

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

Wednesday, March 29, 1967

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

Prayer by the Rev. Mr. Elmer Bentley of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate Reports of Committees Ought to Pass

Report of the Committee on Highways reporting "Ought to pass" on Bill "An Act relating to Town's Matching Funds for Reconstructing State Aid Highways" (S. P. 359) (L. D. 956)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to Inspection of Dams and Reservoirs" (S. P. 302) (L. D. 741)

Report of same Committee reporting same on Bill "An Act Prohibiting Use of Certain Names by Partnerships" (S. P. 320) (L. D. 843)

Report of the Committee on Natural Resources reporting same on Bill "An Act Reclassifying Certain Inland Waters of the Saco River Basin" (S. P. 164) (L. D. 335)

Report of the Committee on Natural Resources reporting same on Bill "An Act Reclassifying Certain Tidal Waters of Cumberland County" (S. P. 219) (L. D. 482)

Report of same Committee reporting same on Bill "An Act Classifying Certain Waters of St. Croix River Watershed" (S. P. 479) (L. D. 1200)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on ways on Bill "An Act relating to Abandonment of Highways" (S. P. 340) (L. D. 873) reporting "Ought to pass" as amended by Commit-

tee 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 and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Non-Concurrent Matter

Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act relating to Signatures on Petitions for Nomination for State and County Officers" (H. P. 313) (L. D. 447) on which the House substituted the Bill for the Report and passed the Bill to be engrossed as amended by House Amendment "A" on March 23.

Came from the Senate with the Report accepted in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Prohibiting Aliens Employed in Lumber Operations to Possess Firearms" (H. P. 369) (L. D. 516) which was accepted in the House on March 16.

Came from the Senate with the Report and Bill referred to the Committee on Inland Fisheries and Game in non-concurrence.

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur with the Senate.

Orders

The SPEAKER: Present in the balcony of the House this morning is Sergeant First Class Charles Jameson. The Sergeant is an Army career man and has been in the service for twenty years. He has been in Viet Nam for nine-

teen months with the Army Air Cavalry Division's First Airborne Brigade. He was wounded in action on January 4 and is now home on leave but will return to Viet Nam.

This young man is the son of Representative Jameson of Bangor. In behalf of the whole House the Chair extends to you a warm welcome back to your native State of Maine, and we were deeply concerned when we learned of your casualty while in Viet Nam and we are most happy to welcome you back to Maine. Will the Sergeant stand and be recognized? (Applause)

Mr. Richardson of Stonington was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Members of the House: Some two years ago the little town of Frenchboro, an island out in Blue Hill Bay, found themselves in a position where they were going to lose all of their school subsidy money. They came over to Augusta and the Commissioner of Education suggested that they would have to adopt children. They did, they adopted thirteen from the Department of Health and Welfare, and an article this week in the Saturday Evening Post I would commend to your reading, the March 25th edition of the Saturday Post which describes these children on Frenchboro. Thank you.

House Reports of Committees Leave to Withdraw Covered by Other Legislation

Mrs. Hanson from the Committee on Education on Resolve relating to Federal Funds for Certain Positions at Southern Maine Vocational-Technical Institute (H. P. 664) (L. D. 919) reported Leave to Withdraw, as covered by other Legislation.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Shute from the Committee on Education reported "Ought not

to pass" on Bill "An Act Requiring Protective Eye Devices for Certain Students" (H. P. 403) (L. D. 569)

Mr. Lebel from the Committee on Transportation reported same on Bill "An Act relating to Lights on Motor Vehicles" (H. P. 816) (L. D. 1192)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Lewin from the Committee on Inland Fisheries and Game on Bill "An Act Prohibiting Shooting at or Near Wildfowl Decoys of Another" (H. P. 692) (L. D. 973) reported same in a new draft (H. P. 1090) (L. D. 1557) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Allen from the Committee on Education reported "Ought to pass" on Bill "An Act relating to Use of Interest of Organized Townships Fund by Lakeville Plantation" (H. P. 312) (L. D. 446)

Mr. Carroll from same Committee reported same on Bill "An Act relating to Definition of a Junior High School" (H. P. 783) (L. D. 1145)

Mrs. Hanson from same Committee reported same on Bill "An Act to Authorize the Plantation of Matinicus Isle to Form a School Administrative District" (H. P. 482) (L. D. 695)

Mr. Nadeau from the Committee on Towns and Counties reported same on Bill "An Act Permitting Town of Brunswick to Raise Money for Boarding Home" (H. P. 394) (L. D. 541)

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

Ought to Pass with Committee Amendment Tabled and Assigned

Mrs. Baker from the Committee on Education on Bill "An Act Pro-

viding for an Itinerant Instructor, Fire Service Training, in the Department of Education" (H. P. 480) (L. D. 693) 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. 480, L. D. 693, Bill, "An Act Providing for an Itinerant Instructor, Fire Service Training, in the Department of Education."

Amend said Bill by adding at the end before the Statement of Facts the following:

The breakdown shall be as follows:

EDUCATION, DEPARTMENT OF			
	1967-68		1968-69
Training of firemen			
Personal Services	(1) \$3,150	(1)	\$3,308
All Other	700		707
Total	\$3,850		\$4,015

(On motion of Mr. Hawes of Union, tabled pending adoption of Committee Amendment "A" and specially assigned for Friday, March 31.)

Mr. Cookson from the Committee on Inland Fisheries and Game on Bill "An Act Increasing Penalties for Violation of Fishing Regulations" (H. P. 840) (L. D. 1248) 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. 840, L. D. 1248, Bill, "An Act Increasing Penalties for Violation of Fishing Regulations."

Amend said Bill in the 8th line (6th line of L. D. 1248) by striking out the underlined figure "\$10" and inserting in place thereof the underlined figure '\$5'

Committee Amendment "A" was

adopted and the Bill assigned for third reading tomorrow.

Tabled and Assigned

Mr. Thompson from the Committee on Inland Fisheries and Game on Bill "An Act to Create Uniform Fishing Relations on all Boundary Waters between State of Maine and Province of New Brunswick" (H. P. 358) (L. D. 505) 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. 358, L. D. 505, Bill, "An Act to Create Uniform Fishing Relations on all Boundary Waters between State of Maine and Province of New Brunswick."

Amend said Bill in the 9th line (7th line in L. D. 505) by inserting after the underlined words and punctuation "East Grand Lake," the underlined words and punctuation 'Mud Lake,'

(On motion of Mr. Dickinson of Mars Hill, tabled pending adoption of Committee Amendment "A" and specially assigned for Wednesday, April 5.)

Mrs. Baker from the Committee on Legal Affairs on Bill "An Act Creating a Hospital Administrative District No. 1 in Penobscot County" (H. P. 278) (L. D. 398) 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. 278, L. D. 398, Bill, "An Act Creating a Hospital Administrative District No. 1 in Penobscot County."

Amend said Bill in section 1 by inserting after the words and punctuation "Drew Plantation," in first sentence (same in L. D. 398), the words and punctuation 'Webster Plantation.'; and by striking out the words "do hereby" in the 5th line (4th line in L. D. 398) and

inserting in place thereof the words 'are hereby permitted to'

Further amend said Bill in section 2 by striking out in the 5th line (4th line in L. D. 398) the word "annual"

Further amend said Bill in section 2 by striking out all of the last paragraph (same in L. D. 398) and inserting in place thereof the following paragraph:

'Each member of the board of directors may be paid \$8 for each official meeting of the board that he attends, and no director shall be employed by the hospital district. The treasurer may in addition be paid an annual salary, the stipend to be determined.'

Further amend said Bill by striking out all of section 6 (same in L. D. 398) and inserting in place thereof the following:

'**Sec. 6. Budget.** The administrator of the hospital district shall prepare a yearly detailed budget of proposed expenditures for the current year, January 1st to December 31st. The budget must be voted upon by the members present at an annual district meeting.'

Further amend said Bill in section 7 by inserting after the word "Act" in the last line (same in L. D. 398) the following words and punctuation ', or any property, real or personal or mixed, may be distributed to any nonprofit organization, if so voted by all member towns in the district at legally constituted meetings'

Further amend said Bill in section 8 by striking out all of the first sentence (same in L. D. 398) and inserting in place thereof the following sentence: 'After the formation of the hospital district, if there is another town which wishes to join the hospital district, it may do so by majority vote at its town meeting, plus the acceptance of said town by a majority vote at the district meeting.'

Further amend said Bill by adding at the end the following emergency clause:

'**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.'

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

Mr. Beliveau from the Committee on Legal Affairs on Bill "An Act Providing for a Council-Manager Charter of Town of Gorham" (H. P. 529) (L. D. 769) 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. 529, L. D. 769, Bill, "An Act Providing for a Council-Manager Charter of Town of Gorham."

Amend said Bill in that part "Sec. 204." of Article II by inserting after the word "Appointment" in the 3rd line (same in L. D. 769) the words 'and removal'

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

Mr. Conley from the Committee on Legal Affairs on Bill "An Act Describing the Boundary Line Between the Towns of Paris and West Paris" (H. P. 413) (L. D. 579) 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. 413, L. D. 579, Bill, "An Act Describing the Boundary Line Between the Towns of Paris and West Paris."

Amend said Bill by striking out in the 6th, 7th, 8th, 9th and 10th lines from the end (4th, 5th, 6th, 7th and 8th lines from the end of L. D. 579) the underlined words and punctuation "to the Buckfield town line; thence continuing in the same southerly direction along the town line between the Town of Paris and the Town of Buckfield to the point where the line between lot 18 and lot 19 in said Town of Paris intersects the town line between the Towns of Paris and Buckfield, and" and inserting in place thereof the following: 'to a granite marker defining the

southwesterly corner of the Town of Sumner; thence south 20° 30' east for a distance of 3,100 feet, more or less, to a marker on the northwesterly corner of the Town of Buckfield; thence southerly to

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

Mr. Cushing from the Committee on Legal Affairs on Bill "An Act to Provide a Council-Manager Charter for the Town of Cumberland" (H. P. 195) (L. D. 284) 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. 195, L. D. 284, Bill, "An Act to Provide a Council-Manager Charter for the Town of Cumberland.

Amend said Bill in Article I, section 2, by striking out in the first and 2nd lines of the 3rd paragraph (first line in L. D. 284) the words "within or without its corporate limits"

Further amend said Bill in Article II, section 2, by striking out in the 12th and 13th lines (10th and 11th in L. D. 284) the words "and held and nominations made as in regular municipal elections" and inserting in place thereof the words 'by a majority of the members of the council remaining in office'

Further amend said Bill in Article II, section 3, by striking out in the first line of subsection I (same in L. D. 284) the word "annually"; and by striking out all of subsections VI and VIII and inserting in place thereof the following:

'VI. Adopt the annual budget.'

'VIII. Exercise all the legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in town meeting; and also exercise all the powers now or hereafter given by statute to selectmen of towns and municipal officers of towns.'

Further amend said Bill in Article II, section 10, by striking

out all of the first sentence (same in L. D. 284) and inserting in place thereof the following sentences: 'A majority of the council shall constitute a quorum for the transaction of business. At least 4 votes shall be required for passage of any ordinance, order or resolution.'; and by striking out all of section 13 and renumbering section 14 to be section 13.

Further amend said Bill in Article III, section 1, by inserting after the word "adoption" in the 2nd line of subsection VIII (same in L. D. 284) the words 'by the council'

Further amend said Bill in Article V, section 4, by striking out in the 4th line (same in L. D. 284) the word "tax" and inserting in place thereof the word 'fiscal'; and by striking out in the 7th line (6th line of L. D. 284) the word "tax" and inserting in place thereof the word 'fiscal'

Further amend said Bill in Article V, section 8, by adding at the end (same in L. D. 284) the following sentence: 'Following the close of the fiscal year the council may also continue unexpended balances in capital accounts.'

Further amend said Bill in Article VII, section 1, by inserting after the word "resolution" in the 4th line (3rd line in L. D. 284) the words 'adopted by a majority of its members'; and by inserting after the words "which have been" in the 2nd line of section 4 (same in L. D. 284) the words 'or may hereafter be'

Further amend said Bill in Article VIII by striking out all of section 1 (same in L. D. 284) and inserting in place thereof the following:

'Sec. 1. Annual meeting. Upon adoption of this charter there shall be no annual town meeting.'

Further amend said Bill in Article X, section 6, by striking out in the first line (same in L. D. 284) the underlined word "Summons" and inserting in place thereof the underlined word 'Subpoena'; and by striking out in the 2nd line (same in L. D. 284) the word "summons" and inserting in place thereof the word 'subpoena'; and by striking out in the 6th line

(same in L. D. 284) the word "summons" and inserting in place thereof the words 'a subpoena'; and by striking out in the 8th line (7th in L. D. 284) the word "summons" and inserting in place thereof the word 'subpoena'

Further amend said Bill in Article X, section II, by inserting after the figure and punctuation "1968," in the 4th line (5th line in L. D. 284) the words and punctuation 'as determined by the selectmen.'

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

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act Providing for a Council-Manager Charter for the Town of Cape Elizabeth" (H. P. 233) (L. D. 341) 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. 233, L. D. 341, Bill, "An Act providing for a Council-Manager Charter for the Town of Cape Elizabeth."

Amend said Bill by striking out all of that part designated "Sec. 4." of Article II and inserting in place thereof the following:

Sec. 4. Compensation. Councilmen shall receive for their services \$10 for each council meeting attended, not to exceed \$300 per year for each councilman. Such compensation may be changed by ordinance. The council by order shall fix the salaries of officials appointed by the council, including the salary of the town manager for his services as such and for all other services rendered by him. Salaries of the appointees of the town manager shall be fixed by the town manager, subject to approval of the council.'

Further amend said Bill by striking out all of that part designated "Sec. 3." of Article III and inserting in place thereof the following:

Sec. 3. Department heads. All statutory officers and department heads other than listed in Article

II, section 3, subsection 1, shall be appointed and removed by the town manager, both subject to approval of the council.'

Further amend said Bill by striking out all of the first paragraph of that part designated "Sec. 1." of Article VIII and inserting in place thereof the following:

'All ordinances and any vote for a capital expenditure or capital improvement the total cost of which exceeds \$100,000, except emergency ordinances as defined in Article II, section 12, shall be subject to overrule by a referendum as follows:'

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

Tabled and Assigned

Mrs. Wheeler from the Committee on Legal Affairs on Bill "An Act relating to Licenses under Harness Racing Law" (H. P. 522) (L. D. 753) 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. 522, L. D. 753, Bill, "An Act Relating to Licenses Under Harness Racing Law."

Amend said Bill in the 14th line (11th line in L. D. 753) by inserting after the underlined words "annual license" the underlined words 'to be credited to the General fund'

(On motion of Mr. Cote of Lewiston, tabled pending adoption of Committee Amendment "A" and specially assigned for Friday, April 7.)

Passed to Be Engrossed

Bill "An Act Prohibiting the Use of Dogs for the Hunting of Wild Animals in Lincoln County" (S. P. 189) (L. D. 424)

Bill "An Act relating to Non-lapsing Funds for Development of Swan Island" (S. P. 242) (L. D. 602)

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
Tabled and Assigned**

Bill "An Act Appropriating Moneys for Research Study of Pesticides" (S. P. 582) (L. D. 1546)

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

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

Mr. HARVEY: Mr. Speaker and Members of the House: L. D. 1546 is a bill providing money for a pesticides study calling for \$10,000 for the fiscal year ending 1968. It is a continuing study. Yesterday—it's amazing what a little research and inquiry can do. This is a State Biologists' Association, and so you won't think it's a bunch of bird watchers, the President is Joseph Vaughan of Gorham State College; Vice President, Dr. Robert Shute, Bates College; Secretary, Christopher Packett, Portland Natural History; Board of Directors, such people as Richard Anderson, Department of Inland Fish and Game; Lyndon Vaughan, Department of Inland Fish and Game, Orono, and other distinguished doctors and biologists.

Now in this newsletter, they have a continuing information section on pesticides. On this month's Scientific American there is an article by Dr. Woodwell, from '57 to '62, a teacher at the University of Maine. He worked with Frederic T. Martin of the University of Maine and they have been studying the effects of DDT on not only soil, but also wildlife, fish and so on and so forth. So, I think it would behoove us to go to the great expense of maybe fifteen cents worth of postage stamps and maybe get half a million dollars worth of reports that have already been studied and the conclusions come to, so I would hope that someone would table this matter until we can get reports from these learned men. Thank you.

Thereupon, on motion of Mr. Jalbert of Lewiston, tabled pend-

ing passage to be engrossed and specially assigned for Friday, March 31.

Bill "An Act to Change the Name of the Congregational-Christian Conference of Maine and to Enlarge its Purposes" (H. P. 530) (L. D. 760)

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

**Third Reader
Tabled and Assigned**

Bill "An Act relating to Equal Fault of Claimant under Comparative Negligence Law" (H. P. 605) (L. D. 849)

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

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

Mr. BERMAN: Mr. Speaker and Members of the House: This is a matter which you will recall had ample and full discussion yesterday, but on today's calendar I noticed a similar measure relating to the same subject matter, and I suggest to avoid any possible confusion between the two bills that someone from the opposition or even a proponent should table my bill until tomorrow.

Thereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act relating to Validation of Defects in Foreclosure of Real Estate Mortgages" (H. P. 753) (L. D. 1100)

Bill "An Act relating to Children Needing Protective Custody" (H. P. 1089) (L. D. 1556)

Resolve Allocating Money to Repair Fish Screen at Outlet of Thompson Lake (S. P. 230) (L. D. 555)

Resolve in favor of Loudon C. Minor of Cape Elizabeth for Automobile Damage by Escapee from Boys Training Center (S. P. 469) (L. D. 1161)

Were reported by the Committee on Bills in the Third Reading,

Bills read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act relating to Suspension of Motor Vehicle Operator's License Pending Appeal in Operating under the Influence Cases" (H. P. 270) (L. D. 391)

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

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

Mr. LYCETTE: Mr. Speaker and Members of the House: I am prone to refer to my contemporaries from Aroostook County sometimes indicating anything that I say, but I believe that those gentlemen, and I guess it's all gentlemen from Aroostook, we are unfortunate in not having any ladies up there, Representatives—that may be a faux pas, maybe we have got a lady as a Representative but I don't recall that we have; but I think that the Aroostook people know my attitude on law enforcement, I shouldn't have to elaborate on it. Any of the rest of you that don't know, you can ask those people.

Time after time we read in the paper that the incidents of accidents caused by drunken driving is tremendously high, I don't care what you — any document you read you will find that is true. Now I have no objection to this amendment as a whole, but as regards to this reference to those that are accused on the first offense they have a right to operate pending their appeal. This first offense business, and I know what I am talking about, doesn't mean it is the first time they have driven when intoxicated. You know it is a long while before you can catch these fellows sometimes, and that's the thing that I have objection to is that part of the amendment. That's all I have to say on it.

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

Bill "An Act relating to Detention of Juveniles" (H. P. 407) (L. D. 573)

Bill "An Act Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers" (H. P. 777) (L. D. 1139)

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 Establishing Two Zones for Open Season on Deer" (S. P. 3) (L. D. 6)

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

(On motion of Mr. Birt of East Millinocket, tabled and specially assigned for Wednesday, April 5.)

Passed to Be Enacted Emergency Measure

An Act to Create the Solon Water District (H. P. 595) (L. D. 832)

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

Emergency Measure

An Act Creating the Paris Utility District (H. P. 640) (L. D. 906)

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 neces-

sary, a total was taken. 122 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.

Emergency Measure

An Act to Incorporate the Bethel Water District (H. P. 1075) (L. D. 1510)

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. 122 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 Tagging of Bedding and Upholstered Furniture (S. P. 290) (L. D. 642)

An Act relating to the Guardianship of Mentally Retarded Persons (H. P. 408) (L. D. 574)

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 tabled and today assigned matter:

HOUSE REPORT — Ought Not to Pass — Committee on Judiciary on Bill "An Act Repealing the Law on Comparative Negligence in Civil Actions" (H. P. 318) (L. D. 452)

Tabled — March 21, by Mr. Dennett of Kittery.

Pending — Acceptance.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I suppose this morning that I feel somewhat like Mark Antony when he stood in the Forum of ancient Rome and said: "I come not to praise Caesar but to bury him."

I feel very strongly on this law on comparative negligence. I feel that it introduced into the State of Maine an entirely new and strange concept in the handling of the laws on negligence. We have been told that this works very effectively in the United Kingdom, which no doubt it does, but they also drive on the left-hand side of the road in the United Kingdom. They also have a system of currency which is quite foreign to ours, which I don't think that any of us are ready to adopt. If I should stand here this morning and tell you that I weighed thirteen stone, you would wonder what I was talking about, but let this be as it may, because I intended that my remarks should be very brief.

If I did not have the ability to convince at least one of these ten gentlemen on the Committee on Judiciary that I might be right, I have absolutely no hope of convincing a majority of this House, and with this, ladies and gentlemen of the House, I reluctantly, very reluctantly, move the acceptance of the "Ought not to pass" Report of the Committee.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves the House accept the "Ought not to pass" Report.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I deeply appreciate the remarks of my incomparable friend, the gentleman from Kittery, Mr. Dennett, and his reference to Mark Antony, but I would say to my friend from Kittery, Mr. Dennett, be of good cheer, all is not lost, for if Plutarch is correct, Mark Antony later found consolation with Cleopatra.

The SPEAKER: On that last remark, the Chair will call the House to order.

The gentleman from Kittery, Mr. Dennett, now moves the House accept the "Ought not to pass" Report. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

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

HOUSE REPORT — Committee on Judiciary on Bill "An Act relating to Creation of Professional Service Corporations" (H. P. 366) (L. D. 513) reporting that it be referred to the 104th Legislature

Tabled — March 21, by Mr. Soulas of Bangor.

Pending — Acceptance.

Thereupon, the Report was accepted.

On motion of Mr. Soulas of Bangor, the House voted to reconsider its action whereby the Report was accepted.

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

Mr. **SOULAS**: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment briefly on L. D. 513. First, I would try to inform you what my bill would have done. It would allow the professional man to incorporate as an individual so that he may enjoy the same advantages that are now available to eighty-five million people in the United States. This is an enabling act which means if the act became law all it would do is to allow the professional man to incorporate. This act is now present in thirty-two states.

Who is the professional man included in this bill? By way of example and without limiting the general knowledge, the professional services which come within this chapter are the professional services rendered by certified public accountants, public accountants, chiropractors, dentists, osteopaths, physicians and surgeons, dentists, chiropodists, architects, veterinarians, attorneys at law and life insurance agents. This bill was referred to the Judiciary Department. As you know, this Committee consists of ten attorneys or I should say all attorneys. They passed down the only decision they possibly could without showing prejudice and discrimination. After all, my bill includes attorneys at law. I therefore move we accept the Committee Report and

recommit the bill to the Committee on Business Legislation.

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

Mr. **SULLIVAN**: Mr. Speaker, may I ask the gentleman or anyone else who might care to answer, why not allow every citizen to incorporate if they want to?

The **SPEAKER**: The gentleman from Portland, Mr. Sullivan, poses a question through the Chair to any member who may answer.

(Off Record)

The gentleman from Bangor, Mr. Soulas, moves that this matter be referred to the Committee on Business Legislation.

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

Mr. **BERMAN**: Mr. Speaker and Members of the House: As House Chairman of the Committee on Judiciary, this morning I will take no definite stand regarding the pending motion of the gentleman from Bangor, Mr. Soulas, but I would call to the attention of the House that this bill was one of those rather lengthy and detailed bills which did have an impartial hearing and as has already been mentioned did have very partial consideration.

Now if the House this morning wants to recommit a bill of this nature to another committee, I certainly will accept their decision, but I think you should think very long and very carefully about committing a bill to another committee after it has already gone through one committee and come out with a unanimous recommendation.

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

Mr. **SCOTT**: Mr. Speaker and Members of the House: As House Chairman of Business Legislation I don't object to hearing this bill, but I would remind the gentleman from Bangor, Mr. Soulas, that even if they came out with a Majority Report I think he'd have a hard time getting it through the House with all the members of the Judiciary against it.

The **SPEAKER**: The Chair would advise the House that there is a procedural problem, that we must

either accept or reject the report that this be referred to the 104th Legislature and this is the pending question.

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

Mr. SOULAS: Mr. Speaker and Members of the House: Before I submitted my bill I took its contents and had it thoroughly checked by the Attorney General's Office of our State. It received unanimous support. I further checked with the Department of Internal Revenue. I was told even if the professional man could incorporate, special rules under the Internal Revenue Code also had to be satisfied before any benefits could be obtained by such corporations. I further feel that this is a business matter, it includes not only professional men, but these men are also businessmen. I still feel that this should be heard by the Committee on Business Legislation.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: It's my feeling this morning that if this bill appearing before the Committee on Judiciary and the attorneys on the Judiciary Committee being somewhat of businessmen at times, it is my considered opinion, how good would the businessmen on the Business Legislative Committee would act on the bill after it's had a complete hearing.

The SPEAKER: Is the House ready for the question?

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

Mr. SCRIBNER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to call your attention to a couple of items which I believe bear on this question. I think we should take into consideration the fact that if professional men are allowed to incorporate, assuming Business Legislation reported this bill out, what the primary problem is that we would limit the liability. I believe this is a problem added that should be considered by the Judiciary Committee and I assume

that they took this into their deliberations. This would mean that an attorney or an accountant practicing in the corporate form would have limited liability. At the present time these individuals, — I hadn't planned to speak on this, but I — I'm not too well prepared, but I did want to point this out, and I feel that primarily it is a legal question as to what type of liability we would cover, I don't believe this would be a matter that the Business Legislation Committee should be concerned with. And I would also like to point out that as a Certified Public Accountant, I don't know whether the other members of the House are aware, but the professional ethics of the American Institute prohibit practicing in the corporate form. I would assume that some of these other professions would have similar provisions in their code of ethics.

Mr. Soulas of Bangor was granted unanimous consent to address the House again.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen: Section 708, Interpretation of liability of my bill spells out such.

"Nothing contained in this chapter shall be interpreted to abolish, repeal, modify, restrict or limit the law now in effect in this State applicable to the professional relationship and liabilities between the person furnishing the professional services and the person receiving such professional service and to the standards for professional conduct. Any officer, shareholder, agent or employee of a corporation organized under this chapter shall remain personally and fully liable and accountable for any negligent or wrongful acts or misconduct committed by him, or by any person under his direct supervision and control."

I now move that this motion be voted on by division.

The SPEAKER: The Chair would advise the gentleman that his motion, if he wishes to save his bill would be in two ways; he may move to substitute the bill for the Report, if this is successful, he may move that it be referred to the Committee on Business Legislation. He may let it take

its normal course and if the Report is defeated that it be referred to the 104th Legislature, a motion then would be in order to refer it to a committee. The Chair will entertain the motion from the gentleman from Bangor relative to either of these two procedures.

Mr. SOULAS: Mr. Speaker, I move that the report be accepted and the bill recommitted to the Committee on Business Legislation.

The SPEAKER: The Chair understands that the gentleman from Bangor, Mr. Soulas, moves that the House substitute the bill for the Report. Is the House ready for the question?

Mr. Levesque of Madawaska requested a vote.

The SPEAKER: A vote has been requested. All those who favor the substitution of the bill for the report will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken. 52 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

Thereupon, the Report was accepted and sent up for concurrence.

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

HOUSE REPORT — Ought to Pass — Committee on Indian Affairs on Bill "An Act relating to Compensation and Allowances for Members of the Indian Tribes at the Legislature" (H. P. 89) (L. D. 186)

Tabled — March 22, by Mr. Benson of Southwest Harbor.

Pending — Acceptance.

On motion of Mr. Rideout of Manchester, retabled pending acceptance and specially assigned for Friday, March 31.

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

Bill "An Act relating to Reimbursement for Driver Education and Special Education" (H. P. 310) (L. D. 444) (In House, passed to be engrossed without Amendment) (In Senate, passed to be engrossed as amended by Sen-

ate Amendment "A" in non-concurrence) (S-30)

Tabled — March 24, by Mr. Dunn of Denmark.

Pending — Further consideration.

On motion of Mr. Richardson of Stonington, retabled pending further consideration and specially assigned for Wednesday, April 5.

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

SENATE REPORT — Ought Not to Pass — Committee on Inland Fisheries and Game on Bill "An Act Prohibiting the Hunting of Muskrat, Mink, Otter and Fisher with Firearms or Bow and Arrow" (S. P. 6) (L. D. 12) (In Senate, Bill substituted for Report and passed to be engrossed as amended by Senate Amendment "A") (S-24)

Tabled — March 28, by Mr. Haynes of Camden.

Pending — Acceptance.

On motion of Mr. Gaudreau of Lewiston, retabled pending acceptance and specially assigned for Thursday, March 30.

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

Bill "An Act Concerning the Practice of Public Accountancy" (H. P. 1016) (L. D. 1508) (In House, referred to the Committee on Legal Affairs) (In Senate, referred to the Committee on Business Legislation in non-concurrence.)

Tabled — March 28, by Mr. Benson of Southwest Harbor.

Pending — Further consideration.

The House voted to recede and concur with the Senate.

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

SENATE MAJORITY REPORT (9) — Ought Not to Pass — Committee on Industrial and Recreational Development on Bill "An Act relating to Technical Assistance by Maine State Park and Recreation Commission" (S. P. 214) (L. D. 477) MINORITY REPORT (1) — Ought to Pass.

Tabled — March 28, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Littlefield of Hampden to accept Majority Report in concurrence.

Thereupon, the Majority "Ought not to pass" Report was accepted in concurrence.

The SPEAKER: The House will be at ease for a few moments because we have an urgent matter that must be considered this morning.

House at Ease

Called to order by Speaker Kennedy.

The SPEAKER: Is there objection to taking up a paper out of order that you will find on Supplement number 1? The Chair hears no objection.

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:

Towns and Counties

Resolve for Laying of the County Taxes for the Years Nineteen Hundred Sixty - seven and Nineteen Hundred Sixty - eight (H. P. 1091) (Presented by Mr. Wight of Presque Isle)

(Ordered Printed)

By unanimous consent was ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until ten o'clock tomorrow morning.