our community so that we can go up on Sawyer's Mountain, because last year we had to go up there four times and our local people owned jeeps, they practically

ruined them getting up there — ruined our equipment. And I think that our local people, the ones who are going to put out these fires, and we appoint fire chiefs and we have assistant chiefs and then they also have hose engineers and so on down the line. And I think that this is a problem that the fire chief should be handling. He should be giving out permits because he is the guy that you're going to haul off and sock if he doesn't put out the fire.

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Hawes.

Mr. HAWES: Mr. Speaker, I move that we table this until May 4.

The SPEAKER: The question before the House now is on the motion of the gentleman from Union, Mr. Hawes, that this matter lie upon the table pending the motion of the gentleman from Durham, Mr. Hunter, that we substitute the bill for the report.

Mr. Hunter of Durham requested a division.

The SPEAKER: The gentleman from Durham, Mr. Hunter, requests a division on the tabling motion. All those in favor of this matter lying upon the table assigned for May 4 will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Twenty-five having voted in the affirmative and one hundred one having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Dickinson.

Mr. DICKINSON: Mr. Speaker, I would like to ask a question through the Chair, what provisions are made for towns without fire departments? Who would issue permits in those towns?

The SPEAKER: The gentleman from Mars Hill, Mr. Dickinson, poses a question through the Chair to any member who may answer if he so desires.

The Chair recognizes the gentleman from Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Members of the House: The bill

reads where there is an organized fire department the fire chief will be the town warden and in towns that don't have organized fire departments the Forestry Department can appoint anyone they want to.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen: I just would like to point out that this bill does two things. It relates to the duties of fire chiefs and it also says: ". . . no person shall kindle or maintain any fire in the open air or authorize any such fire to be kindled or maintained in any street, alley, roadway, lane, public grounds or private lot, without first having obtained a written permit to do so from the local fire chief or his authorized representative."

It seems to me that we are going a long way towards restricting the freedom of the individual when we require the individual to get a permit every time he kindles a fire regardless of where it is.

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Hawes.

Mr. HAWES: Mr. Speaker, Members of the House: I hate to disagree with the gentleman from Brewer, Mr. Libhart, but being a fire chief, also forest warden too, I heartily go along with this recommendation that everybody get a permit before they kindle a fire. One of the biggest problems we have, is people burning without permits and not knowing how to burn and burning at the wrong time of day. This way, the chief or the warden has some control over it. I certainly go along with that part of it.

The SPEAKER: The question before the House is on the motion of the gentleman from Durham, Mr. Hunter, that we substitute the bill for the report and he has requested a division.

All those in favor of substituting the bill for the report on Bill "An Act relating to Appointment and Duties of Fire Department Officers as Forest Fire Wardens," House Paper 105, L. D. 113, will kindly

rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-nine having voted in the affirmative and sixty having voted in the negative, the motion prevailed.

Thereupon, the Bill was read twice and assigned for third reading tomorrow.

The SPEAKER: The Chair would at this time like to recognize in the balcony of the House, one hundred nineteen pupils of the eighth grade History Classes of Hampden and Newburg of S.A.D. 22, accompanied by the Principal of Newburg, Bernard Pierce; the Principal of Hampden, Blaine Atwood and teachers of Hampden, George Beane, Willard Hilliar and Hazel Tibbetts. They are the guests of the gentleman from Hampden, Mr. Littlefield. On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

Mr. Bussiere from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act relating to Clerk Hire of Clerk of Courts and County Attorney in York County" (H. P. 1012) (L. D. 1372)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Crommett from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act Creating a Second Assistant County Attorney for Androscoggin County" (H. P. 867) (L. D. 1164)

Report was read.

(On motion of Mr. Drigotas of Auburn, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.)

Ought to Pass in New Draft New Draft Printed Tabled and Assigned

Mr. Berry from the Committee on State Government on Resolve Authorizing State of Maine to

Transfer Western Maine Sanatorium to Town of Hebron (H. P. 434) (L. D. 563) reported same in a new draft (H. P. 1096) (L. D. 1493) under title of "Resolve Repealing Authorization for Disposal of Western Maine Sanatorium" and that it "Ought to pass"

Report was read.

(On motion of Mr. Benson of Mechanic Falls, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 4).

The SPEAKER: The Chair at this time will request the Page to escort the gentleman from Madawaska, Mr. Levesque, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Levesque assumed the Chair as Speaker pro tem and Speaker Childs retired from the Hall.

**Ought to Pass with
Committee Amendment**

Mr. Baldic from the Committee on Inland Fisheries and Game on Bill "An Act Increasing Salary of Commissioner of Inland Fisheries and Game" (H. P. 628) (L. D. 835) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 628, L. D. 835, Bill, "An Act Increasing Salary of Commissioner of Inland Fisheries and Game."

Amend said Bill in the last line by striking out the underlined figure "\$13,500" and inserting in place thereof the underlined figure '\$12,500'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Bussiere from the Committee on Towns and Counties on Bill "An Act Establishing Clerk of Courts in Androscoggin County as Full-Time and Providing Compensation Therefor" (H. P. 939) (L. D. 1275) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 939, L. D. 1275, Bill, "An Act Establishing Clerk of Courts in Androscoggin County as Full-Time and Providing Compensation Therefor."

Amend said Bill in the Title by striking out the words "and Providing Compensation Therefor"

Further amend said Bill by striking out the underlined abbreviation and figure "Sec. 1." at the beginning of the first line.

Further amend said Bill by striking out all of section 2.

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Crommett from the Committee on Towns and Counties on Bill "An Act Increasing Certain Fees to Town Clerks" (H. P. 869) (L. D. 1166) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 869, L. D. 1166, Bill, "An Act Increasing Certain Fees to Town Clerks."

Amend said Bill by striking out in the 5th line the underlined figure "\$1" and inserting in place thereof the underlined figure '75c'; by striking out in the 6th line the underlined figure "\$2" and inserting in place thereof the underlined figure '\$1.50'; by striking out in the 7th line the underlined figure "\$2" and inserting in place thereof the underlined figure '\$1.50'; and by striking out in the 9th line the underlined figure "\$2" and inserting in place thereof the underlined figure '\$1.50'; by striking out in the 11th line the underlined figure "\$1" and inserting in place thereof the underlined figure '75c'; and by striking out in the 13th line the underlined figure "\$1" and inserting in place thereof the underlined figure '75c'; and by striking out in the 21st line the un-

derlined figure "\$2" and inserting in place thereof the underlined figure "\$1" and by striking out the underlined figure "\$1" and inserting in place thereof the underlined figure "50c"

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Farrington from the Committee on Towns and Counties on Bill "An Act Permitting Municipalities to Designate Historic Areas" (H. P. 1008) (L. D. 1340) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1008, L. D. 1340, Bill, "An Act Permitting Municipalities to Designate Historic Areas."

Amend said Bill by striking out everything after the amending clause and inserting in place thereof of the following:

"G. Providing for the protection and preservation of buildings and places of historical value."

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for Vocational Educational Institute in Northern Kennebec County (H. P. 306) (L. D. 409) reporting same in a new draft (H. P. 1097) (L. D. 1494) under title of "Resolve Appropriating Moneys for Location of Vocational Educational Institute in Kennebec County" and that it "Ought to pass".

Report was signed by the following members:

Messrs. DUQUETTE of York
HARDING of Aroostook
BROWN of Hancock
— of the Senate
Messrs. BISHOP of Presque Isle
JALBERT of Lewiston

ANDERSON of Orono
HEALY of Portland
— of the House.

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

Report was signed by the following members:

Messrs. BIRT of East Millinocket
BRAGDON of Perham
DUNN of Denmark
— of the House.

Reports were read.

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

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

The SPEAKER pro tem: The motion before the House now is on the motion of the gentleman from Lewiston, Mr. Jalbert, that we accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker, Members of the House: I would like to state the position taken by the minority signers of this bill. The original plans of the Education Department called for four area vocational schools in the state. These four are in the process of development but they have a long way to go. Now, the Kennebec County is not too far distant especially since the new highway was put in from the Bangor area and Augusta is not too far distant from the Lewiston-Auburn area where the school is established, and we did not think that it would be unreasonable for them to have to use these facilities. We thought that it would be for the benefit of the state to concentrate on these four already established before we committed ourselves to any other schools.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I might very briefly explain the majority's side of the point, is that this would call for the purchase of land to the tune of twenty thousand dollars if a school

in that area is feasible after study. If the study is made and the report is that it is not feasible to have a school in that area, then it won't cost the state one penny; and this is merely an avenue that will permit the study to be made in that area whether or not the school is feasible.

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

Mr. BIRT: Mr. Speaker, Members of the House: I think that if we do invest any money in that area it is very possible that this will be just a starter of the eventual developing of the school and certainly I would support the comments of my colleague, Mr. Dunn, that until we complete the work on the other two schools that are presently in the process of being built, we shouldn't progress any further on this, and when the vote is taken I request a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Clinton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Members of the House: There was a study. I rise in support of the gentleman from Lewiston, Mr. Jalbert. There was a study made, but according to that study one of those schools was supposed to be in the Kennebec area and it didn't end up in the Kennebec area. And we really need a school up in the northern part of Kennebec County, and it would also cover Somerset County. This is only calling for a site and I have been approached by four or five different people from the different towns in that area, and cities, and I think as far as purchase of the land if we can get the land for peanuts or even for nothing, and I think that we really should go along with this and let the Board of Education study this and come up with a site because we really need a vocational school in that area. These other schools are too far for these young people to commute to Bangor or to Lewiston.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Winthrop, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, Members of the House: I rise in support of Mr. Hunter and Mr. Jalbert that we ought to accept the "Ought to pass" report. I represent towns in this area and many of my people feel that the schools now planned are too far away for our youngsters and in the field of the vocational training school we have not kept up with the pace fast enough any more than we have in the higher branches of education and this does not commit us to anything at this time. So, I hope that you will go along with the "Ought to pass" report.

The SPEAKER pro tem: Is the House ready for the question? The question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that we accept the Majority "Ought to pass" Report and the gentleman from East Millinocket, Mr. Birt, has requested a division.

All those in favor of accepting the Majority "Ought to pass" Report will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-nine having voted in the affirmative and twenty-five having voted in the negative, the motion prevailed.

Thereupon, the New Draft was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Permitting the Establishment of Private Shooting Preserves" (H. P. 491) (L. D. 644)

Report was signed by the following members:

Mr. SHIRO of Kennebec
Mrs. SPROUL of Lincoln

—of the Senate.

Mr. BOISSONNEAU

of Westbrook
Mrs. BAKER of Orrington
Mrs. WHEELER of Portland
Mr. LIBHART of Brewer

—of the House.

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

Report was signed by the following members:

Mr. JACQUES of Androscoggin
—of the Senate.
Messrs. HUNTER of Clinton
CONLEY of Portland
COTE of Lewiston
—of the House.

Reports were read.

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

Mr. MILLAY: Mr. Speaker, I move that the House accept the Minority "Ought to pass" Report.

The SPEAKER pro tem: The gentleman from Bowdoinham Mr. Millay, now moves that we accept the Minority "Ought to pass" Report.

Mr. Boissonneau of Westbrook requested a division.

The SPEAKER pro tem: The gentleman from Westbrook, Mr. Boissonneau, has requested a division.

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

Mr. MILLAY: Mr. Speaker, Ladies and Gentlemen of the House: Earlier in this session I was speaking with one of the veteran legislators here and I said this must be a minor bill and he informed me that there was no such thing as a minor bill. And that is the way I feel about this particular bill. I feel this is major legislation in the realm of hunting and fishing regulations and I will now go on to explain why I think you should understand what this bill does before you vote.

Now, the word "private" could well be replaced by the word "commercial" for any preserve established under this act would be set up with the premise they would make money for their owner. To define a "shooting preserve" it is land privately owned or leased and managed so that hunters may come in and take artificially stocked game for a fee. This stocking process is the same as that followed by the State each year when they stock some 30,000 birds for hunters to take on a put and

take basis. At the present time, some forty-five state Legislatures have this type of regulation on the books. They allow shooting over periods that would offer the owner a reasonable chance of profit. These seasons are usually six months long. The reason they can be this long is because they are shooting artificially propagated game, game that is raised on that particular farm.

Under our present laws, a preserve could be established but it could only operate during the hunting season, that is forty-five days, and naturally you can't get an annual income in forty-five days. Of course, this could be done by merely posting your land under the present trespass law, raising birds under the game raising law and then turning them loose at your own discretion.

To illustrate how these preserves have had wide acceptance over the United States and the Province of Canada, last year there were 547 preserves. They released some two million game birds to provide hunting opportunities for America's fifteen million hunters. The idea is not new for the first preserve was established as far back as 1911.

Now to explain L. D. 644, I will say it follows almost exactly the Michigan Law, a state of our general latitude and topography. Of course, the State of Maine has thirty-three thousand square miles per area and the State of Michigan has fifty-three thousand. The State of Michigan has six times the population of the State of Maine. Now, I would amend this law and it is my intention to amend this law so that the one per cent limit in the Michigan law will be made one-tenth of one per cent. This limit is to insure ample land for our sportsmen who pay their license fee to hunt on wild lands. This amendment would mean that the state would have 99.9% of its land left for the sportsman or in other words it would be purer than Ivory Soap. Now to break this down a bit to acres, the tax paying farmer would have 19,000 acres available for licensing, a figure that I feel would be more than ample. And the sportsman

would have nineteen million acres to hunt on, a figure that I feel would be more than ample.

Now, the law is an enabling act. It places the program exactly and squarely under the hands of the Commissioner of Inland Fisheries and Game. The inspection of the areas and the number of licenses issued under the land limit is completely up to him. He might not issue any. Should he feel that the presence of a preserve is having a detrimental effect on an area he may revoke the license under the law. There are forty-five Commissioners in other states functioning under this law and those in the six states that I contacted are enthusiastic about these preserves, and voluntarily offered any assistance they could in helping Maine get such a law on the books.

Now the question has been brought up of the wardens having to enforce the trespass law and it is my contention that this is one law where the conscience of the people is the greatest safeguard and our people must be very conscientious because in the many years we have had the trespass law the instances of prosecution are very rare. The head state biologist could think of only one case, and that was in connection with trespass on blueberry land.

Now, one of the biggest objections in this State has been made by the sportsmen that the native game belongs to the State and by allowing preserves to be established he loses that game. This objection would indicate to me that the sportsmen do not fully understand just how this law works. The sportsmen in other states are very satisfied. Now there are two safeguards that work for the state. First is written into the law that the Commissioner may establish what percentage of stocked birds may be harvested so that the remainder will replace any native game that may be shot on the preserve. It has been the experience that native game rarely gets into the act on a shooting preserve where the shooting pressure is high.

The biggest safeguard is the nature of the pheasant itself. These birds rarely stay in one area. Sometimes they migrate eight or nine miles and the average return on stocked birds on a nation-wide basis on preserves is only sixty-three percent. That means that thirty-seven percent of these birds go off the preserves and provide hunting for the hunters that do not hunt on the preserves. In Michigan last year, there were some 11,000 pheasants left the preserves and provided hunting for the sportsmen of the surrounding areas.

Now, another thing, the hunters who do hunt on game preserves of this type, if they were not hunting there they would be hunting the native game of the state. They would be depleting our native supply. The two million birds stocked last year gave nature an assist that is badly needed with the ever increasing number of hunters. They also aid the state stocking programs.

There are those that feel preserves give special privileges to a few, those who can afford it. Perhaps this is true. However, the landowner has the privilege of paying taxes, usually a high one and of spending money to establish this new industry, for that is exactly what it is, a small industry being operated with expectation of profit. We have hundreds of idle farms that would fit the qualifications for this industry. Very few people criticize the farmer for trying to make a profit on his land while farming, or a golf course operator who works on the same principle. Why then criticize, penalize with restrictive laws, a landowner who wishes to operate a preserve for precisely the same reason. If a man wishes to spend his money to hunt, and many do it now while hunting deer or waterfowl in this state, he should not be criticized any more than one who spends his money on movies, golf, swimming and so forth. How we spend our money is still one of our cherished freedoms. I think this law is a little bit like being

married, ladies and gentlemen, you can't very well know what it is like until you have been at it a while.

Believe me ladies and gentlemen, this is an operation that is highly accepted and appreciated in other states. Even in the last "Hunting and Fishing" magazine, or the April issue, under an article entitled "Farming for Fun," it was cited that some ten thousand farms over the country had been converted to recreational opportunities and the acceptance of shooting preserves had fitted in well with a summer recreation program and was increasing yearly. I believe this is one case that Maine should not stand alone.

In quoting from that same "Hunting and Fishing" magazine it says: "Wide and enthusiastic acceptance of the commercial shooting preserve had a marked effect on the farm recreation movement. It was developed later than the farm pond, but the combination of facilities appeals to all manner of sportsmen. One project is the four hundred acre farm of Ed Holden near Kenosha, Wisconsin known as the Pheasant Valley Hunting Club. Typical annual releases are five thousand pheasants, three thousand ducks and one thousand each of quail and chukar partridge. Five duck ponds make duck shooting a sporty pastime."

Now in conclusion, let me list the advantages of this legislation as I see it. More income for our Department of Inland Fisheries and Game with very little increased effort because license fees plus a fee for each bird shot on a preserve add up to a sum that they would not have had if preserves were not in operation. Now, we're known as a hunting state, so let's for Lord's sake build on that image by offering more and taking full advantage of a natural resource in which we abound.

The state's and sportsmen's supply of huntable game will be increased. Now, dog owners who now keep a dog for ten and a half months, run them for one and a

half months, will now have a fertile training ground where they may run their dogs without fear of being shot by deer hunters. The small pointing dog breeding industry is bound to be helped. Now, the elder sportsman, no longer able to take the rough conditions of hunting native game, could again enjoy the thrill of watching a good pointing dog work, and that of the cackling flush of a big cock pheasant. The office worker or industrialist whose time is limited could enjoy a hunt that can offer guaranteed facilities.

Now, the DED offered evidence in the hearing that this would add to our tourist attraction, bringing more people into the state. Boston is only two hours away from the southern part of Maine. Our Maine guides would get extra work. Being a Maine guide, it doesn't make a bit of difference to him.

The game breeding industry of the State, now minute, could be expected to grow and provide birds for these preserves. Some game breeders in Wisconsin raise as many as fifty thousand pheasants a year. Now, this is something the State of Maine could look forward to. Grain dealers in the state would get increased sales for it costs \$2.50 to raise a mature pheasant.

Now, I feel one of the most important advantages would be the opportunity to train our young sportsmen in the handling of firearms under actual guaranteed hunting conditions. The conditions offered in "dry" hunting cannot approach the adrenaline producing situation of the flush of a big cock pheasant.

Now, Maine is unique in many things, but when it comes to managing game the conditions from state to state are not a great deal different. Now, please, in this case let's be progressive and join the other forty-five states and become one of the crowd. Thank you.

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

Mrs. BAKER: Mr. Speaker, Members of the House: As a signer of the Majority "Ought not to pass" Report I feel that I must point out some of the facts that came out in the hearing in regards to this bill. One, in regard to the number of the other states that have this type of preserve it was pointed out that other states, many other states have to provide artificial hunting. In Maine, we do not. We had many people appear from Fish and Game Associations and they were all opposed to this bill. In other states such preserves are fenced. There is no provision in this bill for fencing. And there is nothing in the bill that limits it strictly to birds. It was pointed out that there is an element of danger. How many hunters would be allowed on these private preserves in one day? And also there is nothing in the bill and there was nothing in the hearing saying what sum the owner could charge for the privilege of hunting such game preserves. I merely point this out for the information of the Members of the House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Skowhegan, Mr. Poulin.

Mr. POULIN: Mr. Speaker, Members of the House: I would like to concur with Mr. Millay from Bowdoinham and I will make it very brief. What it amounts to, you are replacing clay pigeons with live pigeons furnished by the owners of the property. You have nothing against shooting galleries down in Old Orchard. This amounts to a little more dignified shooting gallery, having the dog owners given a chance to use them; whereas otherwise they are limited to quite a few days during the year.

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

Mr. MILLS: Mr. Speaker, I'll have to go along with the committee's report on this thing. Down in Washington County on the airline some of these California movie people moved in there and they bought up thousands of acres in the heart of the deer shooting country. There are two or three trout streams down there that have

been very prolific in their fishing and the guides down there depended a great deal on their dudes going through this territory. As it stands down there today with this private preserve, they can't go anywhere near the place.

Now, if this is going to be something that is all right in the southern end of the state I heartily protest it on the eastern side of the state, because I have had several complaints on this bill over the boys down there being quite perturbed over their winter money being taken away from them.

The SPEAKER pro tem: The Chair recognizes the gentleman from Camden, Mr. Haynes.

Mr. HAYNES: Mr. Speaker, Members of the House: I would like to speak in support of Mr. Millay's speech on this particular bill. I think it's good business for Maine and it's good sport and I think that it would probably bring more business to Washington County.

The SPEAKER pro tem: The Chair recognizes the gentleman from Woolwich, Mr. Harvey.

Mr. HARVEY: Mr. Speaker, I would like to pose a question through the Chair. I notice that they have duck preserves. I would like to know what methods are going to be taken to keep the wild ducks out of these shooting preserves.

The SPEAKER pro tem: The gentleman from Woolwich, Mr. Harvey, poses a question through the Chair to anyone who wishes to answer. The Chair recognizes the gentleman from Bowdoinham, Mr. Millay.

Mr. MILLAY: Mr. Speaker, I intended to give a little explanation here in regard to some of the statements made by Mrs. Baker. I am sure they were made and are sincere, but under this bill as I said, it follows the Michigan law almost completely. Under this bill the Inland Fisheries and Game Commissioner can set up regulations that cover the fencing. He can set up any regulations that he feels would apply to this type of thing. Now, in answer to Mr. Harvey in regard to the ducks, wild ducks almost never get into the

situation on these duck preserves. The duck preserve handling is a specialized thing. It consists of the ducks flying a period of five hundred yards from the period where they are let out to a pond and blinds are situated along that particular flyway. And it has been the experience in these other forty-five states that they almost never, I would say that it's less than one-tenth of one percent that would ever get into the act.

Now, as far as Maine being unique, we are unique. We have got more wildland per capita than probably any other state in the Union, but forty-five states as I have said, and there are many of those states, Michigan is a state that's very much like us. Many of those states that have these preserves do not vary one single bit from the State of Maine, so the hunting areas are similar. I would say that the States of Idaho and Montana, two of those that do not have it, do have this type of legislation before their legislatures this year. Even the huge State of Alaska has expressed interest in this thing.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a question of any member who may care to answer. What's the price tag on this bill?

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to anyone who wishes to answer.

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

Mr. MILLAY: Mr. Speaker, the price tag on this bill is absolutely nothing, Mr. Jalbert. This bill will bring money into the state. This will not result in the spending of any. It would, probably I should say it would result in probably the State having to buy some tags that would amount to fifty dollars or some such, but that would come out of the Inland Fisheries and Game Fund. But this has no place to go but up. This would bring money into the state.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Boissonneau.

Mr. BOISSONNEAU: Mr. Speaker, I would like to answer the gentleman's question. There is a price tag on this; as he mentioned that the game wardens are going to supervise this thing. At the present time we don't have enough game wardens to supervise what we have got, and to get into one of these why there is bound to be an added expense.

The SPEAKER pro tem: The Chair recognizes the gentleman from Skowhegan, Mr. Poulin.

Mr. POULIN: Mr. Speaker, Members of the House: When it comes to game wardens they have to be in certain areas at certain times and I believe that wherever they have an area there will be a game warden around. Now, the area will be supervised by the personnel that own it and operate it due to the fact they will not want poachers on their land. So, you would have better game warden supervision without the game wardens.

The SPEAKER pro tem: The Chair recognizes the gentleman from Clinton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Members of the House: I rise in support of the gentleman from Bowdoinham, Mr. Millay. I think this is a step in the right direction. I think the state needs more of this and I move for a division when the vote is taken.

The SPEAKER pro tem: A division has already been requested. Is the House ready for the question?

The question before the House is on the motion of the gentleman from Bowdoinham, Mr. Millay, that we adopt the Minority "Ought to pass" Report and a division has been requested.

All those in favor of accepting the Minority "Ought to pass" Report on Bill "An Act Permitting the Establishment of Private Shooting Preserves," House Paper 491, L. D. 644, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy-one having voted in the affirmative and sixty having voted in the negative, the motion prevailed.

Thereupon, the Bill was read twice and assigned for third reading tomorrow.

At this point, Speaker Childs returned to the rostrum.

The SPEAKER: The Chair at this time would like to thank the gentleman from Madawaska, Mr. Levesque, for acting as Speaker pro tem and for the fine job that he did.

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

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act to Transfer Duties of Liquor Inspectors to the State Police" (H. P. 987) (L. D. 1382)

Report was signed by the following members:

- Messrs. STERN of Penobscot
- WILLEY of Hancock
- MAXWELL of Franklin
- of the Senate
- Messrs. PITTS of Harrison
- DOSTIE of Lewiston
- BERRY of Cape Elizabeth
- EDWARDS of Portland
- KATZ of Augusta
- LIBHART of Brewer
- of the House.

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

Report was signed by the following member:

- Mr. STARBRD
- of Kingman Township
- of the House.

Reports were read.

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: I am only going to say a few words this

morning, but I want you to listen to me carefully.

I have talked about this bill to the members of the committee. I thought it was a good bill, but they advised me that under this bill we have this on the statutes now, that the state police can enforce our violations now. If that's the case, in a few minutes I am going to move myself to kill this bill, but my argument is this. I still say that we have no enforcement in the state today as far as the liquor enforcement office is concerned.

A few weeks ago I told you what happened in some places in Maine and in Waterville. I have checked on those places. I mentioned to you about a place where they were bootlegging liquor day and night, some people tell me now they have stopped for a while. I mentioned to you about places where they gamble, where they have what they call bookies. Some of the people that used to make those bets complained to me that they can't bet on the baseball games lately. I mentioned to you about places where we have prostitution. They tell me it's a little cleaner now. So what is my argument?

Last Sunday I was in Houlton, Maine and I picked up the Portland paper, and it says: "This isn't the first time Lane made accusations about the conduct of the enforcement division. In 1957 he made similar charges while I was a House member and then later was invited to appear before the Kennebec Grand Jury. Lane wasn't able to provide evidence that would convince the Grand Jury to take any action."

Sometimes I wonder where the Gannett papers get their stories. I would like to see them sometime to write the truth for once in a while. I don't know why they can't. They know what's going on. Sometimes I wonder who owns the Gannett papers.

So now I am going to tell you what happened in 1957. I was outside in the corridor talking to Richard Dubord, and I was complaining, what am I going to do about this place in Waterville, the place is selling beer to minors, to

anybody, day and night, Sundays, by the case, and I can't do anything about it as a legislator. I went to see everybody. So the Liquor Enforcement Officer found out about it and he took me to the Grand Jury. I went in in front of the Grand Jury, and by the way, Bob Marden was County Attorney then, and I told the Grand Jury my story, and the Liquor Enforcement Chief came in and he brought in a brief case and he told the Grand Jury, showed them where they checked this place every single Sunday, that place is not selling any beer, Lane is lying. When he came out outside, I went over and talked to the Chief Inspection Officer, and I was pretty angry about it, and I says to him: "If you don't stop them, somebody else will." Believe me, it worked. Next—I think it was either next Sunday or a week later they stopped that place. I don't believe that man started selling beer just on that Sunday.

In 1955 there was an investigation made of the operation of the liquor enforcement, Ladies and Gentlemen, I got a copy of it right now, the first time I have had a copy was two or three days ago, and I was amazed, and I wish that somebody could put in an order that this could be reproduced and every legislator should know what we are talking about and who we are dealing with. Now what happened to this investigation? It died out. I wish I was at liberty to tell you why this was stopped, but I don't dare to tell you that. I know there are some members in here, even in this House, know why this was stopped, but I'm not going to tell you why.

And one more thing. I have complained about places being open, wide open, about a place that calls itself a hotel. As far as I know they are supposed to have a kitchen and dishes and everything else. The only thing they have over there is liquor; I wish I could say what else. I have complained about this place. It's been open day and night, and about the gambling and what that stuff gave us in central Maine. You saw it in the paper the other day—I saw it even in the Gannett papers—sur-

prised, that we have a man in central Maine that belongs to the Cosa Nostra gang, and that man, his job is, and I know what his job is, he is what they call him, a fixer, he is supposed to take care of the politicians and officials. That's his job, to buy them off. A little while ago he was assigned to buy off somebody, but it backfired on him, it didn't work. The same people have bought a camp or tried to buy a camp right out of Waterville. Believe you me, I don't want to be close to them. They had their man that does the killing was in our city just a little while ago for the Cosa Nostra gang. That's why I have been hollering about it for years, because we know they do not come in in a place where there is no money; they come in a place where they can make money, and they are here.

Last year, and remember this, ladies and gentlemen, everything I am telling you, every word is true, last year they had their yearly conference, the Cosa Nostra gang, they had it right outside of Waterville in Belgrade, Maine. I'm glad Mr. Sahagian didn't know about it; he would move out of there. That's why, ladies and gentlemen, if we would have good enforcement, liquor enforcement, and all that stuff, if they wouldn't be able to make any money, these people wouldn't come into Maine, they wouldn't be here in Maine, and that's something I am appealing to Democrats and Republicans, I think the Legislature has got the power and the Legislature should do something about it.

Now I am going to say a few words about our kids. A few weeks ago I made some charges that kids can go in in a few places. I'd say 99.9 of the people in Waterville are honest people. We've only got one-tenth of a hundred, you know, and those people can do a lot of damage any place. Kids can come in and buy beer and liquor in a lot of the places, and specially now they are buying those pills. I went to see — I have talked to the Chief Enforcement Officer about it and everything else, the kids are still able to go in and buy beer.

About a month later after I made all the charges, one man comes into my house and he says: "Melvin, what's going on in Augusta? Here you have been hollering about these places that are selling liquor and beer to minors; you come with me and I'll show you a place." I went over with him and I looked into — he went in inside and I told him to look at every table; every table in the place had beer in front of them, there wasn't one coke on the table, and I looked in through the window and I saw those young kids sitting there and drinking beer. I went over to the police department and I told them about it. First thing they wanted to know: where is that place? I wouldn't tell them where that place is. I said: "I want you to come with me, and I'll show it to you." Then they said: "We better call up Augusta," I said: "I don't want you to call Augusta. I want you to come with me." So finally he says to me, he says: "We do not enforce liquor violations." So I says to him, "I want to talk to the Captain." So finally we called up the Captain. The Captain didn't want to do it, but finally I made him do it. I went over with these two officers in this place and they went inside and they started asking for IDs and I had this man that was with me count how many people there were there; there were over fifty people; within less than one minute, there were only three people left in that place, the kids even left their coats and their hats and everything else. They ran. I didn't try to stop them.

Now we have another problem about the pills they are selling. The same places are selling pills to kids, and that's a known fact, so I went to see the County Attorney. I went to see the state police. They said we know, there is not much we can do about it because we haven't got anything on the statutes that we can catch them for possession, so I says let's get together and we will put in a bill or amend a bill or something like that, so they finally went to the Attorney General

and they talked to him a little over a month ago, and I went to see the Attorney General and he promised me he was going to put an amendment on that bill, on some bill, and I still haven't seen the amendment yet. This is a very important piece of legislation. And this amendment to the bill should pass as an emergency bill, and I think we should stop them and stop them tomorrow if we could.

Now my argument is this: the only thing we need now is a new enforcement officer, and I think that would solve the problem, and if he was a gentleman about it, and if he wants to do something for the state and for our kids and for our future, I think he should resign as soon as possible.

Again I want to state about this investigation, I wish you people could see it. We have seventy-nine pages and documents signed by people and by the enforcement officers. Then you people would know what I am talking about, and until we do something about our kids in the State of Maine and until we stop selling liquor and beer and pills to the kids in the State of Maine, I am not going to keep quiet, and neither of the Gannett papers will make me do that. And nobody is going to make me keep quiet about that stuff that is going on in the State of Maine, and I plead to you ladies and gentlemen, Democrats and Republicans, this is the session we can do something about it. I wish we could get together and do something about it, because we owe it to our kids.

I was just looking at a report that came out of the State of Connecticut. The State of Connecticut is going to spend \$125,000 this year to check in on the teenage drinking, and we are spending millions and millions of dollars every year to give us better services, give better things for the people of the State of Maine, better education and everything else. Personally, I think we should spend a few thousand dollars to help our teenagers, and they need

help. Now I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker, merely for the record, approximately three weeks ago the Chief of the State Police, Colonel Marx, appeared before the Appropriations Committee about our participation in the New England State Police Compact. When he got through, I asked two questions: one, do you want to take care of the state enforcement as far as liquor is concerned? He put his hands to his face. The second question I asked him: What is your opinion of Mr. Murphy as an enforcement officer? He said: "More than excellent." Quote from him.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Waterville, Mr. Lane, that the Reports and Bill be indefinitely postponed.

Mr. Lund of Augusta requested a division.

The SPEAKER: A division has been requested. All those in favor of the indefinite postponement of this Bill "An Act to Transfer Duties of Liquor Inspectors to the State Police," House Paper 987, L. D. 1382, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred twenty-seven having voted in the affirmative and one having voted in the negative, the motion prevailed.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Towns and Counties on Bill "An Act relating to Compensation of and Per Diem Fees of Deputy Sheriffs" (H. P. 261) (L. D. 331) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. CASEY of Washington
GIRARD of Androscoggin
BERNARD of Penobscot
— of the Senate.

Messrs. HAMMOND of Paris
WIGHT of Presque Isle
FARRINGTON of China
CROMMETT

— of Millinocket
Mrs. KILROY of Portland
Mr. SULLIVAN of Portland
— of the House.

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

Report was signed by the following member:

Mr. BUSSIÈRE of Lewiston
— of the House.

Reports were read.

On motion of Mr. Hammond of Paris, the Majority "Ought to pass" Report was accepted and the Bill was read twice.

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

COMMITTEE AMENDMENT
"A" to H. P. 261, L. D. 331, Bill, "An Act Relating to Compensation of and Per Diem Fees of Deputy Sheriffs."

Amend said Bill, in section 1 by striking out in the 8th line the underlined figure "\$14" and inserting in place thereof the underlined figure '\$13'; and by striking out in the 14th line the underlined figure "\$98" and inserting in place thereof the underlined figure '\$91'; and by striking out in the 15th line the underlined figure "\$105" and inserting in place thereof the underlined figure '\$98'

Further amend said Bill, in section 2, by striking out in the 4th line the underlined figure "\$14" and inserting in place thereof the underlined figure '\$13'; and by striking out in the 10th line the underlined figure "\$14"; and inserting in place thereof the underlined figure '\$13'; and by striking out in the 14th line the underlined figure "\$14" and inserting in place thereof the underlined figure '\$13'; and by inserting after the word "criminal" in the 3rd line from the end the underlined words 'and civil'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

**Divided Report
Tabled and Assigned**

Report "A" of the Committee on Legal Affairs reporting "Ought to pass" on Bill, "An Act Providing for a Mayor-Council Charter for the Town of Sanford" (H. P. 678) (L. D. 905)

Report was signed by the following members:

- Mr. JACQUES of Androscoggin
— of the Senate.
- Mrs. WHEELER of Portland
- Messrs. CONLEY of Portland
- COTE of Lewiston
- BOISSONNEAU
of Westbrook
— of the House.

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

Report was signed by the following members:

- Mr. SHIRO of Kennebec
- Mrs. SPROUL of Lincoln
— of the Senate.
- Mrs. BAKER of Orrington
- Messrs. HUNTER of Clinton
- LIBHART of Brewer
— of the House

Reports were read.

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

Mr. BERNARD: Mr. Speaker, I move we accept the "ought to pass" report.

The SPEAKER: The gentleman from Sanford, Mr. Bernard, moves that we accept Report "A" "Ought to pass."

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

Mr. BLOUIN: Mr. Speaker and Ladies and Gentlemen of the House: On this bill I am sure you are all aware that the gentleman from Sanford, Mr. Bernard, and I are both representing the same town, and this bill is a bill put in by Mr. Bernard. Up to now I have not objected to the bill; in other words I wasn't either a proponent or an opponent of the bill. I feel the same way about this bill right now, but I have been asked by

the Chairman of the Selectmen of Sanford to table this bill for one more week, until May 4. Therefore, Mr. Speaker, I move to table this bill until May 4.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, I now move that this lie upon the table until May 4.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that this matter lie upon the table assigned for Tuesday, May 4, pending the motion of the gentleman from Sanford, Mr. Bernard, to accept Report "A" "Ought to pass."

Mr. Bernard of Sanford asked for a division.

The SPEAKER: The gentleman from Sanford, Mr. Bernard, requests a division. All those in favor of this bill lying upon the table assigned for May 4 will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred eight having voted in the affirmative and fourteen having voted in the negative, the motion to table prevailed.

Divided Report

Report "A" of the Committee on Public Utilities reporting "Ought to pass" on Bill "An Act Authorizing Public Utilities Commission to Require the Interchange of Electric Energy" (H. P. 846) (L. D. 1147)

Report was signed by the following members:

- Messrs. BOISVERT
of Androscoggin
- VIOLETTE of Aroostook
— of the Senate.
- Messrs. PIKE of Lubec
- DOYLE of Caribou
- SEARLES of Bangor
— of the House.

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

Report was signed by the following members:

- Mr. LETOURNEAU of York
— of the Senate.

Messrs. ERWIN of York
 PENDERGAST
 of Kennebunkport
 D'ALFONSO of Portland
 SAWYER of Brunswick
 — of the House.

Reports were read.

On motion of Mr. Pike of Lubec, Report "A" "Ought to pass" was accepted, the Bill read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act relating to Public Notice in Probate Proceedings" (S. P. 294) (L. D. 909)

Bill "An Act relating to Organization of Loan Companies" (S. P. 509) (L. D. 1479)

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

Third Reader Amended

Bill "An Act Appropriating Moneys to Supplement Loans by Maine School Building Authority" (H. P. 298) (L. D. 401)

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

Mr. Anderson of Orono offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 298, L. D. 401, Bill, "An Act Appropriating Moneys to Supplement Loans by Maine School Building Authority."

Amend said Bill by adding at the end, before the Statement of Facts, the following: "The breakdown shall be as follows:

EDUCATION, DEPARTMENT OF	1965-66	1966-67
Maine School Building Authority—Grants		
All Other	\$25,000	\$25,000'

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

Bill "An Act relating to Chairmen and Membership of Board of Finance of City of Lewiston" (H. P. 354) (L. D. 457)

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

Third Reader Indefinitely Postponed

Bill "An Act relating to Maintenance of State Highways in Certain Municipalities" (H. P. 486) (L. D. 639)

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

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

Mr. LENT: Mr. Speaker and Ladies and Gentlemen: I offer House Amendment "A" to this L. D. 639.

The SPEAKER: The gentleman from Scarborough, Mr. Lent, now offers House Amendment "A" and moves it be adopted and the Clerk will read the Amendment.

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

HOUSE AMENDMENT "A" to H. P. 486, L. D. 639, Bill, "An Act Relating to Maintenance of State Highways in Certain Municipalities."

Amend said Bill by inserting at the end before the single quotation mark the following:

'This paragraph shall not apply to street sweeping, snow removal and removal of debris from catch basins, except in those municipalities in which such services are now being performed by the State Highway Department.'

The SPEAKER: The question before the House now is on the adoption of House Amendment "A". The Chair recognizes the gentleman from Brownville, Mr. Ross.

Mr. ROSS: Mr. Speaker, Members of the House: On Thursday last, this House indefinitely postponed this bill and all its accompanying papers. The House Chairman of the Committee on Highways and myself were called out of state on State business and on Friday the House reconsidered this same matter. I'm standing up here this morning not as a member of the Committee on Highways, I have been defending them all session. This morning I am stand-

ing up here as an individual taxpayer.

This bill is going to take seven hundred thousand dollars a year out of the construction fund of the Highway Department. Either we are going to have to float a bond issue to finance this—we will have to float a bond issue to finance this, there is no other place the money can come from. You are going to drastically cut into the construction program. Now, the construction program is set up on a four year basis and I again move, I moved it Thursday and I will move it again today, that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The question before the House now is on the motion of the gentleman from Brownville, Mr. Ross, that House Amendment "A" be indefinitely postponed.

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

Mr. LENT: Mr. Speaker, I didn't rise to comment on House Amendment "A". This is what reduces the cost of this particular bill to seven hundred thousand dollars a year. Granted, it would come out of something. There again it is a matter of judgment in spending this money. The large budget the Highway Department spends each session, the money is there. If it did mean a little less new construction, possibly one mile per year as compared to the large areas, the many cities and towns that would have state maintenance of our state roads and a centralized responsibility for the state wide program. Three hundred and fifteen municipalities are now participating in this. Why are we leaving out the forty large municipalities? And I ask for a division on this motion. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Brownville, Mr. Ross, that House Amendment "A" be indefinitely postponed and the gentleman from Scarborough, Mr. Lent, has requested a division. All those in favor of House Amendment "A" being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Sixty-seven having voted in the affirmative and fifty-seven having voted in the negative, the motion prevailed.

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

Mr. ROSS: Mr. Speaker, I now move that the bill be indefinitely postponed.

The SPEAKER: The question before the House now is on the motion of the gentleman from Brownville, Mr. Ross, that this bill and its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Falmouth, Mr. Payson.

Mr. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: There are nine roads going through my town. Tourists go right through two without stopping. Going north, they probably go to Brownville, Acadia, Eastport, Bar Harbor and the Blue Nose. Going south, they probably go to Old Orchard, one of the—I should say the finest beach on the east coast. This is not a direct quotation from Aristotle by the way. At any rate we have a road problem. These roads serve the whole state and the way they build roads today whenever and wherever they want to your town may be the next. This bill ought to pass. Thank you.

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

Mr. BOISSONNEAU: Mr. Speaker, Members of the House: I would like to inform the members of the House the number of towns and cities that are affected by this. Many of you come from these towns and I am going to name them. Winslow, Skowhegan, Scarborough, Rockland, Orono, Old Town, Millinocket, Mexico, Madawaska, Lisbon, Houlton, Gorham, Gardiner, Fort Fairfield, Farmington, Falmouth, Fairfield, Cape Elizabeth, Brewer, my town of Westbrook, Waterville, South Portland, Sanford, Saco, Rumford, Presque Isle, Limestone, Kittery, Caribou, Brunswick, Biddeford, Portland, Lewiston, Belfast, Bath, Bangor, Augusta and Auburn. Now,

I'll name you the towns that just lost because they came over the five thousand, Town of Winslow has just lost this, Town of Scarborough has just lost this. Town of Mexico, Madawaska, Lisbon, Farmington, Falmouth, Cape Elizabeth and Limestone. And God knows how many are going to lose it in 1970.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel as though as House Chairman of Highways that I should make a few brief statements in relation to this bill.

First of all, the decision of the Committee was quite unanimous. I think the report was something like seven to three that this bill "ought not to pass." Now all the bill does is merely—at the present time the state maintains highways through the towns under five thousand. Now this bill would say that the state would maintain the highways through all towns including all cities. Now this sounds good, and I know it does especially to these people in the cities but they must know from which method the money comes. Now the state has money for state road construction. Now what you are doing in substance, you are merely saying that we are going to take our state money that we build state roads out of and you are going to spend it for maintenance. This is all right if that is what you want to do. But I think it is certainly a step backwards, not forward.

Now you see these towns over five thousand are already set up to maintain their streets. They have their own highway department, their own equipment to do it. We really don't know what's going to cost, when the state has to buy all this equipment and move it into these towns and cities to do this. They are not doing it now. But we do know that it will cost a lot of money and we don't know where the state would begin and the city would leave off. Like in a big city, where does the state begin and where does the city leave

off? This is going to create an awful problem and an awful lot of dilemma. I hope that the majority report of the committee would be accepted and that being the case they would go along with indefinitely postponing this measure. Thank you.

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

Mr. LENT: Mr. Speaker, Ladies and Gentlemen: I fail to see any problem as to whose responsibility starts and ends where. We're only talking about ten percent of the state-wide program and as far as additional equipment why there is surplus equipment that's garaged all over this state. There is very little activity charged to the highway department and the taxpayer. And I ask for a division on this motion.

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

Mr. BOISSONNEAU: Mr. Speaker, Members of the House: On the question of maintenance, I believe last Wednesday there were six contracts given out by the State Highway Department on maintenance. Now when a Highway Department gives out a maintenance contract the towns or cities do not do the work. The contractors do the work.

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

Mr. ANDERSON: Mr. Speaker, Members of the House: It seems to me that Hancock County would take quite a trimming if this bill was passed. Gouldsboro would stand to lose eighty thousand dollars, Tremont thirty thousand, Hancock ten thousand. That's in 1965 and 1966. In 1966 and 1967 Southwest Harbor would lose five thousand dollars, Alna twenty-five thousand and another seventy-five thousand. All other counties that didn't have cities would lose a comparable amount. I certainly hope that the motion of Mr. Ross of Brownville will prevail.

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

Mr. FORTIER: Mr. Speaker, of the House: I for one would like to state right now that I don't think the Highway Department is untouchable. And I would like to concur with Mr. Lent on this.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Brownville, Mr. Ross, that this bill and its accompanying papers be indefinitely postponed. A division has been requested. All those in favor of this bill and its accompanying papers being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Sixty-six having voted in the affirmative and sixty-four having voted in the negative — the Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move that the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now requests that the vote be taken by the yeas and nays. For the Chair to order the yeas and nays it must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number rose.

The SPEAKER: Obviously more than one-fifth having arisen, the yeas and nays are in order.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I just want to refresh your minds on one thing only. It's that seven hundred thousand dollars a year. Now, I'm not saying for a minute that all the cities and towns aren't affected as my good friend, Mr. Boissonneau, from Westbrook brought out. Surely they are affected. A hundred thousand takes care of every city under a hundred thousand, it takes care of every city and town in the state. The only point that I want to make is

that you are going to have to raise about a million and a half dollars.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I don't think over the twenty years that I have been here that I have ever gone against the wishes of the Highway Commission and its actions. I would also be one of those that say that they are not untouchable. I would also remind that it's always defense, bonding, bonding. I would like to know what the surplus of the Highway Department is this year. If my city had saved upwards of fifty to sixty thousand dollars on snow removal, Auburn, Waterville, all these other cities, just how much has the state saved and how much of a surplus have we got? Now, we can just tuck those tabs in the surplus. As far as we people in the cities are concerned, we pay our share of taxes and I would like to enumerate just what percentage we do pay.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It certainly was the opinion of the committee, I am sure, that the people all over the state, whether they resided in the city or in the country, that they all rode over these roads and it was the decision of the committee felt that we would like to make progress, that we would like to build as many roads as possible and for this reason we would rather spend the money for construction than for maintenance.

Now, most towns that I know of are pretty well equipped to take care of this maintenance. They have the equipment. They have the snowplows. They have the crew and they have been doing it for years. Now if we depart from this the state has to turn around and buy equipment to do this with; they are not equipped to do it. And it creates a big expense and so what you are doing, it's my opinion that they don't intend to raise a lot of

money here in new money for the Highway. And if they don't raise any new money there is only one place that it can come and that's out of construction.

Now certainly if I lived in the city and I wanted to go to another city I would have to go over some of this road that's being constructed with this state money and I hope this House in the roll call vote this morning will vote for progress, for construction, not for just patching the holes.

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

Mr. COOKSON: Mr. Speaker, Members of the House. I would just like to bring up the fact that already the State Highway Department is paying all of these cities and towns a certain percentage of the winter maintenance right now without asking for this.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Members of the House: I would like to point out to this House here today that I have had many, many complaints about the conduct of the State Highway Department. I have had many, many people coming to me. I had a man at my house yesterday morning telling me that they are putting salt out, that they are wasting money right and left, that they had a foreman chasing a foreman, chasing a foreman down the road. Now ladies and gentlemen, isn't it time we took a look at the Highway Department, take a good sharp look. I ask you, where are we going? How are we going to get there? Running around salting the road all the time. Ruining wells. Claims against them. This man told me that the hot water tank in his home was ruined, caused by seepage of salt that got into his water tank and ate the stone out. Just questions going through my mind.

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

Mr. BERRY: Mr. Speaker, Members of the House: I share very strongly the views of the gentleman from Lewiston, Mr. Jalbert.

I will say to the members of the Highway Commission or the Transportation Committee that maybe some chickens are coming home to roost today.

We are talking about construction. How did you gentlemen vote on the matter of allowing increased loads for the destruction of these roads?

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Brownville, Mr. Ross, that this Bill "An Act relating to Maintenance of State Highways in Certain Municipalities," House Paper 486, L. D. 639, and its accompanying papers be indefinitely postponed. A roll call vote has been ordered. If you are in favor of this bill and its accompanying papers being indefinitely postponed, when your name is called you will either answer yea or yes; if you are opposed to the motion you will either answer nay or no. The Clerk will call the roll.

Roll Call

YEA — Anderson, Ellsworth, Baker, Orrington; Baker, Winthrop; Beane, Benson, Southwest Harbor; Berman, Birt, Bradstreet, Bragdon, Buck, Burwell Carter, Cookson, Cressey, Crommett, Crosby, Davis, Doyle, Dudley, Dunn, Erwin, Evans, Farrington, Faucher, Gifford, Gilbert, Graham, Hammond, Hanson, Lebanon; Harri-man, Hawes, Hawkes, Haynes, Huber, Hunter, Clinton; Hunter, Durham; Jordan, Katz, Kennedy, Keyte, Kittredge, Lane, Lang, Lewis, Libhart, Lincoln, Littlefield, Lund, Lycette, Millay, Mosher, Norton, Peaslee, Pendergast, Pike, Prince, Rackliff, Richardson, Cumberland; Richardson, Stonington; Ross, Brownville; Sahagian, Scott, Starbird, Storm, Stout-amyer, Susi, Waltz, White, Guilford; Wight, Presque Isle; Wood, Young.

NAY — Anderson, Orono; Avery, Baldie, Bedard, Benson, Mechanic Falls; Bernard, Berry, Binnette, Blouin, Boissonneau, Bourgoin, Brewer, Bussiere, Carroll, Champagne, Conley, Cote, Cottrell, Curran, Danton, Dickin-

son, Drigotas, Drouin, Dumont, Edwards, Eustis, Fecteau, Fortier, Fraser, Mexico; Fraser, Rumford; Gaudreau, Gauvin, Gillan, Glazier, Hanson, Gardiner; Harvey, Bangor; Harvey, Windham; Harvey, Woolwich; Haugen, Healy, Jalbert, Knight, Laberge, Lebel, Lent, Levesque, Lowery, Martin, McKinnon, Mills, Mitchell, Palmer, Payson, Pitts, Poulin, Ross, Bath; Ruby, Sawyer, Searles, Sullivan, Truman, Wheeler, Whittier, Wuori.

ABSENT — Bishop, Brennan, Carswell, Cushing, D'Alfonso, Dostie, Hoy, Jewell, Kilroy, Meisner, Nadeau, Roberts, Roy, Ward, Watts.

71, Yes; 64, No; 15, absent.

The **SPEAKER**: The Chair will announce the vote, seventy-one having voted in the affirmative, sixty-four in the negative and fifteen being absent, the motion prevails.

Sent up for concurrence.

Bill "An Act relating to Fees of Clerks of the Judicial Courts" (H. P. 632) (L. D. 839)

Bill "An Act to Authorize Municipalities to Finance Industrial and Recreational Projects" (H. P. 1091) (L. D. 1487)

Bill "An Act to Clarify the Motor Vehicle Laws" (H. P. 1093) (L. D. 1489)

Bill "An Act Continuing the Committee on Aging" (H. P. 1094) (L. D. 1490)

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

Amended Bills

Bill "An Act relating to Penalty for Weight Violations of Trucks" (H. P. 158) (L. D. 181)

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

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

Mr. **BOURGOIN**: Mr. Speaker, I move that we reconsider our action whereby we adopted Committee Amendment "A".

Thereupon, the House voted to reconsider its action whereby on April 25 Committee Amendment "A" was adopted. On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

Mr. Bourgoin of Fort Kent then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 158, L. D. 181, Bill, "An Act Relating to Penalty for Weight Violations of Trucks."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"**R. S., T. 29, Sec. 1654 amended.** The first paragraph of section 1654 of Title 29 of the Revised Statutes is amended to read as follows:

'Any person who violates any provision of section 1652 shall be guilty of a misdemeanor on account of each such violation, and for each violation of which convicted shall be punished by a fine and, except before the District Court, costs of court which fine and costs of court shall not be suspended if they relate to gross weight but may be suspended if they relate to axle weight.'

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

Mr. **BOURGOIN**: Mr. Speaker and Members of the House: This amendment takes care of the opposition that Colonel Marx had to this bill and it sets back the scales to where they were and the rate of the fines to where they were, and it is agreeable to everybody and gives a little power to the judge in the case toward the administration of this law. Thank you.

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

Bill "An Act to Grant a New Charter for the Town of Scarborough" (H. P. 361) (L. D. 486)

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

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: Somehow I always find myself swimming upstream, doing things the hard way, but my mother always said that doing things the hard way was good for the soul. She must have known. She brought up ten of us and had no washing machine. However, there was never a loaf of baker's bread in the House. There was always plenty of molasses around and in the spring she added sulphur to it. I think maybe we could use some of that around here.

Anyway, here is what I am up against. This legislative document 486 came out of committee full support "ought to pass" and I am on my feet again hopefully expecting to reverse the collective opinion of this committee. But, I lived in the Town of Scarborough for a good many years and there was always a power block out there that ran the town. The people of the town have made some changes, very satisfactory changes, and with reference to this measure at a town meeting in 1964 the town voted to appoint a government study committee.

In Article XII of the town warrants for the 1965 town meeting, they voted to receive and act upon the report recommendations of the government study committee. Before the town meeting, the selectmen and the members of the study committee paid the town attorney five hundred — of course, I am not opposed to the attorneys being taken care of, five hundred dollars for drawing up bill number 486, an unauthorized expenditure. They voted it down three times and the third time was by a roll call vote. Now, this power block in the Town of Scarborough is aided and abetted by the race track crowd. They have got pretty good things going out there—I have got a few remarks here I

don't want to miss — and they don't want this changed.

Ladies and gentlemen, the town meeting is the last vestige of democracy and I would hope that you would retain it. This is a fast approach made by this so-called power block and I now move that this bill and all of its accompanying papers be indefinitely postponed. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Healy, that this bill and its accompanying papers be indefinitely postponed.

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

Mr. LENT: Mr. Speaker, Ladies and Gentlemen: I will ask for a division on that motion, but before that I would like to answer my good friend, Mr. Healy from Portland. He is true as he outlined the preliminaries to our town meeting in March and there was agreed upon that the vote at town meeting would bind me as to my position in regard to a charter change going from an open town meeting as we now have to a council form of government. But, a day or two later, a group did get together, with no race track connections though, Joe, and got several hundred signatures, that came up here, a hundred people or so, and presented them, asking only for the right to vote in the fall in the special referendum, in the privacy of the voting booth on this issue, whether to retain the town meeting or to adopt the council form of government. So, all we are doing at this point, and that's the reason I haven't opposed the passage of this bill, is letting it go back to Scarborough to the people to vote on this coming fall. So, I would urge that the motion be defeated.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman, from Portland, Mr. Healy, that this bill and its accompanying papers be indefinitely postponed. All those in favor of this bill and its accompanying papers being indefinitely postponed will kindly rise and

remain standing until the monitors have made and returned the count.

A division of the House was had.

Seven having voted in the affirmative and one hundred eight in the negative, the motion did not prevail.

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

The SPEAKER: Are there notices?

(Off Record Remarks)

On motion of Mr. Levesque of Madawaska,

Recessed until two o'clock in the afternoon.

**After Recess
2:00 P.M.**

The House was called to order by the Speaker.

The SPEAKER: We are on Bills in their Third Reading, on page six. We will now return to item twelve which was set aside by the gentlewoman from Windham, Mrs. Harvey.

**Third Reader
Tabled and Assigned**

Bill "An Act Reactivating the Governor's Committee on Children and Youth" (H. P. 387) (L. D. 500)

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

The SPEAKER: The Chair recognizes the gentlewoman from Windham, Mrs. Harvey.

Mrs. HARVEY: Mr. Speaker, on request of the sponsor of this bill, Mrs. Kilroy, who will be away this week, I request that this item be tabled until one week from today.

Thereupon, the Bill was tabled pending passage to be engrossed and specially assigned for Tuesday, May 4.

Bill "An Act Appropriating Moneys for Study of Maine Motor Vehicle Laws" (H. P. 388) (L. D. 871)

Bill "An Act Providing for a Council-Manager form of Govern-

ment for Town of Limestone" (H. P. 520) (L. D. 693)

Bill "An Act relating to Funeral Expenses of Recipients of Aid to the Aged, Blind or Disabled" (H. P. 578) (L. D. 770)

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

**Amended Third Reader
Tabled and Assigned**

Bill "An Act Revising the Savings Banks Laws" (H. P. 620) (L. D. 857)

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

(On motion of Mr. Fortier of Waterville, table pending passage to be engrossed and specially assigned for Tuesday, May 4.)

Bill "An Act relating to Junk Yards" (H. P. 832) (L. D. 1059)

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

**Amended Third Reader
Tabled and Assigned**

Bill "An Act relating to Powers of Board of Trustees of Maine Maritime Academy" (H. P. 877) (L. D. 1173)

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

The SPEAKER: The Chair recognizes the gentleman from Mil-bridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, I move that the House reconsider its action whereby House Amendment "C" was adopted at the last legislative day.

The SPEAKER: The question before the House now is on the motion of the gentleman from Mil-bridge, Mr. Kennedy, that we reconsider our action whereby we adopted House Amendment "C".

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

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

House: I move that this matter lie upon the table until May 4 so that I might present another amendment which will bring us at least closer together on this.

The SPEAKER: The question before the House now is on the motion of the gentleman from Portland, Mr. Edwards, that this matter lie upon the table assigned for May 4 pending the motion of the gentleman from Milbridge, Mr. Kennedy, that we reconsider our action whereby we adopted House Amendment "C".

Mr. Pitts of Harrison requested a division.

The SPEAKER: The gentleman from Harrison, Mr. Pitts, has requested a division. All those in favor of this matter lying upon the table assigned for May 4, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty having voted in the affirmative and seventy-six having voted in the negative, the motion to table did not prevail.

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

Mr. EDWARDS: Mr. Speaker, Ladies and Gentlemen of the House: This has presented a problem for me. The problem has been how to handle a bill that I favor against a principle that I do not favor. I would like to see Maine Maritime Academy have all it asks for and more. I think they have been neglected too long. However, the principle of this Legislature in past and present years has been that of controlling closely the budgeting of the various educational institutions in this state. I am sorry that the vehicle for this bill had to be the Maine Maritime Academy, but it is. If we reconsider our motion where we adopted House Amendment "C" we put ourselves in the position of giving to the Maine Maritime Academy, or the Bureau of Public Improvements, legislative authority. This is the only thing that I object to in this bill. I do not object to a million dollars. I don't object to two million dollars for the Academy, if they can show a clear and

present need for this money now for specific purposes.

They failed to do this. They showed a need for four hundred and seventy-five thousand dollars. The amendment I spoke for would total it up to eight hundred and forty thousand dollars. I am willing to present this amendment, but I did not have time to have it prepared now; so therefore I ask you to defeat the motion to reconsider.

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

Mr. DANTON: Mr. Speaker, Ladies and Gentlemen of the House: I am concerned and disturbed about this matter and for that reason my conscience dictates that I speak briefly on this bill.

I had an opportunity to be present during the committee hearing of this bill and because of this I feel that I understand the consequences of our actions and I would be remiss if I didn't in my own small measure try to prevent a possible injustice to one of our finer institutional, educational institutions. As I understand it, the Maine Maritime Academy was given authority by the last Legislature to issue bonds in the amount of a million dollars for capital improvements, and at this time I think it should be made perfectly clear that these bonds are to be amortized, or to be paid back if you will, by the money that the Academy realizes from the student tuition fees. In other words, the bonds are not to affect the state treasury whatsoever.

At the time the last Legislature passed the bill authorizing the bond issue, the language describing the purpose that this money was to be used was such so that the trustees as a result of some changes in plans could not get a bond issue. This was the reason why this bill was presented at this Legislature so that the language would be clarified and thus make the bond issue possible.

Now, this fine institution is faced with the predicament of having the authority granted to it by the last Legislature decreased to more than half. This was not the intent of this bill and, pardon

my saying so, I am shocked and puzzled by the amendment which proposes this change. As far as I know, the trustees are a competent group. The proposed buildings are to be supervised by the State Bureau of Public Improvements and I ask, why this reduction? I don't know what the motive of this amendment is. If there are axes to grind, political axes to grind, I don't think they should be ground at the expense of an educational institution. I have no son in the Academy, although I would be proud to. I have no selfish interest whatsoever other than the selfish interest of a proud State of Mainer, for on many occasions from here to Florida I have been complimented for having in this State of Maine the Maine Maritime Academy, considered by many the finest school of this type in the entire country.

Let us all as good State of Mainers, not as Democrats or Republicans, since this is not a partisan issue, unite and rally behind the Maritime Academy, have trust in its trustees and support it to the utmost.

Mr. Speaker, I now urge that the motion of the gentleman from Milbridge, Mr. Kennedy, prevails.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen: I heartily concur with my friend from Old Orchard Beach, Mr. Danton, in what he has said. Last Friday you will recall, I attempted to have this bill tabled so that we could get the real facts surrounding this House Amendment "C". This was not allowed me and I was not able to speak to the Superintendent of the Maine Maritime Academy until shortly after the vote was taken; actually, while the vote was being taken I spoke to him. I learned from him that he and the trustees are very much opposed to what House Amendment "C" intends to do. If the gentleman from Milbridge, Mr. Kennedy's motion, prevails then we will be in order to present Committee Amendment "A" to this L. D. which has the approval

of the superintendent and the trustees.

Now, in speaking with Captain Rogers, who is the very fine superintendent of the Maine Maritime Academy, a man with excellent training and we are very proud to have him, he indicated that one of the things the trustees are worrying about is the fact that in the near future the Maritime Academy is faced with the problem of moving the cadets that are aboard the Midshipman—that are aboard the training ship, ashore because of the reclassification of the Penobscot waters. Now, Castine being located where it is and being very short of available land, the Maine Maritime Academy has the same problem that a lot of our institutions have, they are in need of more land. If the authority that is presented to the trustees in Committee Amendment "A" is not granted to allow them to acquire land for the future development of more dormitories when the midshipmen are required to move ashore, they are going to be in serious trouble. Now, there is a possibility now that land will be available and certainly before the need arises there will be some land available. Now, this is just one of the things that this authority would allow the trustees of the Maine Maritime Academy to use.

It seems to me that in all fairness to this institution which does have an enviable record in the United States, the United States Navy is very pleased to have many of its graduates accept commissions in the Navy and a lot of their people are regular Navy career personnel. I have served with them many places. They are as a group highly respected. They are good boys and it is an institution that we can be proud of. And I certainly hope that we can be proud of the way the Academy is run and that we can give this small amount of authority to the people who are attempting to do their best without compensation to make this an effective institution of learning in the State of Maine. So I certainly hope that we will reconsider so that we will then be able to accept Committee Amend-

ment "A" which will do, in my opinion, what the trustees and the superintendent of the Academy wish to do and also meets a good deal of the criticism that my friend from Portland, Mr. Edwards, has leveled against the bill in its original form.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I think that you all know that Castine falls within my district. Back when the Academy was established my father-in-law was one of the original members of the Board of Trustees. So ever since the Academy has been established I have been not only a strong supporter but have known much of what was going on there.

This is our oldest vocational technical school in the State of Maine and it has a very outstanding reputation not only in the State of Maine, but also throughout the entire United States. In essence what L. D. 1173 does is to authorize the trustees to borrow money. Now it has been pointed out to me that the trustees can borrow this money for three percent interest. At the present time the State of Maine in bonding itself is paying anywhere from three and a half to three and three-quarters percent. I would also like to concur with Mr. Danton in pointing out to you that this is not money which the State of Maine is going to pay back, but which the Academy is paying back on its own. I do feel that this is only giving the trustees the opportunity to make an excellent school much better and I sincerely hope that you will support the motion to reconsider.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I know that the Academy is badly in need of this money to pull them out. And I should certainly hate to see any crippling amendment passed. I concur with

the gentleman from Stonington, Mr. Richardson.

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

Mr. EDWARDS: Mr. Speaker and Ladies and Gentlemen: We have heard it charged here that we are reducing the authority of the Board of Trustees of the Maine Maritime Academy. In the original bill it called for one million dollars and this one million dollars was to be spent for specific purposes, and because it wasn't spent for specific purposes is the reason — or they decided not to spend it this way, is the reason that they are before us today. So this is not changing the authority. I am just saying be specific. In line with this, the amendment that I would propose to this would allow them a student union with dining facilities for four hundred seventy - thousand dollars, the chance to purchase land for seventy-five thousand dollars; athletic facilities, football, track, tennis courts, hand ball, squash courts, fifty thousand dollars; emergency fund for the ship fifty thousand dollars, swimming pool one hundred and fifty thousand dollars, bowling alleys forty thousand dollars. No mention of dormitories.

That is a total of eight hundred and forty thousand dollars. I suggest that if somebody could table this in time to have this amendment prepared that it just might solve the problem for us.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Now, as I see the amendment, it strikes out a million dollars and makes the amount four hundred and seventy-five thousand dollars. And I am told that the amount needed is eight hundred and forty thousand dollars. Now, I would like to know if I am correct in that assumption. If anyone would answer before I continue.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the

Chair to any member of the House who may answer if he so desires.

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

Mr. EDWARDS: Mr. Speaker, I will attempt to answer it. This list was just drawn up by Captain Nutting in the leadership office as a hurried attempt to show his need for this million dollars. This is not to be read as an endorsement of the amendment or this amendment in any way by him.

The SPEAKER: The Chair recognizes the gentleman from South Thomaston, Mr. Kittredge.

Mr. KITTREDGE: Mr. Speaker, I am afraid that the gentleman from Portland, Mr. Edwards, is a little confused this afternoon. The late Captain Nutting was a very fine acting superintendent but he has been deceased for some time.

What I would like to say is that what we're trying to do here, we are trying to program within fifteen minutes on an off the cuff basis, line item by line item, the future of the Maine Maritime Academy. Now, I don't think this can be done here. I don't think it is a responsible way to act. I had this bill drawn up on the best basis I knew how by the legislative people to give it sufficient flexibility. It was a bona fide need. I explained that need last Friday. I don't think we need to go over this again. I now request a division.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I am going along with the gentleman from South Thomaston, Mr. Kittredge, and the motion of the gentleman from Milbridge, Mr. Kennedy. I'll tell you one thing right now. When you — I believe in item by item. I believe in good sound fiscal policy. I believe that there are things that are — the Academy is turning out some very fine men. I have always said that and I'll agree with it, but I think a little bit more businesslike administration might be in order, such as the elimination of a seven

thousand dollar telephone bill last year down there and a twenty thousand dollar petty cash account. Some of us who do delve into these things find out what the facts are.

I would like to go along with the motion; however, I would like to see an amendment put in here calling for eight hundred and forty thousand dollars. The difference between eight hundred forty thousand dollars and a million dollars is a hundred sixty thousand. That's a H—— of a lot of cushion.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Milbridge, Mr. Kennedy, that we reconsider our action whereby on April 25 we adopted House Amendment "C". The gentleman from South Thomaston, Mr. Kittredge, has requested a division.

All those in favor of reconsidering our action whereby we adopted House Amendment "C" to Bill "An Act relating to Powers of Board of Trustees of Maine Maritime Academy," House Paper 877, L. D. 1173, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred ten having voted in the affirmative and ten having voted in the negative, the motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I now move indefinite postponement of House Amendment "C".

The SPEAKER: The question before the House now is on the motion of the gentleman of Milbridge, Mr. Kennedy, that House Amendment "C" be indefinitely postponed.

Mr. KENNEDY: If the House goes along with this motion to indefinitely postpone House Amendment "C" an amendment is drawn and I think some safeguards written into it that this

will be governed more or less by the Bureau of Public Improvements and I don't think we have anything to fear relative to this bond issue, ladies and gentlemen. The citizens of the State of Maine approved this bond issue in referendum. So apparently the citizens of Maine endorsed this million dollar program for the Academy at Castine.

The SPEAKER: Is the House ready for the question? The question before the House now is on the motion of the gentleman from Milbridge, Mr. Kennedy, that House Amendment "C" be indefinitely postponed.

Mr. Edwards of Portland requested a division.

The SPEAKER: The gentleman from Portland, Mr. Edwards has requested a division. All those in favor of House Amendment "C" being indefinitely postponed, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred eleven having voted in the affirmative and eight having voted in the negative, the motion prevailed.

Mr. Kittredge of South Thomaston then offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 877, L. D. 1173, Bill, "An Act Relating to Powers of Board of Trustees of Maine Maritime Academy."

Amend said Bill by inserting before the single quotation mark at the end the following underlined sentence: 'Such construction shall be under the supervision of the Bureau of Public Improvements.'

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

Mr. JALBERT: Pending clarification I move that this lie upon the table until tomorrow.

Mr. Kittredge of South Thomaston requested a division.

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

Lewiston, Mr. Jalbert, that this matter lie upon the table pending the adoption of House Amendment "B". The gentleman from South Thomaston, Mr. Kittredge, has requested a division.

All those in favor of this matter lying upon the table assigned for tomorrow, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-three having voted in the affirmative and seventy-three having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, I am not trying to take anything away from the Maine Maritime Academy that they deserve. I am not trying to be an obstructionist, but I am trying to do things right. Now, the fact that this says here "such construction shall be under the supervision of the Bureau of Public Improvements" doesn't necessarily mean to say that we should give them eight hundred and forty thousand dollars on a blank check basis and then give them a hundred forty thousand dollars on a cushion basis. That's a precedent that we would be sorry for later on if we continued that practice. I repeat myself, it is not my intention to be an obstructionist. I am for this program. That's the reason why I wanted the item tabled until we did find out more accurate figures and more sensible manner of handling the matter through the Bureau of Public Improvements.

And for that reason, I shall move the indefinite postponement of House Amendment "B" so that we can get figures and put in the amount at eight hundred and forty thousand dollars as they by their own admission say that is what they need.

The SPEAKER: The question before the House now is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "B" be indefinitely postponed.

Mr. Danton of Old Orchard Beach requested a division.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, requests a division.

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

Mr. BERRY: Mr. Speaker and Members of the House: I too, share the enthusiasm and support for the Maine Maritime Academy that has been voiced this morning. I would also back up the gentleman from Lewiston, Mr. Jalbert, that this is a fine way to handle money. The facts of the matter are this — that with all respect to the officials from the Academy and the trustees who showed up and made the presentation before State Government, I have never heard such a loose-jointed, poor presentation requesting money. The only request that was presented was a request for four hundred thousand dollars for a dining hall. After the committee talked with the trustees and the officers and the representatives of the Bureau of Public Improvements it was upped seventy-five thousand dollars as a cushion so that they would be sure to have enough money. And then the committee felt that four hundred seventy-five thousand dollars was the figure. There was no other request presented at this time.

On the Floor of the House today, there have been figures given that have upped this to eight hundred and eighty thousand dollars — eight hundred and forty thousand dollars. I can't help but feel that there is a certain justification for tabling this thing until we have determined exactly what it should be. I am not averse to giving the Academy a million dollars. In addition to the line item which the gentleman from Brewer gave, there is some money necessary apparently to provide for additional housing. If the million dollars is necessary I think they should have it, but I don't think we should legislate just the way we are today on these figures.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I now move that this lie upon the table until the next legislative day.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that this matter lie upon the table assigned for tomorrow pending the motion of the gentleman from Lewiston, Mr. Jalbert, to indefinitely postpone House Amendment "B". Is this the pleasure of the House?

The motion prevailed.

Bill "An Act Revising the Laws Relating to Registration of Physicians and Surgeons" (S. P. 351) (L. D. 1126)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

Constitutional Amendment Failed of Final Passage

Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor (S. P. 168) (L. D. 497)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had. 70 voted in favor of same and 64 against, and accordingly the Resolve failed of final passage in non-concurrence and was sent up for concurrence.

Passed to Be Enacted

An Act Entering the State of Maine into the New England State Police Compact (S. P. 179) (L. D. 765)

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

**Enactor
Tabled and Assigned**

An Act relating to Driving a Vehicle to Endanger (S. P. 381) (L. D. 1197)

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

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

Mr. DANTON: Mr. Speaker, it appears that a conference with the Secretary of State would be desirable in regard to this bill. Therefore, I ask that some member table this bill for one week.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending enactment and specially assigned for Tuesday, May 4.

An Act relating to Establishment and Operation of Regional Technical and Vocational Centers (H. P. 32) (L. D. 44)

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

Enactor Reconsidered and Amended

Passed to be Engrossed

An Act Creating the Office of State Archivist (H. P. 768) (L. D. 1012)

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

On motion of Mr. Anderson of Orono, the House voted to suspend the rules and to reconsider its action whereby this bill was passed to be engrossed on April 16.

Mr. Anderson of Orono offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 768, L. D. 1012, Bill, "An Act Creating the Office of State Archivist."

Amend said Bill by striking out all of the 4th line from the end and inserting in place thereof the following:

'Personal Services (2) \$12,900 (2) \$13,700'

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

An Act relating to Rules for and Enforcement of Channel Lines by Municipal Officers (H. P. 835) (L. D. 1062)

An Act Defining Class A Taverns under Liquor Law (H. P. 1058) (L. D. 1434)

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

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act for Shrinkage Allowance on Motor Fuel for Service Stations." (H. P. 557) (L. D. 873) (C. "A" H-206)

Tabled — April 15, by Mr. Stoutamyer of Madison.

Pending — Passage to be Engrossed. (Specially assigned for Thursday, April 22nd)

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Stoutamyer.

Mr. STOUTAMYER: Mr. Speaker, Ladies and Gentlemen of the House: I had this bill tabled so that I could secure figures from the State Bureau of Taxation as to just how much money the Highway Department would lose if this bill were enacted.

For the first year of the biennium the amount would be \$105,000 due to the fact that the claims for refund wouldn't be filed until after December 1, 1965. For each year after that the amount would be \$130,000 in revenue. There is also to be added to this \$19,000 per year added administrative cost to the department, so the total amount per year, after the first year, would be \$149,000.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker, I want to thank the gentleman from Madison, Mr. Stoutamyer, for quoting those figures, which are correct. They are very pertinent to the bill, but to me I think it is perhaps unfair and unjust taxation. I am not going to quote any figures on shrinkage. I don't think there is any question in anyone's minds here but what the small gasoline retailer has more and very much more shrinkage than the larger distributors who handle about 434,000,000 gallons in some instances, which is four to five hundred times as much as the small dealer. The small retailers as a group are actually making an involuntary contribution to the highway fund, something no other group is asked to do, and I hope this Legislature will vote for this bill and put an end to what I call a serious injustice.

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

Mr. LENT: Mr. Speaker, Ladies and Gentlemen: It was only a week or so ago that we gave serious consideration to taking away a ten percent tolerance allowance that had been proposed for the farmers, and today I sense that there may be opposition to the passage of this bill based on the same type of discrimination. Again the small businessman. I'd like to know what we have got against the small farmer and also the independent small gasoline station operator. I move that we accept the majority ought to pass report.

The SPEAKER: The question before the House is passage to be engrossed. Is the House ready for the question? Is it now the pleasure of the House that this bill be passed to be engrossed as amended?

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

The Chair laid before the House the second item of Unfinished Business:

An Act relating to Election of Certain Municipal Officials. (H. P. 470) (L. D. 623)

Tabled—April 16, by Mr. Bragdon of Perham.

Pending—Passage to be Enacted. (Specially assigned for Thursday, April 22nd)

On motion of Mr. Bragdon of Perham, the House voted to suspend the rules and to reconsider its action whereby this bill was passed to be engrossed on March 30.

Mr. Bragdon of Perham offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 470, L. D. 623, Bill, "An Act Relating to Election of Certain Municipal Officials."

Amer.d said Bill by striking out the Title and inserting in place thereof the following Title: 'An Act Relating to Appointment of Town Clerk and Treasurer in the Towns of Castle Hill and Mapleton.'

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Appointment of town clerk and treasurer. The Towns of Castle Hill and Mapleton may, at a town meeting held at least 30 days before the annual town meeting, authorize the municipal officers of such town to appoint, annually, qualified persons to the offices of town clerk and treasurer.'

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

The Chair laid before the House the third item of Unfinished Business:

DIVIDED REPORT — Majority (9) — "Ought to pass" as Amended by Committee Amendment "A"—Minority (1)—"Ought not to pass"—Committee on Labor on Bill, "An Act relating to Payments Under Employment Security Law for Dependent Children." (H. P. 828) (L. D. 1956) (C. "A" H-150)

Tabled—April 16, by Mr. Levesque of Madawaska.

Pending—Acceptance of Either Report. (Specially assigned for Thursday, April 22nd)

On motion of Mr. Levesque of Madawaska retabled pending acceptance of either report and specially assigned for Wednesday, May 5.

The Chair laid before the House the fourth item of Unfinished Business:

DIVIDED REPORT — Majority (8)—“Ought not to pass”—Minority (2)—“Ought to pass”—Committee on Towns and Counties on Bill, “An Act relating to Expenses and Travel of County Commissioners of Aroostook County.” (H. P. 900) (L. D. 1210)

Tabled—April 16, by Mr. Bragdon of Perham.

Pending—Motion of Mr. Crommett of Millinocket to accept Majority “Ought not to pass” Report. (Specially assigned for Thursday, April 22nd)

On motion of Mr. Martin of Eagle Lake, retabled pending the motion of Mr. Crommett of Millinocket to accept the Majority Report and specially assigned for Friday, April 30.

The Chair laid before the House the fifth item of Unfinished Business:

An Act relating to Kindergarten Education. (H. P. 623) (L. D. 830)

Tabled—April 20, by Mr. Lane of Waterville.

Pending—Passage to be Enacted. (Specially assigned for Thursday, April 22nd)

Thereupon, passed to be enacted signed by the Speaker and sent to the Senate.

The Chair laid before the House the sixth item of Unfinished Business:

An Act to Create the Maine Indian Housing Authority. (H. P. 933) (L. D. 1270)

Tabled—April 20, by Mr. Danton of Old Orchard Beach.

Pending—Passage to be Enacted. (Specially assigned for Thursday, April 22nd)

On motion of Mr. Mills of Eastport, the House voted to suspend the rules and to reconsider its action whereby this bill was passed to be engrossed as amended by Committee Amendment “A” on April 13.

The SPEAKER: The gentleman may proceed.

Mr. MILLS: Briefly to the motion, Mr. Speaker, this was in conflict with another one of those Indian laws and the house amendment is simply to correct some words in it. I offer House Amendment “A” and move its adoption.

Thereupon, House Amendment “A” was read by the Clerk as follows:

HOUSE AMENDMENT “A” to H. P. 933, L. D. 1270, Bill, “An Act to Create the Maine Indian Housing Authority.”

Amend said Bill in that part designated “\$4733” by striking out in the first line the underlined words “**Health and Welfare**” and inserting in place thereof the underlined words ‘**Indian Affairs**’

Further amend said Bill in that part designated “\$4734” by striking out in the 2nd line the underlined words “**the Department of Health and Welfare**” and inserting in place thereof the underlined words ‘**Indian Affairs**’

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

The Chair laid before the House the seventh item of Unfinished Business:

An Act Providing for Penobscot County Funds for Buildings for Education Programs for Retarded Children. (H. P. 16) (L. D. 16)

Tabled—April 20 by Mr. Anderson of Orono.

Pending—Passage to be Enacted. (Specially assigned for Thursday, April 22nd)

On motion of Mr. Anderson of Orono, passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the eighth item of Unfinished Business:

SENATE REPORT—"Ought not to pass"—Committee on Taxation on Bill, "An Act Exempting Liquor Bottled or Manufactured in Maine from Additional Taxes." (S. P. 326) (L. D. 1048)

Tabled—April 9 by Mr. Cottrell of Portland.

Pending—Acceptance in concurrence. (Specially assigned for Friday, April 23rd)

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Since the Taxation Committee had its hearing on this bill, an amendment has been suggested, and since the Taxation Committee is going to have an executive session tomorrow, I would hope some member of the Taxation Committee would table this bill so that we can give the amendment consideration.

Thereupon, on motion of Mr. Rigotas of Auburn, tabled pending acceptance of the Committee Report and specially assigned for Thursday, April 29.

The Chair laid before the House the ninth item of Unfinished Business:

An Act Providing Only One Way to Split a General Election Ballot. (H. P. 884) (L. D. 1181)

Tabled—April 16, by Mr. Cookson of Glenburn.

Pending—Passage to be Enacted. (Specially assigned for Friday, April 23rd)

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

The Chair laid before the House the tenth item of Unfinished Business:

HOUSE REPORT—"Ought to pass" as Amended by Committee Amendment "A"—Committee on Towns and Counties on Bill, "An Act Authorizing County Commissioners for York County to Make a Loan for Construction of a Sewage Treatment and Disposal System for its Courthouse and Jail."

(H. P. 571) (L. D. 741) (C. "A" H-153)

Tabled—April 16, by Mr. Pendergast of Kennebunkport.

Pending—Acceptance. (Specially assigned for Friday, April 23rd)

On motion of Mr. Carroll of Limerick, retabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 4.

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

SENATE DIVIDED REPORT—Majority (8)—"Ought to pass"—Minority (2)—"Ought not to pass"—Committee on Welfare on Bill, "An Act Eliminating Residence Requirements in Public Assistance." (S. P. 227) (L. D. 686)

Tabled—April 20, by Mrs. Ruby of Bangor.

Pending—Acceptance of Either Report.

(In Senate, Majority "Ought to pass" Report accepted)

On motion of Mr. Millay of Bowdoinham, the Majority "Ought to pass" Report was accepted in concurrence, the Bill read twice and assigned for third reading tomorrow.

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

An Act relating to Hunting by Nonresident Aliens. (H. P. 699) (L. D. 937) (H. "B" H-161)

Tabled—April 20, by Mr. Anderson of Ellsworth.

Pending—Passage to be Enacted.

On motion of Mr. Martin of Eagle Lake, the House voted to suspend the rules and to reconsider its action whereby this bill was passed to be engrossed as amended by House Amendment "B" on April 15.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Much has been said about this particular bill in the last month or so and about the principle that it would set, and it is not my in-

tention to saddle the Fish and Game Department with anything that they would oppose, and I would believe that if it were not effectively enforced then it would be of no use anyway. The Department has assured me that they will attempt to enforce the laws that we presently have on the books in this area.

I will read a portion of a letter that I have received from the Commissioner. I quote directly: "Your interest in L. D. 937 has pointed up the need for assigning additional wardens to the Estcourt, Daaquam, and St. Pamphile area during the hunting season each fall. May I take this opportunity to assure you that I shall personally direct the assignment of a task force to this area this coming fall. I shall appreciate subsequently a report from you on the effectiveness of these men in reducing the reported violations of our game laws." This is signed by the Commissioner, Ronald T. Speers. I will therefore move that the House suspend the rules and reconsider its action whereby House Amendment "B" was adopted.

Thereupon, the House voted to suspend the rules and to reconsider its action whereby House Amendment "B" was adopted on March 30.

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

Mr. Martin of Eagle Lake offered House Amendment "D" and moved its adoption.

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

HOUSE AMENDMENT "D" to H. P. 699, L. D. 937, Bill, "An Act Relating to Hunting by Nonresident Aliens."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"R. S., T. 12, §1901, sub-§1, amended. Subsection 1 of section 1901 of Title 12 of the Revised Statutes is amended to read as follows:

1. Aliens. All aliens shall be classified as nonresidents. Any

alien who has resided in this State continuously for one year and in addition thereto is assessed and pays taxes on real estate in the municipality in which he resides or any alien who has resided in this State continuously for 5 years may purchase any resident license issued under chapters 301 to 335'."

The SPEAKER: The question now before the House is on the adoption of House Amendment "D". The gentleman may proceed if he so desires.

Mr. MARTIN: Thank you, Mr. Speaker. Mr. Speaker and Members of the House: This particular amendment was part of the original amendment that was presented under House Amendment "B" and would allow aliens that have resided in Maine for a period of five years to have a resident license. It would correct an injustice that has persisted in Maine for a long period of time. It would make them realize, these individuals that we are talking about, that we care about them to some degree. I have spoken to the Department of Inland Fish and Game and they told me that they are in favor of this amendment.

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

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

Bill, "An Act relating to Legal Fees in Court Proceeding for Benefits Under Employment Security Law." (H. P. 825) (L. D. 1258)

Tabled—April 22, by Mr. Cote of Lewiston.

Pending — Passage to be Engrossed.

Mr. Cote of Lewiston offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 825, L. D. 1258, "An Act Relating to Legal Fees in Court Proceeding for Benefits Under Employment Security Law."

Amend said Bill by striking out all of the last underlined paragraph and inserting in place thereof the following:

“ In the event a claimant has retained counsel for the purpose of prosecuting an appeal from a decision of the commission, and the final decision of such court results in a reversal, in whole or in part, of the decision appealed from, the fees for such service shall be paid by the commission from its administrative fund.”

House Amendment “A” was adopted.

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

Mr. RICHARDSON: Mr. Speaker, I would direct a question to my friend from Lewiston, Mr. Cote, as to where the funds—excuse me, whether or not there are sufficient funds in the administrative funds so-called of the Industrial Accident Commission to pay the fees of counsel who successfully prosecute some or all of an appeal for a workman, injured employee.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, has posed a question through the Chair to the gentleman from Lewiston, Mr. Cote, who may answer if he so desires.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, this is not a workmen's compensation, this is Employment Security Commission.

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

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

Bill, “An Act Repealing Compensation Limitation in Actions for Injuries Causing Death.” (S. P. 202) (L. D. 583) (H. “A” H-224)

Tabled—April 22, by Mr. Levesque of Madawaska.

Pending—Adoption of House Amendment “A.”

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

Mr. DANTON: Mr. Speaker, Ladies and Gentlemen of the House: Since this bill has already been fully debated, I will be very brief in my remarks today.

I would like to point out that if it is fair that the judge and jury determine the value of life, then this is a fair bill and a good bill without the amendment. If it is fair that human life should be given the same consideration as that of animals, then again it is a fair bill without the amendment. If it is fair that human life comes before the threats of increases in insurance rates, then again it is a fair bill.

The Judiciary Committee, composed of both Democrats and Republicans, defense and plaintiff attorneys, after lengthy hearing of both proponents and opponents, unanimously, and I repeat, unanimously, reported this bill ought to pass. I urge this legislature that the welfare of the general public should be taken into consideration, and now I move — I urge that this amendment be indefinitely postponed.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, now moves that House Amendment “A” be indefinitely postponed.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I rise in support of the gentleman from Old Orchard Beach, Mr. Danton. First, I would like to point out that some thirty-seven states have no limitation at all for wrongful death as I understand it. I point this out merely to show that if we pass this bill, we would not be pioneering in a new field, but would rather be getting in step with over seventy percent of the country.

Secondly, I would like to read the first line of the bill as it now stands. “The jury may give such damages as they shall deem a fair and just compensation not exceeding \$30,000.” I think the real question is, should we put in a ceiling on what are fair and just damages? I think to ask the

question is to answer it. I therefore hope the motion of the gentleman from Old Orchard Beach, Mr. Danton, prevails. Thank you.

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

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the amendment presented by the gentleman from Cape Elizabeth, Mr. Berry. This bill without the limitations of \$50,000 in my estimation is a bad bill.

I would like to point out to the members of this House that if I, or any member of this body, or more to the point, any citizen of this state should hire an odd-job worker or a neighbor who might temporarily be out of work to paint his house, for instance, and should the ladder break, which is owned by the homeowner, and the man fall and be killed, I say that the family of this unfortunate worker would end up owning your home, because there is no way for the homeowner citizen of this state to protect himself against such an unfortunate accident. There is no insurance company which will sell you insurance or that you can buy insurance with unlimited coverage, and therefore, gentlemen, I support the amendment for \$50,000 to this bill.

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

Mr. RICHARDSON: Mr. Speaker, as a signer of the unanimous "Ought to pass" Report with respect to this legislation, I think that there are some facts which have been stated today which will only serve to confuse the issue.

Taking my friend from Kennebunkport, Mr. Pendergast's hypothetical situation, under the present law, let's assume, which I don't grant, but let's assume that the ladder did break and he did get injured. If he is crippled for the rest of his life, there is no limitation on what he can recover. You are not going to affect that situation by this law or by this bill that we are discussing today.

All this bill does is raise the human life to a parity with property. I am an insurance lawyer. I joined in the unanimous ought to pass report. I think this business about insurance rates is a bugaboo, and I believe that you should join with my friend from Old Orchard Beach, Mr. Danton, in indefinitely postponing this amendment, which I consider unnecessary and unwise and a step backward.

Now the Maine Trial Lawyers Association so-called, presented four bills. This is the only one which I think is clearly in the best interests of the people of Maine, and therefore, I ask you to support the unconditional abolition of the limitation on a man's life. The other bills that will come on the Floor, they will come on later from the Judiciary Committee, I can promise you I am opposed to, but this one I think is good legislation and in the best interests of all the people in Maine.

The SPEAKER: The Chair recognizes the gentleman from Phillips, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I think all of the lawyers will agree with me that we should only take one thing at a time, but I would like to inform the members of this House to just give this a thought, if this unlimited amount does go through, and later on we do pass a bill whereby the state will be liable, think what would happen if there was a catastrophe here in the State House. We would never be out of debt.

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

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I can't very well leave the hypothetical situation that the gentleman from Kennebunkport, Mr. Pendergast proposed. More than likely under those hypothetical conditions, this would be a self-employed person and it would not come under this bill.

Now to get to Mr. Palmer, the gentleman from Phillips, I think we should take one bill at a time and not be discussing four bills

at one time. I think we have our hands full with one bill. 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 it is entirely unnecessary for me to invite the attention of the members of the House to the fact that the only people who have spoken for the bill have been attorneys, and it would be a little bit difficult for the three laymen who have spoken so far to probably have the necessary legal background to discuss this bill with any proper degree of respect for our opponents.

I am very much impressed by the fact that we have had on the books for many, many years a limitation in this regard. It's been \$10,000, and some years ago it was raised to \$20,000 and four years ago I believe or a few more it was raised to \$30,000, and now it is proposed to completely remove the ceiling. A query might be posed, has an instance of injustice been noticed where individuals have been deprived of their rights as a result of the law which was on the books.

I repeat, I am very much impressed by the fact that we have been treated so far only for talk in defense of this by members of the legal profession, for whom of course I have the greatest of respect, but I cannot help but feel that the public itself may be looking to some of us who are not lawyers in this matter.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I had a speech prepared on this bill, but I didn't intend to give it until I had heard the good words from our friend, the gentleman from Cape Elizabeth, Mr. Berry.

Now I rise in support of this motion to indefinitely postpone the Berry amendment, and I'll tell you why. When this bill came out of committee unanimous ought to pass, it did so because out of the entire State of Maine, out of al-

most one million people, only one or two individuals appeared there before our committee against the bill. Now Mr. Berry has an amendment this afternoon which I urge you to indefinitely postpone. His first attempt was to kill the bill outright. He failed in that here in the House 85 to 47. Furthermore, the same day that this bill was heard before our committee, a former President of the Maine Senate stated before the Committee that he had no objection to removing this cruel limitation and allowing full redress and do away with any arbitrary ceiling. Now ladies and gentlemen, if this is a bill which should be labeled for its beneficial effect, it should be labeled a bill for the widows and orphans of Maine. Now the widows and orphans aren't organized to come down here and appear before the committee. They depend upon us.

Some days ago on April 20th, being aware that the widows and orphans would probably encounter enemies in this House, I went over to see knowledgeable people in the Department of Insurance, and I showed them this bill, 583, and I asked them point blank, what effect the passage of this bill would have on rates in Maine. One of these gentlemen was a former Deputy Commissioner who had served with distinction for many, many years in that post, and is now a consultant to the department. The other was the present Deputy Commissioner himself. They told me, ladies and gentlemen, that these rates are set nationally and that the passage of this bill in a state of less than one million people would have little if any impact.

This morning I went over and talked to the Commissioner, and he was very good to give me of his time when I showed him this bill, and his thinking was in line with the thinking of those other estimable gentlemen. So I am not speaking to you members of the House without prior consultation with some of the most highly knowledgeable and skilled people in the State of Maine on this particular subject. There is absolutely

no decent reason why this cruel amendment should be stuck on the bill.

For years I have been a member of one of the oldest National bodies working in this field, and in 1957 I went to London when this matter and another matter which may shortly come before the House were discussed. Today, almost eight years later, over seventy percent of the American states do not have this cruel provision on their books, this cruel provision which Mr. Berry, the estimable gentleman from Cape Elizabeth, is trying to perpetuate in Maine by juggling the thirty figure to fifty.

Now just recently there appeared a well-reasoned commentary in which it said: "American substantive law is still in the ice age." And it went on to say: "If you doubt this, read the study of state wrongful death statutes." Ladies and Gentlemen, the people who want this amendment want to keep us in the ice age.

When the gentleman from Cape Elizabeth tried to kill the bill, he failed, and I hope he will fail in this amendment. Why? Because the amendment is wrong since it is unjust. It is unjust because it would continue to penalize the widows and orphans of Maine. Throughout America over seventy percent of the states have no arbitrary statute like we do here in Maine. Maine lags behind.

Today, if we defeat this amendment and pass along this bill to be engrossed, we can take a step forward. Today, ladies and gentlemen, if a Maine man is killed by wrongful death outside of Maine in over seventy percent of the American states, his widow and orphans are entitled to one hundred cents on the dollar, but if he is killed inside Maine, this state shortchanges him, and this amendment will continue to shortchange his widow and orphans. I say the folly of the amendment is self-evident. If even a President were taken by wrongful death or a Prime Minister were taken by wrongful death in this state, the amendment would deprive their people of full redress. I urge

you to reject this arbitrary approach. Accept the bill and remove forever this iniquitous blot on the jurisprudence of Maine, and when the vote is taken, I request a division.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker and Ladies and Gentlemen: I look upon this bill rather incredulously and I must mention the fact that I am not a lawyer, and as I think of the word hypothetical, I must keep in mind the fact that it is really unrealistic to mention hypothetical situations, but I am reminded of a quotation at the present time: We should have the serenity to accept things we cannot change, the courage to change things that we can, and the wisdom to know the difference. I believe in connection with this bill that wisdom dictates that we change something.

To me, whenever a Legislature passes an act which places a limit or a ceiling on the value of a person's life, I would say that the Legislature is being presumptuous.

Let's think of a person who is relatively young, about age thirty. This person let us say is earning approximately \$10,000 a year. He has an earning capacity for the next thirty years of \$300,000. This person has a wife who has taken on the full responsibilities of true motherhood with her family. The husband dies. We go to the courts to try to get damages because the husband has died, and the jury says, regardless of whether your husband had an earning capacity of \$300,000, we have a limitation of only \$30,000 and chances are you won't even get the \$30,000. Now how can we expect the jury to maintain the economic integrity of this woman or any similar woman if we are to keep on the books legislation which imposes a limitation on the true value of this husband or person who has gone through a whole lifetime to build up an economic status in a capitalistic country, in a country where we believe in the right of a person to earn as much as he possibly can and to offer his fam-

ily as much as he possibly can, and then turn around and say: we're sorry, you did a good job, but now the economic integrity of the family must do as best it can.

While keeping these thoughts in mind about this particular situation, it would seem to me that the Legislature would do a fine thing and exercise the most profound wisdom if they were simply to go ahead today and do away with the amendment and pass this legislation to remove the limitation that is presently imposed. Thank you.

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

Mr. BENSON: Mr. Speaker and Ladies and Gentlemen: I'd like to explore just one other area with you, and it has not been left untouched, and that is the insurance angle. The insurer must charge a premium for his protection which is commensurate with the exposure to which he is subjected. Now I think this has always been true and will remain true, and with this in mind, let us explore what of necessity must happen if we remove the ceiling from this type of law. The insured himself is forced to upgrade his insurance coverage considerably and this is to cover the possible eventuality of this unlimited exposure, the possibility of an unlimited court award. The insurer must adjust his premium to cover this new exposure. I don't think that this is double-talk, I think this is just plain common sense of economics, and as you consider this question, I think that you should consider this angle of the change. Thank you.

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

Mr. LIBHART: Mr. Speaker, Members of the House: In reference to my good friend from Southwest Harbor, Mr. Benson's remarks on insurance premiums, insurance premiums as we said the other day and as my friend from Houlton, Mr. Berman has indicated again this morning, will not be changed by the passage of this bill in its original form. Now that is a fact and no amount of talk-

ing around the issue will change it, it is a fact. When you buy coverage for your automobile driving it is based on the amount of coverage you are given. You can choose the amount you want and the premium is based on that and not on unlimited coverage.

Now the other point that I would like to make briefly is one that we've all ignored, and that is that in this case and in all cases in which a recovery is based against a negligent driver or a negligent home owner or what have you, the basis is negligence. That means that the person who is going to be charged must be negligent, he must have done something which under our law constitutes negligence. A deficiency on his part. A lack of duty towards the person who is attempting to recover.

And also in the State of Maine as the situation now exists the person who is attempting to recover must be free from fault. Now it seems to me that this is the large argument for the complete abolition of the death limitation. There must be negligence. In other words, the person who is going to pay or the insurance company who is insuring his insured must have done something wrong before there is any compensation, and the person who is trying to recover must be free from fault. This is our law and this is the protection of the person who my friends apparently are trying to protect by their debate on this issue. If they don't do anything wrong, if they are not negligent, then they have no worry whatsoever. Why penalize widows and orphans, children and what have you for the wrongs of people by making a death limit, which this amendment would ask us to do? I urge the indefinite postponement of this amendment.

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

Mr. BERRY: Mr. Speaker and Members of the House: When anybody tells us that we are considering removing a ceiling on jury awards and it will not be reflected in the costs, I think we are being asked to believe some-

thing that is impossible to believe, because of course it is not true. Insurance costs will go up if awards go up. If awards should go up, then this I think is the nub of the matter.

I asked a question if anybody would give us an instance of a person who had been wronged and several attorneys have spoken since and no one has mentioned an instance of where someone has been wronged because of the \$30,000 limitation. It would seem if they haven't been, they wouldn't be damaged by a \$50,000 limitation.

Now there goes hand in hand with this bill before us today several other bills, which will of course be debated as they come along, but I must admit that there is a certain amount of importance to be attached to this bill above and beyond the bill itself. If jury awards have no limit, and if an attorney were to be paid on a contingent basis, it would seem to me that we might have a situation arise where other factors should judge our action upon this bill. To my mind there is something wrong about an unlimited award and contingent attorney fees which accompany it. Now, this bill is before us as the result of concerted action by a group of attorneys in Maine who are a branch of a national association called the American Trial Lawyers Association. Their actions in Maine have not gone unnoticed. A major group of the nation's casualty insurance firms credited the American Trial Lawyers Associations, branches and affiliates as being considered responsible for the increasing number of bills concerning civil practice and negligence aimed at enhancing opportunities for recovering in tort actions. A perfect showcase example of how a state association of trial lawyers can obtain the co-operation and backing of the State Bar Association in endorsing necessary and worthwhile legislation was recently proved in Maine. An organized telephone campaign was put on to explain to the Maine Bar Association members the necessity of being present at the associa-

tion's regular meeting and the importance of "certain proposed legislation." This legislation included abolishing charitable and governmental immunities, adoption of comparative negligence, elimination of the state's present \$30,000 wrongful death limitation in favor of an unlimited statute based on provable damages and the legalizing of the contingent fee.

I think, ladies and gentlemen of the House, if you will view this legislation in the broad perspective, you will, I hope, support the motion for the passage of this bill as amended and the defeat of the motion for indefinite postponement.

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

Mr. LIBHART: Mr. Speaker, Ladies and Gentlemen: I cannot sit here idly and not speak again on this issue when my profession is attacked because it is championing, in this particular case, the cause of this particular case. The fact that we as attorneys are much more aware of these difficulties apparently than our other brethren is not an unusual situation. We are the ones who are handling these cases. We see the inequities that occur as a result of this limitation in the State of Maine. The mere fact that perhaps out of the proceeds of the recovery in these cases comes our fees does not, in my opinion, make us villains, make us something to abhor. I think we do our job in our society along with the other professions. And I for one am proud of it. And I resent the attacks that are being made on us through the medium of this bill.

Furthermore, I would like to answer my friend from Cape Elizabeth, Mr. Berry, in his request for a case that has occurred in the State of Maine. There are many. The one that comes to my mind is one that occurred and was tried in Federal Court a couple of years ago in Bangor and was settled out of court so the papers never had the benefit of the actual jury's thinking. But in that case there were youngsters who were maimed for life and

there were grown-ups who were killed. The fantastic result would have been, had the jury been allowed to reach a decision, that the parents of these children who were earning a livelihood, who were expected to live a full life, who would be providing for this family, sending their children to college and so forth, the jury in reaching their damages would have been limited, very limited, in reaching a result. Yet in the children who had not reached their majority, who had not gone through school, their probable earning capacity would have had to be guessed at by the jury, but it would be unlimited. Now, there was a fantastic settlement in that case. The renowned Mr. Belli from California was involved and it made all the papers. The only thing that didn't make the papers was the result because the jury — it was taken away from the jury and settled before they got to it. But, if there was ever a case that could have enlightened our thinking, in this particular area, it would have been, had the jury had the chance to return a verdict in that case, to show those parents could not get more than the thirty thousand dollar limit which was in force at that time and yet the children very likely, had the jury come out, would have gotten seventy-five or a hundred thousand. Now, this is not speculation. This is fact, because the award was fantastically high.

Now this is one case. There are many others the same thing happens in. I hate to get away from the issue. The issue is not whether or not lawyers should be compensated for going into court to try a case in negligent death. The issue is whether the surviving wife of a young man who is killed at an early age with a great earning capacity could only recover \$30,000 or \$50,000. Whereas, if he had been maimed for life there is no limit.

Now, of course, the other thing that is being continually thrown at us is these insurance rates. And I repeat again, they are derived from, and based upon the amount

of coverage, the amount of coverage, and they are derived on a nation wide basis, and I think the thinking of the gentleman, Mr. Bermar from Houlton, thought was good. It reflects what I said on the Floor of this House several days ago and anyone who has any knowledge of how insurance rates are arrived at actuarially will know what they are saying must be true.

The SPEAKER: The Chair recognizes the gentleman from Kennebec, Mr. Pendergast.

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: I understand that under Workmen's Compensation if a man is killed, I believe the law reads he will receive five hundred weeks times the amount of his pay. Well, if the man is earning a hundred a week that is fifty thousand dollars. That would be the award he gets under Workmen's Comp. I would also like to point out that we send fellows over to Viet Nam to fight wars for us, and what are those fellows insured for? All they can buy is ten thousand. I also submit that there would be a drive on by the insurance people in this state to sell higher limits on automobile liability policies which is also a little business for those fellows. But I feel this bill is important enough, Mr. Speaker, to ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Payson.

Mr. PAYSON: Mr. Speaker, Ladies and Gentlemen: Far be it from me to get into an argument with the gentleman from Brewer, Mr. Libhart, on negligence on contributory negligence, but I would like to know if I would be contributorily negligent if I did not prevent the kids next door from playing in my barn.

The SPEAKER: The gentleman from Falmouth, Mr. Payson, poses a question to the gentleman from Brewer Mr. Libhart, who may answer if he so desires.

Mr. LIBHART: Mr. Speaker, the suggestion that I hear is that if I answer that question I must

send my friend from Falmouth, Mr. Payson, a bill. But I'll answer it anyway and promise not to send a bill. It would depend, of course, on the circumstances of the case. Whether there was an attractive nuisance, what, I assume that he would go on to say the children were hurt in his barn. The crux of the matter would be of course, that he must in some way have been negligent before the parents of the children could recover against him. And again here we see the crux of the matter. He must have in some way been negligent. Something must have been wrong in order for the parents of these children or the children themselves to recover against him. He must have been at fault and they must have been free from fault. I assume under the proper circumstances that this could result in a recovery against him if the proper circumstances were there. My friend from Kennebunkport, Mr. Pendergast, has suggested that Workmen's Comp. laws have a built-in maximum. Now, of course, here again we see a different thing in the law. Workmen's Compensation laws are completely different from our negligence laws. Workmen's Compensation laws are based upon taking away from the employer certain defenses he had at common law and in lieu of having the employer have those defenses, the recoveries against him have been limited by statute. This is a completely different case. To talk about Workmen's Compensation at the same time we are talking about recovery on negligence is completely wrong. They don't go together. You can't talk about them intelligently together.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: In all fairness to you members of the House, I feel that I should clarify my position last week where I insinuated that this would reflect a higher insurance premium to you. I find

in checking with the insurance department that this would not materially affect the base rate. It would, however, affect the increased limits table which is based on national averages, so the effect in the State of Maine, as Mr. Berman has pointed out, would be very small. I would also point out and emphasize to you, ladies and gentlemen of the House, that any good insurance agent should go out and sell his clients higher limits if this bill goes through and this way they will be paying more for their insurance premium. Thank you.

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

Mr. ANDERSON: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Ellsworth, Mr. Anderson, now moves the previous question. For the Chair to entertain the previous question it must have the consent of one-third of the members present. All those in favor of entertaining the previous question will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen, the previous question is in order. The question before the House now is shall the main question be put now and this is debatable for no more than five minutes and the merits of the bill cannot be debated.

Is the House ready for the question? The question before the House now is, shall the main question be put now? All those in favor of the main question being put now will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The main question before the House is on the motion of the gentleman from Old Orchard Beach, Mr. Danton, that House—

The Chair recognizes the gentleman from Houlton, Mr. Berman, and inquires for what purpose does the gentleman rise?

Mr. BERMAN: Mr. Speaker, is this matter still under consideration and can it be spoken on?

The SPEAKER: This matter can no longer be debated. The main question before the House now is the motion of the gentleman from Old Orchard Beach, Mr. Danton, that House Amendment "A" be indefinitely postponed and the gentleman from Kennebunkport, Mr. Pendergast, has requested that when the vote is taken that it be taken by the yeas and nays. In order to entertain the yeas and nays the Chair must have the expressed desire of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

A sufficient number did not arise.

The SPEAKER: Obviously less than one-fifth having arisen, the yeas and nays are not in order.

Mr. Pendergast of Kennebunkport requested a division.

The SPEAKER: A division has been requested by the gentleman from Foulton, Mr. Berman. All those in favor of House Amendment "A" to Bill "An Act Repealing Compensation Limitation in Actions for Injuries Causing Death," Senate Paper 202, L. D. 583, being indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety having voted in the affirmative and forty having voted in the negative, the motion prevailed.

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

On motion of Mr. Levesque of Madawaska,

Adjourned until nine-thirty o'clock tomorrow morning.