

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

1967

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, February 14, 1967

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

Prayer by the Rev. Mr. Lawrence Merckens of Hallowell.

The members stood at attention during the playing of the National Anthem by the Windham Town Band.

The journal of the previous session was read and approved.

The SPEAKER: We are pleased to have with us today Miss Debbie Anne Taylor from Lewiston. Debbie was chosen yesterday as Maine's 1967 Easter Seal Child, representing the thousands of handicapped children in the State of Maine. Debbie is assuming her honorary duties today. Along with Governor Curtis she cut the string holding 500 Easter Seal Balloons. She has visited the Governor's Office and the State Senate and we are now pleased to welcome her to the House of Representatives.

Would the Sergeant-at-Arms escort this distinguished young lady to the rostrum to be the guest of the Speaker.

Whereupon, Miss Debbie Anne Taylor was escorted to the rostrum amid applause, the members rising.

The SPEAKER: Debbie, on behalf of the House, the Chair is delighted to have you on the rostrum this morning representing the young people that you do represent in the State of Maine this year. You are a delightful young lady.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that there be paid to John F. Nelson, Representative of the Penobscot tribe of Indians, and to George Francis, Representative of the Passamaquoddy tribe of Indians, from the Legislative appropriation, the sum of \$100.00 per month, paid on a monthly basis until the amount authorized for such Representatives by Statute is exhausted (S. P. 314)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate:

Bill "An Act Providing Funds for Support of Civil Air Patrol" (S. P. 295) (L. D. 734)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act relating to Securities Dealers and Securities" (S. P. 255) (L. D. 635)

Came from the Senate referred to the Committee on Business Legislation.

In the House, referred to the Committee on Business Legislation in concurrence.

From the Senate:

Bill "An Act Changing the Foundation Program Per Pupil Allowances" (S. P. 256) (L. D. 636)

Bill "An Act to Permit State Employees and Teachers to Insure Spouse and Children under the Group Life Insurance Program" (S. P. 257) (L. D. 637)

Bill "An Act relating to School Administrative District's Borrowing for Investment Purposes" (S. P. 258) (L. D. 638)

Bill "An Act Providing for a Coordinator of Apprenticeship in the Department of Education" (S. P. 259) (L. D. 639)

Bill "An Act Providing for Associate Degree in Nursing at Fort Kent and Aroostook State Colleges" (S. P. 296) (L. D. 735)

Bill "An Act Changing the Uniform Local Effort Rate in Computing General Education Purpose Aid" (S. P. 297) (L. D. 736)

Resolve Providing Funds for Dental Education (S. P. 260) (L. D. 640)

Came from the Senate referred to the Committee on Education.

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

From the Senate:

Bill "An Act Authorizing Department of Health and Welfare to Provide Comprehensive Health Services" (S. P. 261) (L. D. 641)

Bill "An Act relating to Tagging of Bedding and Upholstered Furniture" (S. P. 290) (L. D. 642)

Came from the Senate referred to the Committee on Health and Institutional Services.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

From the Senate:

Bill "An Act relating to Revisions of Highway Maintenance and Snow Removal Laws" (S. P. 298) (L. D. 737)

Came from the Senate referred to the Committee on Highways.

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

From the Senate:

Bill "An Act relating to Conveyance of Reservation Lands for Penobscot Tribe of Indians" (S. P. 138) (L. D. 633)

Bill "An Act Providing for Review of Laws Relating to Maine's Indian Tribes" (S. P. 139) (L. D. 634)

Came from the Senate referred to the Committee on Indian Affairs.

In the House, referred to the Committee on Indian Affairs in concurrence.

From the Senate:

Bill "An Act Prohibiting Hunting From or on Public Ways" (S. P. 262) (L. D. 643)

Bill "An Act Increasing all Resident Fish and Game Licenses" (S. P. 299) (L. D. 738)

Bill "An Act to Increase Resident Hunting and Fishing Licenses" (S. P. 300) (L. D. 739)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate:

Bill "An Act Adopting the Uniform Arbitration Act" (S. P. 263) (L. D. 644)

Bill "An Act Authorizing Work-Release from County Jails" (S. P. 264) (L. D. 645)

Bill "An Act Authorizing One to Two-Year Sentences to Certain County Jails" (S. P. 265) (L. D. 646)

Bill "An Act Repealing the Law Making Prescribing of Contraceptives a Crime" (S. P. 266) (L. D. 647)

Bill "An Act relating to Corporate Sale of Installment Bonds" (S. P. 267) (L. D. 648)

Bill "An Act Revising the Laws Relating to Arson" (S. P. 301) (L. D. 740)

Resolve Authorizing Willard F. Libby to Sue the State of Maine (S. P. 268) (L. D. 649)

Came from the Senate referred to the Committee on Judiciary.

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

From the Senate:

Bill "An Act Prohibiting Annoying Telephone Calls" (S. P. 269) (L. D. 650)

Bill "An Act to Restrict the Use of L. P. Gas Containers" (S. P. 270) (L. D. 651)

Bill "An Act relating to Immunization of Dogs to Control Rabies" (S. P. 271) (L. D. 652)

Bill "An Act relating to Fee for a Master Electrician's License" (S. P. 273) (L. D. 653)

Bill "An Act relating to Inspection of Dams and Reservoirs" (S. P. 302) (L. D. 741)

Bill "An Act Conferring Additional Powers Upon Proprietors of Union Wharf" (S. P. 303) (L. D. 742)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act Directing Review of the Liquor Laws" (S. P. 274) (L. D. 654)

Bill "An Act relating to Intra-state Transportation of Malt Liquor" (S. P. 275) (L. D. 655)

Bill "An Act relating to Part-time Liquor Licenses" (S. P. 304) (L. D. 743)

Came from the Senate referred to the Committee on Liquor Control.

In the House, referred to the Committee on Liquor Control in concurrence.

From the Senate:

Bill "An Act relating to Cutting Timber Near Waters and Highways" (S. P. 272) (L. D. 733)

Bill "An Act relating to Surface Water Classification" (S. P. 305) (L. D. 744)

Resolve Designating Dresser-Farwell Mountain in Oxford County (S. P. 306) (L. D. 745)

Came from the Senate referred to the Committee on Natural Resources.

In the House, referred to the Committee on Natural Resources in concurrence.

From the Senate:

Bill "An Act to Protect Intake of Public Water Supply" (S. P. 276) (L. D. 656)

Came from the Senate referred to the Committee on Public Utilities.

In the House, referred to the Committee on Public Utilities in concurrence.

From the Senate:

Bill "An Act relating to Credit for Military Service under State Retirement Law" (S. P. 277) (L. D. 657)

Resolve to Increase Retirement Benefit for Susie H. Yeaton of Harrington (S. P. 278) (L. D. 658)

Came from the Senate referred to the Committee on Retirements and Pensions.

In the House, referred to the Committee on Retirements and Pensions in concurrence.

From the Senate:

Bill "An Act relating to Taking Herring by Use of Artificial Lights" (S. P. 307) (L. D. 746)

Bill "An Act Limiting Number of Lobster Traps Per Person" (S. P. 308) (L. D. 747)

Came from the Senate referred to the Committee on Sea and Shore Fisheries.

In the House, referred to the Committee on Sea and Shore Fisheries in concurrence.

From the Senate:

Bill "An Act relating to Eligibility for Office of Bank Commissioner" (S. P. 279) (L. D. 659)

Bill "An Act Creating a Second Assistant County Attorney for York County" (S. P. 280) (L. D. 660)

Bill "An Act to Establish a State Police Bureau of Training for Political Subdivisions of the State" (S. P. 281) (L. D. 661)

Bill "An Act relating to the Reserve Fund for Uninsured Losses on State Property" (S. P. 282) (L. D. 662)

Bill "An Act Increasing Salary of Insurance Commissioner" (S. P. 283) (L. D. 663)

Bill "An Act Increasing the Salaries of Justices and Judges of the Supreme, Superior and District Courts" (S. P. 309) (L. D. 748)

Bill "An Act Placing State Highway Department Employees on the Merit Service Step System (S. P. 310) (L. D. 749)

Bill "An Act relating to County Auditing" (S. P. 311) (L. D. 750)

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

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

From the Senate:

Bill "An Act Increasing Payments to Knox County Law Library" (S. P. 284) (L. D. 664)

Bill "An Act Increasing Salaries of Certain County Officials of Knox County" (S. P. 285) (L. D. 665)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

Referred in Non-Concurrence

From the Senate:

Bill "An Act relating to Vote of Mayor of Lewiston on Board of Finance" (S. P. 286) (L. D. 666)

Came from the Senate referred to the Committee on Towns and Counties.

In the House: On motion of Mr. Jalbert of Lewiston, referred to

the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

From the Senate:

Bill "An Act Increasing Salary of Chairman of Board of County Commissioners of Washington County" (S. P. 287) (L. D. 667)

Bill "An Act Increasing Salary of Judge of Probate of Washington County" (S. P. 288) (L. D. 668)

Bill "An Act Increasing Salaries of Certain County Officials of Hancock County" (S. P. 312) (L. D. 751)

Bill "An Act Increasing Payments to Franklin County Law Library" (S. P. 313) (L. D. 752)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

From the Senate:

Bill "An Act Clarifying Law Relating to Failure of School Bus Operator to Stop at Railroad Crossing" (S. P. 289) (L. D. 669)

Came from the Senate referred to the Committee on Transportation.

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

Senate Reports of Committees Ought to Pass Tabled and Assigned

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Providing for Life Preservers for all Motorboats Operating on Inland Waters" (S. P. 4) (L. D. 7)

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. (On motion of Mr. Hanson of Gardiner, tabled pending first reading and tomorrow assigned.)

Ought to Pass with Committee Amendment

Report of the Committee on Education on Bill "An Act to Clarify State Aid for School Construction Purposes and Borrowing in

Anticipation Thereof" (S. P. 63) (L. D. 107) 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. 63, L. D. 107, Bill, "An Act to Clarify State Aid for School Construction Purposes and Borrowing in Anticipation Thereof."

Amend said Bill by inserting after section 5 (same in L. D. 107) the following new sections:

'Sec. 6. R. S., T. 20, § 3457, amended. The 5th sentence of the first paragraph of section 3457 of Title (20) of the Revised Statutes, as enacted by section 2 of chapter 475 of the public laws of 1965, is amended to read as follows:

On the basis of all the reports on file in the office of the commissioner on November 1st of each year, the commissioner shall determine the total amount to be paid to all of the School Administrative Districts and other eligible administrative units in that year, for capital outlay purposes, and shall apportion out of moneys appropriated for this purpose, in December of that year, to the School Administrative Districts and other eligible administrative units, the same percentage of each administrative unit's expenditures for capital outlay purposes including principal and interest payments, **the principal and interest on temporary notes in anticipation of state aid for school construction not to exceed the amount to which the administrative unit is legally entitled,** and any rental payments under lease agreements between the administrative units and the Maine School Building Authority as each administrative unit would be entitled to receive in that year based on Table II of this section.

Sec. 7. R. S., T. 20, 3457, amended.—The next to the last paragraph

before Table II, of section 3457 of Title 20 of the Revised Statutes, as enacted by section 2 of chapter 475 of the public laws of 1965, is amended to read as follows:

The several administrative units, cities, towns, plantations and School Administrative Districts shall be divided into 21 classifications according to their valuations per resident school child being educated at public expense. The valuation shall be as determined by the Board of Equalization in the statement filed by it, as provided in Title 36, section 381, and the number of children shall be the average of the last 2 enrollment reports of resident pupils being educated at public expense on April 1st annually. Such computation shall be subject to correction in accordance with the final statement filed by the Board of Equalization on December 1st. **The Commissioner shall establish the applicable percentage for each eligible unit on January 1st of the year in which the Legislature convenes in regular session. The percentage determined from Table II shall be applicable for the next 2 fiscal years of the State, July 1st to June 30.'**

Further amend said Bill by striking out all but the amending clause of section 6 (same in L. D. 107) and inserting in place thereof the following:

'For each eligible unit the construction subsidy allocation thereafter on school construction projects completed prior to July 1, 1967 shall be the applicable percentage of the construction costs as defined in this section obtained from Table II below. On school construction projects completed on or after July 1, 1967, the percentage of construction subsidy allocation effective at the time of proper authorization of the school construction project shall continue to be the percentage of construction subsidy to be allocated to the eligible unit. Before computing the eligible expenditure of any administrative unit for construction aid, the commissioner shall cause to be deducted all moneys expended on the project which were received from federal sources.'

Further amend said Bill by renumbering sections 6, 7 and 8 to be sections 8, 9 and 10.

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

Non-Concurrent Matter

Bill "An Act Providing for Paid Holidays for Municipal Employees of the City of Lewiston" (H. P. 392) (L. D. 539)

Which was referred to the Committee on Legal Affairs in the House on February 1.

Came from the Senate referred to the Committee on Towns and Counties in non-concurrence.

In the House: On motion of Mr. Jalbert of Lewiston, the House voted to insist on its former action.

Non-Concurrent Matter

Bill "An Act relating to Clothing Allowances for Personnel of the Lewiston Police Department" (H. P. 395) (L. D. 542) which was referred to the Committee on Legal Affairs in the House on February 1.

Came from the Senate referred to the Committee on Towns and Counties in non-concurrence.

In the House: On motion of Mr. Jalbert of Lewiston, the House voted to insist on its former action.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Health and Institutional Services

Bill "An Act relating to Time Limit of Keeping Sick or Injured Dogs by Agency Boarding Such Dogs" (H. P. 602) (Presented by Mr. Evans of Freedom)
(Ordered Printed)

Bill "An Act relating to Application for Aid to Aged, Blind or Disabled" (H. P. 603) (Presented by Mr. Fecteau of Biddeford)
(Ordered Printed)

Sent up for concurrence.

Highways

Bill "An Act relating to State Aid for Construction of Highways" (H. P. 604) (Presented by Mr. Payson of Falmouth)
(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act relating to Equal Fault of Claimant Under Comparative Negligence Law" (H. P. 605) (Presented by Mr. Berman of Houlton)

Bill "An Act relating to Amount of Damages for Tortious Conduct of Charitable Corporations" (H. P. 606) (Presented by same gentleman)
(Ordered Printed)

Bill "An Act relating to Children Needing Protective Custody" (H. P. 607) (Presented by Mr. Fecteau of Biddeford)
(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act Clarifying Compensation for Disfigurement Under the Workmen's Compensation Act" (H. P. 608) (Presented by Mr. of Old Town)
(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Grant a New Charter to the City of Auburn" (H. P. 609) (Presented by Mr. Drigotas of Auburn)
(Ordered Printed)

Bill "An Act relating to Keeping Dogs Within an Enclosure Under Kennel Licenses" (H. P. 610) (Presented by Mr. Evans of Freedom)
(Ordered Printed)

Bill "An Act relating to Charging Fees for Services to Persons Acting as Subjects for Student Instruction and Training in Beauty Schools" (H. P. 611) (Presented by Mrs. Lincoln of Bethel)
(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Bill "An Act Permitting Municipalities to Regulate the Operation of Bicycles" (H. P. 612) (Presented by Mr. Payson of Falmouth)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Legal Affairs and printed.

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

Mr. PAYSON: Mr. Speaker, I move this bill be referred to the Committee on Transportation.

The SPEAKER: The gentleman from Falmouth, Mr. Payson, moves this matter be referred to the Committee on Transportation.

(On motion of Mr. Benson of Southwest, tabled pending the motion of Mr. Payson of Falmouth and tomorrow assigned.)

Legal Affairs

Bill "An Act to Provide for Electing the Civil Service Commission for the Fire Department of City of Biddeford" (H. P. 613) (Presented by Mr. Truman of Biddeford)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Amend the Charter of the York Sewer District" (H. P. 614) (Presented by Mrs. Fuller of York by request)

(Ordered Printed)
Sent up for concurrence.

State Government

Resolve Proposing an Amendment to the Constitution Relating to Disqualification of Legislators for Crimes (H. P. 615) (Presented by Mr. Hennessey of West Bath)

(Ordered Printed)
Sent up for concurrence.

Towns and Counties

Bill "An Act relating to Annual Estimates for County Taxes in Penobscot County" (H. P. 616) (Presented by Mr. Binnette of Old Town)

(Ordered Printed)
Bill "An Act relating to Payments by Town of York to York Beach Village Corporation" (H. P. 590) (Presented by Mrs. Fuller of York by request)
(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. Hanson of Solon, it was

ORDERED, that Randall Oliver of Solon be appointed to serve as Honorary Page for today.

Mr. Benson of Southwest Harbor presented the following Order and moved its passage:

ORDERED, the Senate concurring, that notwithstanding the provision of Joint Rule 8, bills and resolves now in the office of the Director of Legislative Research shall be introduced in complete final form in the appropriate house not later than 1 p.m. on Tuesday, March 7, 1967. (H. P. 617)

The Order received passage under suspension of the rules and was sent forthwith to the Senate.

Mrs. Kilroy of Portland was granted unanimous consent to address the House.

Mrs. KILROY: Mr. Speaker and Gentlemen of the House: On behalf of the women of the House, I would like to express our appreciation for the beautiful Valentine bouquets. We are all happy to be your Valentines. (Applause)

**House Reports of Committees
Leave to Withdraw**

Mr. Maddox from the Committee on Sea and Shore Fisheries on Bill "An Act relating to the Harvesting of Shellfish in Surry" (H. P. 73) (L. D. 98) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

**Ought Not to Pass
Recommitted**

Mr. Hinds from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Reimbursing the Town of Brunswick for Property Tax Exemption on Property of State of Maine (H. P. 26) (L. D. 47)

Report was read.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am not going to move at this time

that this bill be substituted for the "Ought not to pass" Report of the Appropriations Committee. However, I do feel that the Appropriations Committee was a bit hasty in reporting this out at this time, and I would hope you would go along with me on a motion to refer this back to the Appropriations Committee for further consideration.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, now moves this matter be recommitted to the Committee on Appropriations and Financial Affairs which is a motion of priority.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: Do I understand from the gentleman from Perham, Mr. Bragdon, that this was a unanimous "Ought not to pass" Report and now it wants to be referred back to the Appropriations Committee for reconsideration?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, poses a question through the Chair of the gentleman from Perham, Mr. Bragdon, who may answer if he so chooses.

Mr. BRAGDON: That is correct, Mr. Levesque.

Thereupon, the Bill was recommitted to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

Tabled and Assigned

Mrs. Hanson from the Committee on Education reported "Ought not to pass" on Bill "An Act to Create a School Administrative District in the Town of Easton" (H. P. 133) (L. D. 197)

Report was read and accepted and sent up for concurrence.

Subsequently, on motion of Mr. Rackliff of Easton, the House voted to reconsider its action whereby the "Ought not to pass" Report was accepted.

On further motion of the same gentleman, tabled pending acceptance of the Report and specially assigned for Wednesday, February 22.

Mr. Watts from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Bill "An Act Providing for a License to Fish for Atlantic Sea Run Salmon" (H. P. 41) (L. D. 60)

Mr. Crosby from the Committee on Transportation reported same on Bill "An Act relating to Operation of Motor Vehicles by Minors Between Sunset and Sunrise" (H. P. 172) (L. D. 235)

Mr. Jewell from same Committee reported same on Bill "An Act Regulating Parking of Motor Vehicles" (H. P. 175) (L. D. 238)

Mr. Pendergast from same Committee reported same on Bill "An Act Prohibiting Parking of Motor Vehicles in Specified Places" (H. P. 176) (L. D. 239)

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Scribner from the Committee on Appropriations and Financial Affairs reported "Ought to pass" bill "An Act relating to Nonlapsing Funds for Armory Construction" (H. P. 52) (L. D. 77)

Report was read and accepted, the Bill read twice and tomorrow assigned.

Tabled and Assigned

Mr. Scott from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act relating to Optional Provisions in Individual Accident and Health Insurance Policies" (H. P. 210) (L. D. 300)

Report was read.

(On motion of Mr. Evans of Freedom, tabled pending acceptance of the Report and specially assigned for Tuesday, February 21.)

Mrs. Baker from the Committee on Education reported "Ought to pass" on Bill "An Act relating to the Powers and Purposes of the Town of Wiscasset School District" (H. P. 131) (L. D. 195)

Mr. Hawes from the Committee on Election Laws reported same on Bill "An Act Providing for a

Presidential Preference Primary" (H. P. 58) (L. D. 83)

Mr. Gill from the Committee on Health and Institutional Services reported same on Bill "An Act relating to Collection of Amounts Due for the Support of Persons at State Institutions" (H. P. 136) (L. D. 200)

Mrs. White from same Committee reported same on Bill "An Act relating to Bureau of Corrections of the Department of Mental Health and Corrections" (H. P. 135) (L. D. 199)

Mr. Cookson from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Open Season on Muskrat in Penobscot County" (H. P. 61) (L. D. 86)

Mrs. Baker from the Committee on Legal Affairs reported same on Bill "An Act Validating the Vote to Convert St. Francis Plantation into the Town of St. Francis" (H. P. 69) (L. D. 94)

Mr. Keyte from the Committee on Transportation reported same on Bill "An Act relating to Initial Type Registration Plates for Motor Vehicles" (H. P. 181) (L. D. 244)

Mr. Lycette from same Committee reported same on Bill "An Act relating to Inspection Certificates for Mechanics in Motor Vehicle Inspection Stations" (H. P. 173) (L. D. 236)

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Transportation reporting "Ought to pass" on Bill "An Act relating to Use of Dealer Registration Plates" (H. P. 124) (L. D. 150)

Report was signed by the following members:

Messrs. RENEY of York
BARNES of Aroostook
JOHNSON of Somerset
— of the Senate.
Mr. KEYTE of Dexter
Mrs. KILROY of Portland
Messrs. PENDERGAST
of Kennebunkport
LYCETTE of Houlton

CROSBY of Kennebunk
LEBEL of Van Buren
— of the House.

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

Report was signed by the following member:

Mr. JEWELL of Monticello
— of the House.

Reports were read.

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

Mr. CROSBY: Mr. Speaker, I move the Majority Report be accepted.

The SPEAKER: The gentleman from Kennebunk, Mr. Crosby, now moves acceptance of the Majority "Ought to pass" Report.

(On motion of Mr. Berman of Houlton, Reports and Bill tabled pending the motion of Mr. Crosby of Kennebunk and specially assigned for Tuesday, February 21.)

Passed to Be Engrossed

Bill "An Act relating to Bylaws of Trust Companies" (S. P. 79) (L. D. 160)

Resolve to Reimburse Town of Hanover for Aid Extended Floyd Merrill (H. P. 130) (L. D. 194)

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

Amended Bill

Bill "An Act relating to Sale of Negotiable Checks and Money Orders" (S. P. 77) (L. D. 158)

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

**Passed to Be Enacted
Emergency Measure**

An Act to Allocate Money from the General Highway Fund for State Aid Construction (H. P. 100) (L. D. 127)

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

emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Permits to Operate Heavy Motor Vehicles in Unorganized Territory (H. P. 101) (L. D. 128)

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.

Orders of the Day

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

COMMUNICATION with accompanying Report on Seasonal Employment Study (S. P. 252)

Tabled — February 9, by Mr. Richardson of Cumberland.

Pending — Being ordered placed on file in concurrence.

Thereupon, the Communication with accompanying report was ordered placed on file in concurrence.

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

Bill "An Act Regulating Secondary Mortgage Loans" (H. P. 92) (L. D. 187)

Tabled — February 9, by Mr. Cote of Lewiston.

Pending — Further consideration.

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

Mr. COTE: Mr. Speaker and Members of the House: I hope that this House this morning will insist that this bill go to the Committee on Business Legislation as so designed by the Reference of Bills Committee. I feel that this is a business bill, this comes out of a study of the Legislative Research Committee, and I think that the Committee on Reference of Bills in their wisdom referred the

bill to the right committee, which is Business Legislation.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves that the House insist.

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

Mr. SCRIBNER: Mr. Speaker and Members of the House: Regarding this particular L. D., I would like to give a little background and a few of the reasons why I feel that this is not the proper action to take at this time.

This bill is designed to incur a statutory regulation on loans over \$2500. At the present time there is no regulation, and the interest rate is whatever the parties may agree to. The abuses in this type of loan are well-known and have prompted this proposed law. However, this proposed Act intends to regulate only personal loans secured by a secondary mortgage on real estate, but not loans which are either unsecured or otherwise secured by personal property. There is no valid reason to authorize a high interest rate of nearly twenty per cent a year on loans which are amply secured by a mortgage on real estate. Obviously the risk of loss is exceedingly small.

If inadequate security in the property exists, then the security device of a second mortgage must be conceived as a sham; a mere device to coerce the borrowers to repay such loans under threat of foreclosure, and loss of their home. Such a lender could easily evade the effect of this law by taking other meaningful security of the borrower of life insurance policies and other items of personal property.

I would like to call the House's attention to Section 4007, the forfeiture provision of this particular L. D. It provides that upon complaint to the proper District Court by a debtor and upon a finding that a willful violation of Section 4008 has occurred, the lender shall forfeit the interest charges as well as the right to any interest upon the principal loan. This provision fails to provide any adequate protection to the borrower. The burden is upon the borrower to prove a willful violation and in most

cases of an overcharge it would be impossible for him to meet it. It is an unnecessary requirement. Since the proposed law is designed to eliminate abuses and regulate the industry, any violation of Section 4008 should be sufficient to avoid interest charges. Furthermore, no clear reason exists to compel the borrower to start litigation at the District Court level since he would not have the right to a jury trial at that level and would be forced to far greater expense in pursuing his remedy first at the District Court and then to go to Superior Court for a jury trial and then prosecute any appeal. This provision seems designed to prevent the borrower from effectively obtaining redress under law. In addition, limiting such an action to a suit by a debtor, without giving the Bank Commissioner concurrent standing, either to act administratively or as a party for the borrower, likewise undermines the effectiveness of the law.

There are a number of other sections; I won't take the House's time this morning on this, but I believe it is clear that we are more concerned here with the legal remedies and the various legal effects that this law would have. I do not believe it belongs in the Committee on Business Legislation and that the Senate has done the wise thing in referring it to the —

The SPEAKER: The gentleman may not refer to the other body in persuading the House.

Mr. SCRIBNER: Thank you, sorry. It's unclear to me, in addition, why the lender may refer the claim to a lawyer automatically providing for a fifteen per cent fee, regardless of the effectiveness. This affects attorneys in this area, and it affects the legal remedies of the borrower. These are the primary reasons why I feel that we should recede and concur with the Senate, and refer this L. D. to the Committee on Judiciary.

The SPEAKER: Does the gentleman make that motion?

Mr. SCRIBNER: Yes, I make that motion and request a division.

The SPEAKER: The motion to recede and concur has precedence

and the gentlemen from Portland, Mr. Scribner, now moves that the House recede from its former action and concur with the Senate. A vote has been requested.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: I would like to concur with the statements made by the gentleman from Portland, Mr. Scribner, and request that this bill be referred to the Judiciary. In so doing, I am not questioning the judgment or the integrity of the gentleman from Lewiston, Mr. Cote, nor certainly the effectiveness of the Business Legislation Committee.

I think if you members have read this piece of legislation, you are aware of its technical nature certainly from a financial aspect. You are aware of the various legal interpretations that will be involved in determining the feasibility of this particular bill when it comes up for passage.

Even with a background in finance, as I do have a limited background in this field, I do not feel that I would prefer that this particular bill come before my committee and that I attempt to study the merits of this bill. For this reason, ladies and gentlemen of the House, I would suggest as the gentleman from Portland, Mr. Scribner has, that this bill go before Judiciary. Thank you.

The SPEAKER: Is the House ready for the question? The pending motion is the motion of the gentleman from Portland, Mr. Scribner, that we recede from our former action and concur with the Senate in the reference of this bill. A vote has been requested, and the Chair will open the vote. Those in favor of receding and concurring, will vote yes; those opposed will vote in the negative. The Chair will open the vote.

Thereupon, the Members having voted, the Clerk took a total.

120 having voted in the affirmative and 14 having voted in the negative, the motion did prevail.

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

Resolve Designating Certain Portions of the Interstate System at Kittery as "The Piscataqua River Bridge" (S. P. 46) (L. D. 36)

Tabled—February 9, by Mr. Carroll of Limerick.

Pending—Second reading.

Thereupon, the Bill was given its second reading.

Mr. Carroll of Limerick offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 46, L. D. 36, Resolve, Designating Certain Portions of the Interstate System at Kittery as "The Piscataqua River Bridge."

Amend said Resolve by striking out all of the last 2 paragraphs (same in L. D. 36) and inserting in place thereof the following:

'Resolves, 1959, c. 54, amended.

Resolved: That chapter 54 of the resolves of 1959, as last amended by chapters 27 and 31 of the resolves of 1965, is further amended to read as follows:

Designation of Interstate Highway System. Resolved: That in recognition of the outstanding and unselfish service rendered by the late Brian M. Jewett to the State of Maine that the Interstate Highway System in Maine, except for the bridges across the Kennebec River from Fairfield to Benton and except for the bridges from Stillwater to Houlton and except for the Maine Turnpike from the Kittery Entrance to the Gardiner Interchange and the bridge across the Piscataqua River from Kittery to Portsmouth, New Hampshire, be named the "Brian M. Jewett Memorial Highway" and that appropriate plaques designating the name of the highway be erected and maintained by the State Highway Commission at such locations in rest areas as the State Highway Commission shall select.'

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

Mr. McMANN: Mr. Speaker, may I inquire if the rest of the highway stays as the Brian M. Jewett Highway?

The SPEAKER: The gentleman from Bath, Mr. McMann, poses

a question through the Chair to the gentleman from Limerick, Mr. Carroll, who may answer if he so chooses.

Mr. CARROLL: Mr. Speaker, the remainder of the Highway excepting for the portion from Kittery, Maine, to Gardiner, Maine, which was named in the 102nd, the Maine Gold Star Memorial Highway. I am sure there was an error made in the drafting of this bill when they left out this portion. I brought this to the attention of the Committee, and we had this amendment drafted.

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

Mr. McMANN: Mr. Speaker, I still don't understand. He wants to do away with the Brian M. Jewett Highway? Is that my understanding? That's what I am trying to find out.

The SPEAKER: The gentleman from Bath, Mr. McMann, poses a question through the Chair of the gentleman from Limerick, Mr. Carroll, who may answer if he chooses.

Mr. CARROLL: Mr. Speaker, the Brian M. Jewett Memorial Highway will still be known as that except for this portion which was deleted. This was something that in the 102nd we contacted his widow and she agreed to this, and the Highway Department also agreed to it. Therefore, I feel we still have the Brian M. Jewett Memorial Highway and also we have a Gold Star Memorial Highway which I feel the Gold Star Mothers so highly deserve.

The SPEAKER: Does the gentleman consider his question answered?

Mr. McMANN: I do, Mr. Speaker.

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

Mr. Jalberty of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: You have before you today another Legislative Research Committee Report as ordered by the 102nd Legislature. This is a very important report in that it concerns the Maine State Retirement Fund, which as you know amounts to some \$100,000,000. From this report there stems a very important document presented by a member from the unmentionable house. This important document will be heard tomorrow in room 317 in the State Office Building. It is a very important document. It stems from this Report and I am bringing it to the attention of those who might want to attend the hearing.

(Off Record Remarks)

On motion of Mr. Benson of Southwest Harbor,

Adjourned until ten o'clock tomorrow morning.