

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

Thursday, March 30, 1967

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

Prayer by the Rev. Mr. Otto Palmer of Lee.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 589)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

March 29, 1967

To the Senate and House of Representatives of the 103rd Legislature:

It is a pleasure for me to transmit to the members of the State Legislature this First Annual Report of the Maine State Transportation Commission.

We need to improve and better coordinate our transportation system. I hope you find this report useful as you consider legislation relating to transportation.

I wish to extend my thanks to the members of the Maine State Transportation Commission for preparing this thoughtful and well-written report.

Respectfully,

(Signed) KENNETH M. CURTIS
Governor

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Towns and Counties on Bill "An Act Permitting Town of Dyer Brook to Provide Educational Scholarship" (S. P. 415) (L. D. 1044) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act relating to Attendance in Schools of Children of Real Estate Taxpayers" (S. P. 331) (L. D. 865)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Election Laws on Bill "An Act relating to Notice of Removal of Name from the Voting List" (S. P. 448) (L. D. 1128) reporting same in a new draft (S. P. 588) (L. D. 1553) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act relating to Packaging of Election Ballots" (S. P. 449) (L. D. 1129) reporting same in a new draft (S. P. 587) (L. D. 1552) under title of "An Act relating to Inventory of Ballots Furnished Polling Places" and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on Election Laws reporting "Ought to pass" on Bill "An Act relating to Acknowledgement of Absentee Ballot by Voter Outside of State" (S. P. 499) (L. D. 1214)

Report of the Committee on State Government reporting same on Resolve Proposing an Amendment to the Constitution relating to Time for Codifying the Constitution (S. P. 120) (L. D. 249)

Report of same Committee reporting same on Bill "An Act relating to Duties of State Geologist with the Maine Mining Bureau" (S. P. 182) (L. D. 372)

Report of same Committee reporting same on Bill "An Act relating to Municipal Advisory Organizations" (S. P. 235) (L. D. 560)

Report of same Committee reporting same on Bill "An Act re-

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

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act Authorizing Work-Release from County Jails" (S. P. 264) (L. D. 645) 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 and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Ought to Pass with Senate Amendment

Report of the Committee on Election Laws reporting "Ought to pass" on Bill "An Act relating to Forging Absentee Ballots or Applications Therefor under Election Laws" (S. P. 404) (L. D. 1035)

Report of the Committee on State Government reporting same on Bill "An Act to Establish and Appropriate Funds for a Youth Community Activities Section in the Department of Mental Health and Corrections" (S. P. 221) (L. D. 484)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed as amended by Senate Amendment "A."

In the House, the Reports were read and accepted in concurrence and the Bills read twice. Senate Amendment "A" to each was read by the Clerk and adopted in con-

currence, and tomorrow assigned for third reading of the Bills.

Divided Report Tabled and Assigned

Report "A" of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act Repealing Bounty on Bobcat and Canada Lynx" (S. P. 47) (L. D. 37)

Report was signed by the following members:

Messrs. HOFFSES of Knox
FARLEY of York
—of the Senate.

Messrs. LEWIN of Augusta
HAYNES of Camden
GAUDREAU of Lewiston
—of the House.

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

Report was signed by the following members:

Mr. ANDERSON of Hancock
—of the Senate.

Messrs. RACKLIFF of Easton
THOMPSON of Belfast
COOKSON of Glenburn
CHAMPAGNE

of Fairfield
—of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House: Reports were read.

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

Mr. BIRT: Mr. Speaker and Members of the House: I move that we accept Report "B" "Ought not to pass."

Thereupon, on motion of Mr. Haynes of Camden, tabled pending the motion of Mr. Birt of East Millinocket to accept Report "B" "Ought not to pass" and specially assigned for Wednesday, April 5.

Orders

On motion of Mr. Fortier of Waterville, it was

ORDERED, that Erik Johansen of Denmark be appointed to serve as Honorary Page for today.

On motion of Mrs. Wheeler of Portland, it was

ORDERED, that Kevin Kilroy and Brian Kilroy of Wilmington, Delaware, be appointed to serve as Honorary Pages for today.

Mr. Jalbert of Lewiston presented the following Joint Resolution and moved its adoption:

WHEREAS, the Greek Community of Central Maine has been a fulfilling and generous contributor to the welfare of the State of Maine, its culture and its citizens; and

WHEREAS, the Holy Trinity Greek Orthodox Church of Lewiston, Maine, is continuing its ever present aim for progress being displayed through a Building Fund Drive; and

WHEREAS, Holy Trinity is observing its Golden Jubilee with a special celebration April 15th and 16th, 1967; and

WHEREAS, the celebrant on this auspicious occasion will be His Eminence Archbishop Iakovos, Primate of the Greek Orthodox Church of North and South America, assisted by the Rev. Soterios C. Alexopoulos, pastor of Holy Trinity, Parish Council President Lewis N. Kesaris and Building Fund Chairman George Orestis; now, therefore, be it

RESOLVED: That the 103rd Maine Legislature offers its most sincere and profound congratulations and best wishes for continued success in the years to come; and be it further

RESOLVED: That copies of this Resolution be transmitted by the Secretary of the Senate to the above-named individuals and to the Holy Trinity Greek Orthodox Church of Lewiston, Maine. (H. P. 1093)

The Resolution was adopted and, on motion of Mr. Jalbert of Lewiston, was sent forthwith to the Senate.

Mr. Brown of Augusta presented the following Order and moved its passage:

ORDERED, the Senate concurring, that Legislative Document

No. 429, Bill, "An Act Amending the Charter of the Augusta Sanitary District," (S. P. 195) be recalled from the Governor to the House. (H. P. 1094)

The Order received passage and, on motion of Mr. Brown of Augusta, was sent forthwith to the Senate.

On motion of Mr. Ross of Bath, it was

ORDERED, that Mr. Cookson of Glenburn be excused from attendance for the duration of his illness.

The SPEAKER: The Chair would call your attention to Supplement number 1.

**House Reports of Committees
Ought to Pass
Printed Bill**

Mr. Wight from the Committee on Towns and Counties reported "Ought to pass" on Resolve for Laying of the County Taxes for the Years Nineteen Hundred Sixty-Seven and Nineteen Hundred Sixty-Eight (H. P. 1091) (L. D. 1558)

Report was read and accepted and the Resolve read once. Under suspension of the rules the Resolve was given its second reading, passed to be engrossed and sent to the Senate.

By unanimous consent was ordered sent forthwith to the Senate.

Leave to Withdraw

Mr. Scott from the Committee on Business Legislation on Bill "An Act relating to Assignment of Refunds for Shrinkage Allowance on Motor Fuel for Service Stations" (H. P. 828) (L. D. 1236) reported Leave to Withdraw.

Mr. Foster from the Committee on Judiciary reported same on Bill "An Act relating to Signatures of Those Acknowledging Instruments to be Recorded" (H. P. 897) (L. D. 1310)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Darey from the Committee on Business Legislation reported "Ought not to pass" on

Bill "An Act Prohibiting Lowering of Water Levels of Inland Waters to Endanger Fish" (H. P. 1003) (L. D. 1470)

Mr. Sahagian from the Committee on Liquor Control reported same on Bill "An Act relating to Annual Review of all Applications for Liquor Licenses" (H. P. 637) (L. D. 893)

Mr. Williams from the Committee on Public Utilities reported same on Bill "An Act relating to Municipal Regulation of Rates for Cable Television Services" (H. P. 855) (L. D. 1268)

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Cote from the Committee on Liquor Control reported "Ought to pass" on Bill "An Act relating to Importation of Bottled Wines by Licensed Maine Bottlers" (H. P. 636) (L. D. 892)

Mr. Clark from the Committee on Public Utilities reported same on Bill "An Act to Amend the Charter of the York Sewer District" (H. P. 614) (L. D. 856)

Same gentleman from same Committee reported same on Bill "An Act relating to Source of Supply of the Brewer Water District" (H. P. 912) (L. D. 1322)

Mrs. Lincoln from same Committee reported same on Bill "An Act relating to the Board of Water Commissioners of the Town of Boothbay Harbor" (H. P. 374) (L. D. 521)

Mr. Snow from same Committee reported same on Bill "An Act relating to Board of Trustees of and Increasing Indebtedness of Eagle Lake Water and Sewer District" (H. P. 952) (L. D. 1383)

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

Ought to Pass with Committee Amendment

Mr. Hewes from the Committee on Judiciary on Bill "An Act relating to Eminent Domain under Urban Renewal Proceedings" (H. P. 585) (L. D. 816) reported "Ought to pass" as amended by Commit-

tee 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. 585, L. D. 816, Bill, "An Act Relating to Eminent Domain Under Urban Renewal Proceedings."

Amend said Bill by inserting after the first underlined word "or" in the next to the last line (last line of L. D. 816) the underlined words 'by agreement of the parties, a'

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 to Grant a New Charter to the Town of Kittery" (H. P. 521) (L. D. 768) 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. 521, L. D. 768, Bill, "An Act to Grant a New Charter to the Town of Kittery."

Amend said Bill by striking out all of subsection 2 of "Sec. 2.11." of Article II and inserting in place thereof the following:

2. Appointments and removals. The council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of any town administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but neither the council nor any of its members shall in any manner dictate the appointment or removal of any such officers and employees.'

Further amend said Bill by inserting after the words "prior to the" in the 2nd line of subsection 3 of "Sec. 2.12." of Article II (same in L. D. 768) the word 'next'

Further amend said Bill by inserting after subsection 2 of "Sec. 2.14." of Article II the following subsection:

3. Effective date. Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.'

Further amend said Bill by inserting before the word "currently" in the next to the last line (last line of L. D. 768) of subsection 3 of "Sec. 2.17." of Article II the word 'then'

Further amend said Bill by striking out all of subsection 5 of "Sec. 3.04" of Article III (same in L. D. 768) and inserting in place thereof the following:

'5. He shall prepare and submit the annual budget, incorporating the capital program, to the council and be responsible for its administration after adoption.'

Further amend said Bill by inserting after the word "concerning" in the first line of subsection 7 of "Sec. 3.04." of Article III (same in L. D. 768) the words 'appointments and'

Further amend said Bill by striking out all of subsection 1 of "Sec. 6.05." of Article VI (same in L. D. 768) and inserting in place thereof the following:

1. Submission to manager. The planning board shall prepare and submit to the manager a 5-year capital program at least 3 months prior to the final date for submission of the budget.'

Further amend said Bill by inserting after the word "publish" in the first line of subsection 1 of "Sec. 6.06." of Article VI (same in L. D. 768) the words 'as soon as possible'

Further amend said Bill by inserting after the first sentence of "Sec. 7.01." of Article VII (same in L. D. 768) the following sentence.

'He shall be chosen for his ability with special reference to his actual experience in, or his knowledge of, accepted practices with respect to the duties of his office.'

Further amend said Bill by striking out all of "Sec. 7.03." of Article VII and inserting in place thereof the following:

'Sec. 7.03. Board of assessment review; qualifications.

Only qualified voters of the town during the period of their residence in the town who at all times during their term of office shall be and remain residents of the town shall be eligible to serve on the board of assessment review.'

Further amend said Bill by striking out in the first line of "Sec. 7.05." of Article VII (same in L. D. 768) the words "Article VII" and inserting in place thereof the word 'article'

Further amend said Bill by striking out in the 3rd line of "Sec. 11.02." of Article XI (same in L. D. 768) the figure "15%" and inserting in place thereof the figure '10%'

Further amend said Bill by striking out in the 3rd line of "Sec. 11.03." of Article XI (same in L. D. 768) the figure "15%" and inserting in place thereof the figure '10%'

Further amend said Bill by striking out all of "Sec. 13.01." of Article XIII and inserting in place thereof the following:

'Sec. 13.01. Repealing clause.

The following private and special laws of Maine, 1959, chapters 31 and 39, and 1961, chapter 173, and 1963, chapter 160, and all other acts and parts of acts of the private and special laws of Maine relating to the Town of Kittery, inconsistent with the provisions of this charter, are repealed.'

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

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Hours of Sales of Liquor" (H. P. 594) (L. D. 824)

Report was signed by the following members:

Messrs. BECKETT	of Washington
BOISVERT	of Androscoggin
	— of the Senate.
Messrs. COTE	of Lewiston
KYES	of Skowhegan
TANGUAY	of Lewiston
ROY	of Winslow
	— of the House.

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

Report was signed by the following members:

Mr. CURTIS of Penobscot
 — of the Senate.
 Messrs. HICHENS of Eliot
 MEISNER
 of Dover-Foxcroft
 — of the House.

Reports were read.

(On motion of Mr. Hichens of Eliot, tabled pending acceptance of either Report and specially assigned for Wednesday, April 5.)

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act relating to Protective Headgear by Persons Riding Two-wheeled Motor Vehicles" (H. P. 177) (L. D. 240) reporting same in a new draft (H. P. 1092) (L. D. 1560) under title of "An Act relating to Protective Headgear by Persons Riding Motorcycles" and that it "Ought to pass"

Report was signed by the following members:

Messrs. BARNES of Aroostook
 RENY of York
 JOHNSON of Somerset
 — of the Senate
 Messrs. KEYTE of Dexter
 LEBEL of Van Buren
 CROSBY of Kennebunk
 LYCETTE of Houlton
 PENDERGAST
 of Kennebunkport
 Mrs. KILROY 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. JEWELL of Monticello
 — of the House.

Reports were read.

On motion of Mr. Pendergast of Kennebunkport, the Majority "Ought to pass" in New Draft Report was accepted, the New Draft read twice and assigned for third reading tomorrow.

**Third Reader
 Tabled and Assigned**

Bill "An Act Reclassifying Certain Inland Waters of the Saco River Basin" (S. P. 164) (L. D. 335)

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

(On motion of Mr. Dunn of Denmark, tabled pending passage to be engrossed and specially assigned for Wednesday, April 5.)

Passed to Be Engrossed

Bill "An Act Reclassifying Certain Tidal Waters of Cumberland County" (S. P. 219) (L. D. 482)

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

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

Bill "An Act relating to Town's Matching Funds for Reconstructing State Aid Highways" (S. P. 359) (L. D. 956)

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

Bill "An Act relating to Use of Interest of Organized Townships Fund by Lakeville Plantation" (H. P. 312) (L. D. 446)

Bill "An Act Permitting Town of Brunswick to Raise Money for Boarding Home" (H. P. 394) (L. D. 541)

Bill "An Act to Authorize the Plantation of Matinicus Isle to Form a School Administrative District" (H. P. 482) (L. D. 695)

Bill "An Act relating to Definition of a Junior High School" (H. P. 783) (L. D. 1145)

Bill "An Act Prohibiting Shooting at or Near Wildfowl Decoys of Another" (H. P. 1090) (L. D. 1557)

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
 Third Reader
 Tabled and Assigned**

Bill "An Act relating to Abandonment of Highways" (S. P. 340) (L. D. 873)

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

(On motion of Mr. Bragdon of Perham, tabled pending passage to be engrossed as amended and specially assigned for Wednesday, April 5.)

Bill "An Act to Provide a Council-Manager Charter for the Town of Cumberland" (H. P. 195) (L. D. 284)

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.

**Third Reader
Tabled and Assigned**

Bill "An Act Providing for a Council-Manager Charter for the Town of Cape Elizabeth" (H. P. 233) (L. D. 341)

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

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be engrossed as amended and specially assigned for Tuesday, April 4.)

Bill "An Act Creating a Hospital Administrative District #1 in Penobscot County" (H. P. 278) (L. D. 398)

Bill "An Act Describing the Boundary Line Between the Towns of Paris and West Paris" (H. P. 413) (L. D. 579)

Bill "An Act Providing for a Council-Manager Charter of Town of Gorham" (H. P. 529) (L. D. 769)

Bill "An Act Increasing Penalties for Violation of Fishing Regulations" (H. P. 840) (L. D. 1248)

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.

**Passed to Be Enacted
Emergency Measure**

An Act relating to Social Security Payments to Beneficiaries after

Death of Individual (H. P. 137) (L. D. 201)

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. 130 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 Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 36 (H. P. 663) (L. D. 918)

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. 128 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 Legal Size of Salmon Taken from Green Lake, Alligator Lake, Spring River Lake and Upper Middle Branch Pond, Aurora, and T28 MD, Hancock County (S. P. 108) (L. D. 179)

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
Indefinitely Postponed**

An Act Prohibiting Hunting Deer with Certain Firearms (H. P. 31) (L. D. 51)

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

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

Mr. HARVEY: Mr. Speaker and Ladies and Gentlemen of the House: Item 4, L. D. 51, I spoke on before I think very thoroughly, so I'll be very brief.

This bill includes the 22 rim fire magnum, which is better caliber than thirty other calibers for the use of hunting deer. So, under the present bill which deletes the amendment that I had put on, which the other house saw fit to do away with, this becomes highly obnoxious as is, and I move for the indefinite postponement of this bill and all of the accompanying papers.

The SPEAKER: The gentleman from Woolwich, Mr. Harvey, now moves the indefinite postponement of House Paper 31, L. D. 51.

Mr. Shute of Farmington then requested a division on the motion.

The SPEAKER: A vote has been requested. Is the House ready for the question? All those in favor of indefinite postponement of An Act Prohibiting Hunting Deer with Certain Firearms, House Paper 31, L. D. 51, will vote yes; those opposed to indefinite postponement will vote no. The Chair opens the vote.

A vote of the House was taken. 75 having voted in the affirmative and 54 having voted in the negative, the motion to indefinitely postpone prevailed.

Sent up for concurrence.

**Enactor
Tabled and Assigned**

An Act relating to Use of Dealer Registration Plates (H. P. 124) (L. D. 150)

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

(On motion of Mr. Crosby of Kennebunk, tabled pending enactment and specially assigned for Wednesday, April 5.)

An Act Prohibiting Use of the Name Industrial Bank (H. P. 467) (L. D. 680)

An Act to Exempt Certain Paraplegic Veterans from a Portion of Real Estate Taxation (H. P. 1081) (L. D. 1543)

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

Mrs. Fuller of York was granted unanimous consent to address the House.

Mrs. FULLER: Mr. Speaker and Members of the House: I would like to call to the House's attention that a six-member conservation committee to advise on issues involving preservation of the Town of York's natural resources and scenic beauties was approved at the annual town meeting. The town officials believe York is the first community in the State to set up such a commission under the provisions of the State law passed a year ago.

For those of you who are aware of the church by the tower it seems almost like locking the barn after the horse escaped, but we are hopeful the Commission will save us from such catastrophes in the near future.

Mr. McMann of Bath was granted unanimous consent to address the House.

Mr. McMANN: Mr. Speaker and Members of the House. On your desks this morning you will find a copy of a Maine weekly newspaper "Coastal Journal." This is a Bath newspaper only eight months old. I hope you will read the editorial on the front page, and although it pertains to the City of Bath we can all use this same enthusiasm in most of the State of Maine. Thank you.

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

Bill "An Act relating to Trial Terms of Superior Court in Penobscot County" (S. P. 337) (L. D. 870) (In Senate, passed to be engrossed)

Tabled—March 23, by Mr. Dudley of Enfield.

Pending—Passage to be engrossed.

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

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

Bill "An Act relating to Removal of Motor Vehicles Parked Ille-

gally on Highways and Highway Rights-of-Way" (H. P. 1085) (L. D. 1545)

Tabled—March 24 by Mr. Bedard of Saco.

Pending—Passage to be engrossed.

On motion of Mr. Bedard of Saco, the Bill was passed to be engrossed and sent to the Senate.

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

HOUSE REPORT—Ought to Pass in New Draft—Committee on Inland Fisheries and Game on Bill "An Act relating to Use of Power Boats on Big Nesowadnehunk (Sourdnahunk) Lake, Piscataquis County" (H. P. 220) (L. D. 310)—New Draft (H. P. 1088) (L. D. 1555)

Tabled—March 28, by Mr. Gaudreau of Lewiston.

Pending—Acceptance.

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

Mr. HANSON: Mr. Speaker and Members of the House: I made a few brief remarks on this the other day and thanks to the gentleman from Lewiston, Mr. Gaudreau, for tabling this.

I would just like to express my own opinion on this. I have a boat that's only sixteen feet long, but it does have a Homelite motor on it which is a 55 horse power. I can troll down with any of the 10 horse power motors that are manufactured today that I know of. I like to use this boat for comfort when I go fishing, it has a windshield on it and a top when the winds are blowing and side curtains as well. I had the privilege of getting out on the lake on the waters, getting away from the telephone and the pressures that might arise at different times. I paid a tax on the boat and the motor, the trailer; I pay for the licensing, I pay for the insurances.

I am bringing these things before this Legislature because as long as we have "Vacationland" on our number plates, I feel that we should keep it that way, and if there's trouble on the waters

in regards to speeding or skiing etc., I feel that amendments could be put onto these bills or something in some way, so that those of us that do like to go fishing would not have to turn around and pay between three and four hundred dollars possibly for a small motor to go fishing.

I'm not going to take any particular issue with this in regards to any motion because I do respect the members of the Committee and this report came out unanimously ought to pass, but if there are other bills like this that do come before us I hope that everybody will take notice.

Thereupon, the "Ought to pass" in New Draft Report was accepted, the New Draft read twice and tomorrow assigned.

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

HOUSE MAJORITY REPORT (9)—Ought to Pass as amended by Committee Amendment "A" (H-108)—Committee on Election Laws on Bill "An Act relating to Applications for and Marking Absentee Ballots" (H. P. 215) (L. D. 305) —MINORITY REPORT (1)—Ought Not to Pass.

Tabled—March 28, by Mr. Gill of South Portland.

Pending—Motion of Mr. Hawes of Union to accept Majority Report.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 215, L. D. 305, Bill, "An Act Relating to Applications for and Marking of Absentee Ballots."

Amend said Bill in section 2 by striking out in the 6th line (5th line of L. D. 305) the underlined word "and" and inserting in place thereof the underlined word "or"

Further amend said Bill by striking out all of sections 3 and 4.

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

Mr. HINDS: Mr. Speaker, would I be in order to offer an amendment to this bill at this time?

The SPEAKER: The gentleman is in order.

Mr. HINDS: Mr. Speaker and Members of the House: I studied L. D. 305 quite carefully and I can understand the Election Laws Committee feeling that something should be done about absentee ballots. However, after looking this over and giving it some serious thought I believe that this bill would only complicate matters. This particular bill would require no Notary or Justice making an affidavit on the ballot any longer, it wouldn't allow people who have become sick the weekend before election or who were confined to a hospital to vote because the ballot would have to be mailed to the individual or issued in person, and these people would be excluded from voting in an election which came on Monday or any time that there was not sufficient time for the ballot to return to the Clerk's office.

My amendment that I am offering, House Amendment "A" to House Paper 215, L. D. 305, would allow the Clerk to issue a ballot to a Justice of the Peace or a Notary Public. In other words it does eliminate any other third party that might get a ballot, but a Justice of the Peace or a Notary could receive a ballot if this amendment is adopted, and I would move for adoption of House Amendment "A."

The SPEAKER: The Chair would ask the gentleman if he objects to the adoption of Committee Amendment "A" before the presentation of his amendment.

Mr. HINDS: No.

Thereupon, Committee Amendment "A" was adopted.

Mr. Hinds of South Portland 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. 215, L. D. 305, Bill, "An Act Relating to Applications for and Marking of Absentee Ballots."

Amend said Bill by striking out everything after the enacting

clause (same in L. D. 305) and inserting in place thereof the following:

Sec. 1. R. S., T. 21, §1252, sub-§2, amended. The last sentence of subsection 2 of section 1252 of Title 21 of the Revised Statutes is amended to read as follows:

It must contain a place for the applicant to designate the reason for requesting an absentee ballot, the name of a person, **who shall be either a justice of the peace or a notary public**, to whom his ballot may be delivered and a place for the registrar to certify whether the applicant is registered and the party in which he is or desires to be enrolled.

Sec. 2. R. S., T. 21, §1253, sub-§2, amended. The first sentence of subsection 2 of section 1253 of Title 21 of the Revised Statutes is amended to read as follows:

On receipt of a completed application or a request for an absentee ballot signed by the applicant, the clerk shall send or deliver mail or issue an absentee ballot and return envelope forthwith to him or a 3rd person designated in the application or request, **except that such 3rd person must be a justice of the peace or a notary public.**

House Amendment "A" was adopted.

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

Mr. ROSS: Mr. Speaker and Members of the House: I had hoped this morning to have the pleasure of debating against my esteemed colleague from Bath, Mr. McMann. Not only do we come from the same outstanding and historic city, but we are members of the same political party. However, here we come to a parting of the ways. At the public hearing he was one of the two opponents. I mentioned then that I liked and respected him and that we normally agreed on things. However, I couldn't expect anyone to agree with me one hundred percent, I certainly can't even convince my wife to do that. As a matter of fact, in that respect I am always delighted to have the report that the gentleman from

Houlton, Mr. Berman had, of seventy percent.

My original bill would have done away with the middle man. It would assure privacy in absentee voting. It had a great deal of support at the public hearing. However, what my running mate and friend perhaps does realize now since he didn't arise to debate it, the Committee Amendment "A" and House Amendment "A" both completely defeat my purpose, and it would leave the bill just about as it is now. And when I debate this thing I want to debate my original philosophical reasons. Consequently, I am also going to offer an amendment. It will be House Amendment "A" to Committee Amendment "A." It is listed as filing number 123.

Now I don't think we should put this off too long, but since this is a major election law change and since there are now three suggested amendments, I believe that this House should have several days to contemplate these suggestions and to weigh in their own minds the true value and fairness of this excellent legislation. And by then, you know, this might provide very spirited "welcome-back" material for Thursday, so I would respectfully suggest that this be tabled until Welcome Back Day next Thursday.

Thereupon, on motion of Mr. Hawes of Union, tabled pending assignment for third reading and specially assigned for Thursday, April 6.

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

An Act Increasing Fees for Registration of Barbers (H. P. 487) (L. D. 700)

Tabled—March 28, by Mr. Carroll of Limerick.

Pending—Passage to be enacted.

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

Mr. NADEAU: Mr. Speaker, I would like to have item 5 tabled until April 5.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, moves

that item 5 be tabled until Wednesday, April 5, pending passage to be enacted.

Mr. Gill of South Portland then requested a division.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, moves that this matter be tabled until Wednesday, April 5, pending passage to be enacted. All those in favor of the tabling motion will vote yes; those opposed will vote no. And the Chair will open the vote.

A vote of the House was taken.

61 having voted in the affirmative and 68 having voted in the negative, the tabling motion did not prevail.

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

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

An Act relating to Definition of the Practice of Barbering (H. P. 488) (L. D. 701)

Tabled—March 28, by Mr. Carroll of Limerick.

Pending—Passage to be enacted.

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

Mr. NADEAU: Mr. Speaker, I would like to table item 6 to April 5.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, moves that item 6 be tabled until April 5, pending passage to be enacted.

For what purpose does the gentleman rise?

Mr. GILL of South Portland: The gentleman from South Portland arises for the purpose of requesting a division.

The SPEAKER: A vote has been requested. All those in favor of tabling this matter until April 5 will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

54 having voted in the affirmative and 81 having voted in the negative, the tabling motion did not prevail.

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

Mr. NADEAU: Mr. Speaker, I would like to make a motion that we indefinitely postpone item 6.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, moves that item 6 be indefinitely postponed.

The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, the gentleman from South Portland arises to ask a question of the gentleman from Sanford.

The SPEAKER: The gentleman may pose his question.

Mr. GILL: Would you be willing to state your reason for asking that motion, sir?

The SPEAKER: The gentleman from South Portland poses a question through the Chair to the gentleman from Sanford, Mr. Nadeau, who may answer if he chooses.

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

Mr. NADEAU: In answer to Mr. Gill's question, yes. The fact that I was denied the right to even answer some of the letters that I received concerning this and a little more time to look into it, is the reason why I want to now indefinitely postpone this matter.

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

Mr. GILL: Mr. Speaker, I would like to thank the gentleman for his answer, I would also like to oppose his motion to indefinitely postpone this matter, as this legislative document was heard before our Committee. This particular legislative document simply reduces the number of hours required for a barber to take a course. At this time it now states in the law a total of seventy-five hours of instruction, the coloring of hair, and the Maine State Barbers' Board which is appointed by the Governor has felt that this length of time — that it is excessive and works a financial hardship upon them, so they have asked permission for a change in this statute so they can reduce it and they can set the number of hours themselves.

If the gentleman from Sanford has got any questions that he would like to ask of me, I will be pleased to answer them.

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

Mr. LEVESQUE: Mr. Speaker, I request that this item lie upon the table until next Tuesday, April 4.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that item 6 be tabled until Tuesday, April 4, pending the motion of the gentleman from Sanford, Mr. Nadeau, to indefinitely postpone. Is this the pleasure of the House?

The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, I request a division.

The SPEAKER: A vote has been requested. All those in favor of tabling this matter until April 4 will vote yes, those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

53 having voted in the affirmative and 81 having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The pending question is indefinite postponement of this matter.

The Chair recognizes the gentleman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker and Members of the House: First, let me explain my reason for voting to table this motion and then I will tell you about the hearing. I thought that the gentleman from Limerick, Mr. Carroll wasn't here and he was the individual who had originally tabled the bill and that's why I voted to continue to table it. However, I see that he is here.

I will state that this bill and the other barbers' bills had a very, very good hearing, and I see no reason for indefinitely postponing this bill. We asked many questions and I was very satisfied that this and the other bills were good bills so I hope that they are not indefinitely postponed.

The SPEAKER: Is the House ready for the question? All those in favor of indefinite postponement of An Act relating to Definition of the Practice of Barbering, L. D. 701 will vote yes and those opposed to the indefinite postponement will vote no and the Chair will open the vote.

A vote of the House was taken.

15 having voted in the affirmative and 112 having voted in the negative, the motion did not prevail.

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

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

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

Tabled—March 29 by Mr. Benson of Southwest Harbor.

Pending—Passage to be engrossed.

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

Mr. BENSON: Mr. Speaker and Members of the House: I have been concerned with this bill since the debate of Tuesday, and since several legislators voted against indefinite postponement at that time only to keep it alive so that some questions might be answered. I've asked a few questions myself and I'm satisfied that the gentleman from Cape Elizabeth, Mr. Hewes and the gentleman from Cumberland, Mr. Richardson, were correct in their concern. As a matter of fact, if this bill becomes law, the gentleman from Cumberland, Mr. Richardson, my illustrious leader, will not need to run for the Legislature any longer, he'll be able to try cases in court and he will make a great deal of money I'm sure under this law.

In the first place, a lot of talk was made the other day comparing our court system with that of Great Britain's. I now find that in civil personal injury cases, the judge, not the jury, in England, hears these cases, and thus is in a better position to mathematically determine percentages of negli-

gence and percentages of damages. It seems to me that this is a big difference, in dealing with this rather complicated matter, so our systems are not "substantially the same," as a proponent suggested yesterday.

In the second place, apparently a wrongdoer who is mostly to blame for someone's injury can actually sue and win money under this law. I'm not impressed by this kind of justice. If there is insurance involved, the increased rates will be paid by all of us. But we tend to forget all the cases where insurance is not involved.

I do know a little bit about the automobile insurance rates and how they are set, and it takes three to six years of experience to determine what a fair rate is after a state changes its law of negligence and recovery. Our insurance industry, and I do not represent them here, hasn't had a chance to compute the rates based upon the law passed by the last Session of the Legislature, much less this proposed change.

The State of Maine took a major step last Session by passing a Comparative Negligence Law. Whether we like it or not, it's on the books. It does have a reasonable limitation however, and that is, if two people have a collision, and both are equally at fault, then neither one can win money damages from the other. As a matter of fact, the bill would not have passed without this limitation. It is this limitation that is sought to be removed today. In other words, we're not talking about comparative negligence at all, we're talking about comparative damages, because under this bill, a man 80% at fault with heavy damages could sue and win money from a defendant who was only 20% at fault but had slight damages. This is not justice, it's some kind of socialism; and you know who is going to pay for it.

I say, let's let our system get some experience and interpretation of the law that we have, before we carry it this far beyond. I move the indefinite postponement of this Bill and all the accompanying papers.

The SPEAKER: The pending question now before the House is the motion of the gentleman from Southwest Harbor, Mr. Benson, that this bill be indefinitely postponed. Is the House ready for the question?

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

Mr. BERMAN: Mr. Speaker and Members of the House: I have listened with a great deal of interest to the analysis between the English system and our system as expressed by my Assistant Floor Leader probably speaking in his individual capacity, the honorable gentleman from Southwest Harbor, Mr. Benson. I honorably agree that the gentleman from Southwest Harbor, Mr. Benson, is entitled to that analysis. I say that he is wrong, and what is my authority for saying that he is wrong? Very wrong! It is found on page 171 of the Maine State Bar Association Reports at the annual 1966 meeting, volume 55, in an address given by the highest judicial authority in our State, the Honorable Chief Justice Robert B. Williamson, and in part he said on page 171: "For the past weeks, the early part of the summer, Grace and I had the great good fortune to spend several weeks in England. I spent much time in the courts, and I felt that I was at home in the courts. The difference is in the non-essentials, the details, The judge wears a wig, yes. Does he have a head on his shoulders? Well, sometimes he does, I suppose, and sometimes he doesn't. That would be true on either side of the Atlantic." Now my honorable friend is certainly entitled to his opinion that the English procedure is different than ours, but I suggest the good authority written as I have read it to you, that the difference is in the non-essentials, in the details, is far more striking evidence, far more effective evidence than the opinion which my friend from Southwest Harbor has espoused.

Now we have gone into this bill in some detail, and at this time I do not propose to belabor the point any longer, unless I have to, and I will if I have to. I strenuously oppose the motion for indefinite

postponement and when that vote is taken I would request a division.

The SPEAKER: A vote has been requested. Is the House ready for the question? All those in favor of the pending question which is the motion of the gentleman from Southwest Harbor, Mr. Benson that this bill be indefinitely postponed will vote in the affirmative and those opposed will vote no, and the Chair will open the vote.

A vote of the House was had.

73 having voted in the affirmative and 60 having voted in the negative, the motion did prevail.

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

Mr. BERMAN: Mr. Speaker and Members of the House: At this time I am going to move for reconsideration and I would speak to that motion.

The SPEAKER: The gentleman from Houlton, Mr. Berman, now moves that the House reconsider its action whereby it indefinitely postponed this bill, and the gentleman may proceed.

Mr. BERMAN: Mr. Speaker and Members of the House: First off, I must say that a great deal of work has been done on members of this body from outside sources since the vote was taken on Tuesday. I commend their industry, I commend their diligence; I do not commend their tactics.

I rise in support of this most honorable bill, this highly civilized bill, this humane bill. When this measure was debated, and debated in full, I frankly was shocked to see my good friend, the Majority Leader of my party attempt to kill my bill. I was shocked, because the original redraft which was passed in a previous session by an overwhelming and bi-partisan effort in this House was a bill which could have incorporated what I am trying to do now if in the vernacular I had not been a nice guy.

Mr. Richardson began his torpedo as I read page 2 of the horse-blanket, March 28, 1967 as follows: "I am speaking in my individual capacity of course and not as the majority floor leader, and I come before you with fear and trepidation . . ." Members of the House,

well might my majority floor leader in his individual capacity stand before you in fear and trepidation; well might he stand before you in such fear, for why, for what? He stands for pure waters he tells us. Why cannot he as a strong casualty attorney, and this is not meant in any derogatory sense, but in simple explanation, why can he not as a strong casualty attorney who stands for clean waters, also stand for clean law? That's really what my bill is all about. On occasion I too have represented casualty companies, but perhaps not to the extent of my good friend, the gentleman from Cumberland. Perhaps after today I as an individual may suffer. If so, I must accept it. But I remember a story of a young lad who came through the law to some evidence in a state which my good friend the gentleman from Cumberland had the honor to practice, the State of Illinois, I remember what the lobby in the State of Illinois did to that eagle, John Peter Altgeld. I am not of his caliber, I make no pretense, but I know what a diligent and well-heeled lobby can do, and again I commend them for their effort. I don't like what they have done to try to kill this pure bill.

Some years ago I think with one of the members of our generation whom while I admired I personally was never able to support, being a loyal member of my own party, once when he was recuperating from a serious illness, he wrote with the collaboration of another very bright young man who came from the mid-west who thought in progressive terms, whose own father had been I think the Republican Attorney General of Nebraska at one time, he wrote a Pulitzer Prize Book which was called *Portraits or Profiles in Courage*. Now perhaps someday somebody, and I make no claim to authorship, is going to write a book with the names of some who have labored in the vineyards of American State Government in behalf of progressive and mature legislation. We can go back through our history to Mr. Henry of Virginia. We can come forward in our history to Mr. La Follette of Wisconsin. We

can go across the continent in our history to Hiram Johnson of California. We can return to the east coast to Theodore Roosevelt of New York. Most of these men were Republicans. I wish their ilk stood high in the circles of my party today.

Now I have no aspirations to emulate these people, but my aim is much more modest, it is to see my bill, my simple bill, L. D. 849 enacted into law. Now whether you will have the courage to be consistent or whether you will stumble and fall is perhaps of small consequence in the moving tide of history, and I say that in all sincerity because this is a very, very fundamental bill, which if it will not prevail today will someday prevail I assure you, if the great powers of the earth do not blow us all to pieces. Some things take time. I was hoping and I still hope that this House will have the courage to go along today instead of putting it off to some other House which may have more courage than this.

Let me tell you something of a story from history which I learned last summer, and in sort of keeping with some discussion yesterday where it comes from Roman history. Last summer as I flew across the islands of the Mediterranean to France to an ancient land, my thoughts were on an ancient people whose books of law and whose dedication to justice is incorporated in two Testaments, to which every member of this House and of the other body at least publicly subscribe, and when I arrived at my destination I journeyed to the west shore of the Dead Sea, and there I climbed to an ancient mountain, a Gibraltar called Massada, and I was told the history of Massada as it came down from the Roman historians, and I recalled that I had heard something of the story in my happier days when I was a student in New Haven. Now in ancient times Massada was a fortified town. It was founded in the second century B. C. and here an ancient people dedicated to justice made their stands against the well-heeled and powerful Roman legions.

In 72 B. C. because of the well-heeled and powerful Roman legions their capitol fell, but the garrison at Massada the historians tell us, and as I was told that day, consisting of some one thousand men, their wives and their children, held out against the Roman legions who besieged their fortress, and after the food and water had been exhausted, the garrison resolved never to surrender to the tyranny of the Roman legions, to the tyranny of reaction, which I suggest the opposition to this bill is, and I say that most honorably. Instead, they took their own lives, the lives of their wives and children. They never surrendered to the injustice of the majority leader of the Roman legions. Today, Masada is a monument; not of stone nor of mortar or casualty companies rising high and mighty in this land, and we need them, but it is a monument to the victory of the human spirit. The Roman legions are erased from the face of the earth in their ancient form, but that people have arisen and are perhaps the only true bulwark of democracy in the politics of intrigue in the Middle East.

So I say to the successors of the Roman legions, who may be dressed today in suits and ties and shoes instead of armor and sandals, I say to you do your worst; win or lose, I defy you. We have already voted in this House to support this bill. I say, let us be consistent and reinforce our decision, not the decision of the lobby. Support my motion for reconsideration so that this bill may pass to be engrossed. I would ask you to hold firm and stand steadfast. Let there be no transmogrification of justice. And why do I say this? Because even this morning on the front page of the Kennebec Journal what do we read, and this is by the Associated Press Writer quoting as I understand it, one of the present members of the Legislature. "The trouble, the state senator declares, is that too many people distrust their state government. Whether rightly or wrongly, they don't like or admire the government they see. At best they tolerate it and at the worst they resent it."

I say to you, all of you in this House, that in this Legislature something we all know, all of our days are numbered, whether they be three score and ten or more or less, a common end awaits us. You will take nothing material when you depart, not your gold, not your treasure, not your casualty policies, not your rates; but you and I will take with us our sins and I don't mean this in the strictly religious sense, but our sins of omission, our sins of commission. I hope, if I am fortunate to meet those of my ancestors in any land above the sky, I hope I can tell them win or lose today, that I have tried, I have tried hard, I am still trying, I am trying to fight with good faith for pure justice and I hope that you will too.

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

Mr. RICHARDSON: Mr. Speaker, I am again today speaking in my capacity as an individual and not speaking as the majority floor leader of the Republican Party, and I want to make that absolutely clear. It is as an old debate tactic to describe everything that you are interested in seeing happen as being clean, pure, good and simple justice, I suggest to you that no one in this House should be misled or inveigled into a position that he doesn't want to be in by such language. I ask you to view this law on the basis of the extended, exhaustive and exhausting debate in this House, you have made your decision, and I suggest to you that on that basis you should make your decision, not on whether I or anyone else in this House says it is a clean law or a good law or anything of that sort.

Secondly, the question of my responsibility to you as an individual has been raised and I would like to just very briefly say to you that it is true that I as an attorney represent a great many—not a great many, that's a little immodest, I represent some casualty insurance companies. I

also have had the privilege of representing some individuals who were not covered by insurance, and as an attorney I feel sincerely that this is a bad law. If I didn't feel that way I wouldn't stand up and ask you to vote against it and I wouldn't stand up here and ask you to vote against reconsideration.

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

Mr. ROSS: Mr. Speaker and Members of the House: I have voted with the gentleman from Houlton, Mr. Berman, each time, but now I question something that this House may be doing that they shouldn't do; to reconsider you have to vote on the prevailing side of the original motion and I wonder if that gentleman did vote on the prevailing side of indefinite postponement.

The SPEAKER: The Chair would not challenge the position of any member unless it is a recorded vote, and that is the rule of the House.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I will not duck any issue on a parliamentary matter. I have been here long enough through many sessions. I remember what happened, not once but many times, through this same tactic of reconsideration. The Speaker has been very fair in not attempting to put me on the spot, and I thank him, but I will tell you if you ask me frankly, I will tell you in the House and in the corridors that this is a parliamentary device. I thank my good friend from Bath, for voting with me on the side which I advocated three times. I cannot thank him for forsaking me now.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: It seems that some very wild and malicious charges have been made here today, maybe in a polite manner. However, I do feel

that they are vicious, and just yesterday the gentleman from Houlton, Mr. Berman asked me who got to me because he felt that they misled me. Well, if anybody misled me, it was myself, because nobody got to me. I listened to the debate. I felt that the gentleman from Cape Elizabeth, Mr. Hewes had a lot on the ball. I felt that the gentleman from Cumberland, Mr. Richardson explained the reasons for his thinking and I still feel that this will lead to many, many irresponsible actions of people who especially have motor vehicles which I spoke about the other day. I feel that this will encourage irresponsibility; I feel that there will be long court cases; I feel that there will be great confusion and a lot of money tied up by people who cannot tie money up in court, people who don't have money. I hope the motion to indefinitely postpone prevails and that we don't reconsider this bill.

The SPEAKER: The pending question is the motion to reconsider the indefinite postponement of Bill "An Act relating to Equal Fault of Claimant under Comparative Negligence Law," L. D. 849. All those in favor of reconsidering the indefinite postponement of this Bill will vote yes and those opposed will vote no. The Chair will open the vote.

A vote of the House was taken.

57 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the eighth 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 29, by Mr. Gaudreau of Lewiston.

Pending—Acceptance.

On motion of Mr. Haynes of Camden, retabled pending acceptance and specially assigned for Wednesday, April 5.

The SPEAKER: Is there objection to taking up a Resolve out of order? The Chair hears none, the Clerk may proceed.

Emergency Measure

Resolve for Laying of the County Taxes for the Years Nineteen Hundred Sixty-Seven and Nineteen Hundred Sixty-Eight (H. P. 1091) (L. D. 1558)

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am sure that all members present are appreciative of the fact that this is the resolve setting a program forth for the various sixteen counties of this State.

I shall vote for this resolve because any attempt to delay the passage of this would hold up the operation of county government. I have long been a proponent of good county government. I have made it my duty as a legislator over the years to study the expenditures of county government. To that end, when I saw wasteful sums of money in my own county being expended, I presented a bill calling for line budgeting for our county. I have been the father of line budgeting insofar as the State is concerned. This passed, and since that date, fourteen years ago, the people of Androscoggin County have not had to expend more money for county taxes on any occasion but one biennium and that amount that had to be raised over and above was very, very negligible.

The Androscoggin County delegation honored me for the first time in twenty years by making me the chairman of their delegation. Over and above the amounts of

money requested by the departments and agreed upon by the County Commissioners, through the fine cooperation of our delegation, we still cut, and easily done, over \$30,000 from the county budget as finally submitted to us by the County Commissioners.

I have made it my duty to look at the county estimates as presented before this body by the sixteen county commissioners and I can only say that the majority of the county estimates submitted throughout the state are nothing short of absolutely horrible. It really makes me sick in my heart to even look at them, to think that county after county estimated and submitted on the one half sheet of paper, absolute blank check, county after county.

I have attended this year, as I always do, that great American institution called town meetings and I have seen, and justifiably so, I have seen at meeting after meeting this year and over the years a strong hassle and healthy discussion wherein it concerned the expenditures of one, two and three, five dollars, even forty cents. I have seen, and you will see it as you go along, and sat in on Appropriations Committee for many, many years wherein it concerns our state budget, a strong discussion wherein it involves monies. The Appropriations Committee spends weeks and months going over the items of county government, one by one, be it Current Services, Supplemental Budget, or Capital Expenditures. And it is astounding to me, that to my recollections, since 1945, not one voice including mine has been raised wherein it concerns the expenditures of county government.

One county, the neighboring County of York, joined us a few years ago in line budgeting and the affairs of that county is absolutely in order. I have mentioned oftentimes when I have talked about county budgeting, not on the county estimates bill, but I have talked long and loud on county budgeting, I can recall only the last four or five years where one county had such a high surplus

that they could have operated county government in that county for one year without raising one penny of town taxes. So least anyone here has an iota of an idea in their minds that I'm speaking on a pro-partisan basis, that county happened to be predominately Democrat. And the reason that I am talking about it and have before, if I am to talk politics, is that unless such recurrences are changed it could well go on the other side.

However, that doesn't protect the other party either, because I happen to know in many counties, sheriff after sheriff after sheriff, for the support of prisoners, is given a blank check, money in his own checking account for the support of prisoners. I would ask any of you to go to the Secretary of State's office and look at these county estimates, county by county, and see if you would not join me in being somewhat disgusted. I know of a county budget now that enjoys unofficial line budgeting, and it is the largest county in the state, Cumberland County, and I wish I were given a free hand by the Cumberland County delegation to do a little architectural work on that gem.

And when I speak about county estimates, I speak as a member of the Legislature. When I speak about appropriations, I speak as a member of the Legislature. It might well be that on certain issues like changing a general election date or annual sessions, I might be a strong member of my party; wherein it involves finances, party goes absolutely to one side as far as I am concerned, and I know that many of you who have been here over the better years agree with me with that thinking and that philosophy, to a point where oftentimes I have got myself in somewhat bad light for the moment with my own party. And I might again, if I don't think anything is right wherein it concerns appropriations.

There is a measure before us wherein it would involve all counties in line budgeting. I made it a point the last two or three

weeks, not with the thought in mind of being a kingmaker, with the thought in mind of seeing what we could do about the situation, to have all the county chairmen meet. I was satisfied, although not totally satisfied, with the meeting. However, I am sure that a great many clear thinking individuals within the group agreed with me that something has to be done.

In that I am a strong proponent and have been of county government, insofar as I am concerned unless something is done to clean that house out, I will become a strong opponent of county government, because in many, many instances we are tolerating an absolute waste of the taxpayers' money. And taxpayers' money is people's money, whether they be local, county or federal taxes.

It is not my intention, Mr. Speaker and Members of the House, to get up and take up of your time unnecessarily. Begrudgingly and for the last time in this fashion I shall vote for the enactment of this measure and I urge you, all of you, all of you, to please seek out these public documents and look at the difference in some of the budgets and then come back to me and tell me that I am wrong; and if you can convince me I'm wrong, I'll be more than happy to say that I was wrong. I won't get up and apologize, that's a sign of weakness, but I might say that I'm wrong. I will ask and pursue my thinking of meetings with the various county governments.

Again speaking wherein it concerns county estimates, one thing that is wrong, actually there was one county that had a meeting with just one side of the aisle at the meeting to discuss their budget, and I assure you that the members of the opposite party in my delegation were not subjected to any of that kind of treatment. All meetings of our county budgets were held open to the public, there were no executive discussions that couldn't be heard by anyone; as a matter of fact on several occasions we had complete strangers attending our meetings. And that's as it should be.

I am not pointing a finger at anybody, it is not my habit to do that. I am just possibly making my pitch a little stronger because I beseech you people to look into this very, very expensive affairs of government, county government, and let's for heaven sakes sit down and do something about it.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I would first like to thank Mr. Jalbert for saying that York County was in order. I rise only for a matter of record, and I state that I believe the York County budget was rail-roaded through. That I want recorded.

Secondly, as a member of the Towns and Counties I wholeheartedly concur with Mr. Jalbert; I would like to be the first class sergeant when he starts this rebellion. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: I don't wish to belabor the point, the hour is late, but I feel I would be remiss in representing my constituents in Somerset County if I allowed this indictment of counties in general, and the county government, if I didn't answer it.

Our County Commissioners invited our legislative delegation to meet with them to discuss the county budget. I truly felt, and the other members of the delegation felt, that our County Commissioners had done a tremendous job, they've been very, very diligent in trying to obtain the best possible for the county at the least expense and frankly, I feel that Somerset County at least, should be exempted from that general indictment. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I seem to get myself involved with young

friends. If the hat doesn't fit the gentleman from Solon, Mr. Hanson, he doesn't have to wear it.

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

Mr. HEALY: Mr. Speaker and Members of the House: May I put a question to our friend from Lewiston, Mr. Jalbert?

There was an order passed in the last session of the Legislature to look into county governments, or proceedings. May I inquire what has happened to that? If anything was accomplished?

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: There was an order presented that would ask the Legislative Research Committee to study county government. We held several meetings — we didn't get too much cooperation from anybody — we made out our report, such as it is, and we'd like to keep on doing just that. We did not do the job that we should have done because we got no cooperation, but I think that we're on the right track now because I've been assured of cooperation by many, many clear-thinking individuals in both branches, but in sum and substance I would have to say that on that particular program the majority of the Research Committee probably did not put its best foot forward.

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

Mr. MARTIN: Mr. Speaker and Members of the House: In further answer to the question posed by the gentleman from Portland, Mr. Healy, I would like to report as a member of the Maine Intergovernmental Relations Commission that a report was submitted to the Legislature and to the Governor of the 103rd Legislature in a little blue pamphlet which I now have before me which gives a report by the Maine Intergovernmental Relations Commission on

County Government, and it goes into great detail in making suggestions as to what can be done to better county government in Maine, and I would suggest that every member of the House take a look at it.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: I will stand only briefly to defend the action of the Towns and Counties Committee; not that I think it is necessary, but I think I want to explain our standing on this particular issue.

First I will be the last to state that county government does not need to reform. Certainly I think we are all aware in several counties, and we can probably state this in our own, that it does need reform. I will be the first to agree with the distinguished gentleman from Lewiston that line-budget should become a necessity as far as counties in the State of Maine. However, I wish to state in behalf of our Committee that these budgets have the approval of the county delegations, they have the approval of the county commissioners. Whether they're right or wrong, and certainly we on the Committee had many questions as to each item in some of these budgets; nevertheless, since they do have the approval of both of these delegations we feel it was imperative that we pass the budget as requested by you who represent these counties and your county commissioners. Consequently, I hope that in this instance that there will not be a tabling, that this motion will go through, and this particular bill will go through.

As stated by the gentleman from Lewiston, there are questions, I think he has questions and possibly many of you do, but April the first supposedly is the deadline on this particular issue. I think in the future we should consider more carefully our county budgets; I think if you'll look at Penobscot you'll see we did consider it and made a cut in our particular budget. I can speak only for our individual county.

I hope, ladies and gentlemen of the House, that this bill will receive passage. Thank you.

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

Mr. RICHARDSON: A parliamentary inquire, Mr. Speaker. May I inquire as to the motion now pending before the House?

The SPEAKER: The pending question is the final passage of this resolve.

Mr. RICHARDSON: Thank you, Mr. Speaker.

Mr. Jalbort of Lewiston was granted unanimous consent to speak a third time.

Mr. JALBERT: Mr. Speaker, I quickly get to my feet to assure the members of the House and every member of the Towns and Counties Committee that certainly I am not pointing a finger at them or anybody else. If he thinks I am pointing a finger at the committee, absolutely not. The Towns and Counties Committee did the only thing that they could do this session and last session, and the gentleman who spoke previously is absolutely right, they did their work and they did it well, but I do appreciate the comment made from the member of the Committee. I want no thought at all entertained that I am in any way criticizing that committee or any other committee.

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

Mr. HEALY: Mr. Speaker and Members of the House: I wish to state that I have no brief for the administration of county government. Like Professor Dow, some years ago, who was authorized to investigate the usefulness of county government—I personally think it should be done away with, and the first place to start is the Sheriff's Department.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House; I assume that there is no objection to the passage of this vital L. D. and I would remind the members of the House that the hour is late and that our estimable friends I

believe the expression is in the Senate are awaiting our action on this. I do not suggest you do not debate this matter, but I would suggest however that it is late in the morning.

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

Mr. FORTIER: Mr. Speaker, I would like to pose a question through the Chair to any member of the Committee on Towns and Counties, to any member who feels that they have the answer, and it is this. What is the urgency of this Resolve, and before it is answered, I would like to point out that municipalities have the authority that is granted to them by their City Councils, to borrow money in anticipation of taxes, and I know of no municipality at the present time that doesn't make money with this device. I wonder if someone could answer that question please.

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

The Chair recognizes the gentleman from Presque Isle, Mr. Wight.

Mr. WIGHT: Mr. Speaker and Members of the House: This bill is presented at rather a late hour because so many budgets were delayed in being presented, and approved by your commissioners and your delegations. We weighed many nights and worked long on this bill to complete it at this time. The statute, I believe, requires that the county tax be laid April 1st. This being a close date to that time we found it necessary perhaps not to hear from everyone.

We've done the best we could with this presentation that has been made and arrived at figures that we felt were agreeable to all concerned. Because of this laying of taxes on April 1st, many of our commissioners have called and required these figures to be presented so that the taxes could be figured. I think sufficient hearing has been made on most of

these both at the local level or should have been at the local level as well as many bills heard by our committee. We find it necessary at this time to have passage of this bill and I will support it.

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

Mr. ROBERTSON: Mr. Speaker and Members of the House: I would like to clarify one point that perhaps hasn't been brought out, and one to which perhaps the gentleman from Waterville is referring.

We have considered the total budget only. As far as the salaries of the individual county officers, we are still working on these and they will come out in another bill. However, they will not affect the totals which we are considering today. If the salary increases are in the budget, if they are not approved, then it will merely mean that the county will have a little bit more money in reserve. Perhaps that isn't a good idea, but I don't think the salary increases will materially affect that total budget to the point where it will make any material difference.

The SPEAKER: Is the House ready for the question?

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

Mr. FORTIER: Mr. Speaker and Members of the House: Whether somebody misunderstood my question, I don't know — I don't consider it answered yet. I made the point that municipalities borrow money in anticipation of taxes. They then reinvest this money at a higher rate of interest than they pay. This allows the municipality to make money. My question for the Committee or anyone who wants to answer is, why can't the counties do the same thing? In other words—why the urgency?

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

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

Mr. ROBERTSON: Mr. Speaker, I'm going to be very brief because I think we ought to dispense with this at the earliest possible moment.

As far as borrowing money—all municipalities borrow money, and it is true that in instances they do make something as far as interest is concerned in this respect. As far as the counties are concerned, I think most of them have a reserve which they call working capital which they use during the lax period in order that they will not have to borrow money during the summer. Whether this is practical or not is up to the counties involved. I do not think it's a problem for the Legislature at this time to consider in passing this bill. It is something that you people, the delegation representing the county which you live in should take care of in your own individual manner. Thank you.

The SPEAKER: Does any member understand the question that the gentleman from Waterville, Mr. Fortier, is posing?

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House.

To answer the gentleman from Waterville's question, Mr. Fortier, I believe in order that we take any action in regard to his inquiry, the Statute would have to be changed. These people on the county level are only acting in accordance with the State statutes. The law requires that every municipality in each county be assessed April 1st. Does this answer the gentleman's question?

The SPEAKER: Does the gentleman consider his question answered at this point?

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

Mr. QUINN: I move the previous question.

The SPEAKER: The previous question has been moved. For the Chair to entertain the motion for the previous question it must have the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question will vote yes, and those opposed will vote no. The Chair will open the vote.

A vote of the House was taken. 116 having voted in the affirmative and 16 having voted in the negative, the Chair was authorized to entertain the motion for the previous question.

The SPEAKER: The question now before the House is, shall the main question be put now, which is the final passage of this resolve, which is debatable by any one member for a period of five minutes.

Shall the main question be put now? All those in favor answer yes; those opposed answer no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: This Resolve, Resolve for Laying of the County Taxes for the Years Nineteen Hundred Sixty-Seven and Nineteen Hundred Sixty-Eight, H. P. 1091, L. D. 1553, is it now the pleasure of the House that this Resolve be finally passed?

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 124 voted in favor of same and 10 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.