

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, April 19, 1967

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

Prayer by the Rev. Mr. Franklin Galbraith of Hallowell.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Report of the Committee on Election Laws on Bill "An Act Establishing a State Board of Election Recounts" (S. P. 555) (L. D. 1450) reporting Leave to Withdraw.

Report of the Committee on Labor reporting same on Bill "An Act to Prevent the Employment Security Commission from Enforcing an Unfair Labor Practice" (S. P. 194) (L. D. 428)

Report of the Committee on State Government reporting same on Bill "An Act Creating the Maine Commission on Mental Retardation" (S. P. 220) (L. D. 483)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 173) (L. D. 365)

Report of the Committee on Claims reporting same on Resolve to Reimburse Raymond Lammers of Augusta for Payment of Restaurant Liquor License (S. P. 518) (L. D. 1338)

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

In the House, the Reports were read and accepted in concurrence, the Resolves read once and tomorrow assigned.

**Ought to Pass with
Committee Amendment
Amended in Senate**

Report of the Committee on Judiciary on Bill "An Act

Authorizing One to Two-Year Sentences to Certain County Jails" (S. P. 265) (L. D. 646) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted; Committee Amendment "A"; indefinitely postponed, and the Bill passed to be engrossed as amended by Senate 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 non-concurrence.

Senate Amendment "A" was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading tomorrow.

Orders

On motion of Mr. Levesque of Madawaska, it was

ORDERED, that Janet Richardson and Harrison L. Richardson, III of Cumberland be appointed to serve as Honorary Pages for today.

On motion of Mr. Lewin of Augusta, it was

ORDERED, that Peter Stairs of Augusta be appointed to serve as Honorary Page for today.

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

Mr. HARVEY: Mr. Speaker, may I inquire if House Paper 829, L. D. 1237, Bill "An Act relating to Right to Vote on Approval of Final Urban Renewal Plans," is in possession of the House at this time?

The SPEAKER: The Chair would advise the gentleman in the affirmative.

Mr. HARVEY: I move that we reconsider our action whereby we accepted the Committee's "Ought not to pass" Report. I believe that I can add an amendment to this matter and make it more palatable to all members of the House. I hope that someone would table this matter for me for one week. Thank you.

Thereupon, on motion of Mr. Hennessey of Bath, tabled pending the motion of Mr. Harvey of Woolwich to reconsider and specially assigned for Wednesday, April 26.

On motion of Mr. Rideout of Manchester, it was

ORDERED, that Craig Jones of Hallowell be appointed to serve as Honorary Page for today.

House Reports of Committees Leave to Withdraw

Mr. Hanson from the Committee on Agriculture on Bill "An Act relating to Collection of Dues by Milk Dealers for Cooperative Dairy Farmers Corporations" (H. P. 654) (L. D. 909) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Townsend from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Mrs. Warren Jewell of Bath for Property Damage by Highway Construction (H. P. 972) (L. D. 1414).

Report was read and accepted and sent up for concurrence.

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

Mr. Dennett from the Committee on State Government on Bill "An Act Establishing Procedures for State Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine" (H. P. 245) (L. D. 353) reported same in a new draft (H. P. 116) (L. D. 1586) under same title and that it "Ought to pass"

Report was read.

(On motion of Mr. Soulas of Bangor, tabled pending acceptance of the Report and specially assigned for Wednesday, April 26.)

Ought to Pass with Committee Amendment

Mr. Soulas from the Committee on Health and Institutional Services on Bill "An Act relating to Inspection of County Jails" (H. P. 668) (L. D. 923) 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. 668, L. D. 923, Bill, "An Act Relating to Inspection of County Jails."

Amend said Bill in the first line (same in L. D. 923) by striking out the underlined abbreviation and figure "Sec. 1."

Further amend said Bill by striking out all of section 2 (same in L. D. 923)

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 Permit the Use of Candles in Religious or Fraternal Services" (H. P. 525) (L. D. 756) 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. 525, L. D. 756, Bill, "An Act to Permit the Use of Candles in Religious or Fraternal Services."

Amend said Bill by striking out all of the last underlined sentence (same in L. D. 756).

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 relating to Conflicts of Interest in Municipal and Quasi-Municipal Contracts" (H. P. 634) (L. D. 890) 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. 634, L. D. 890, Bill, "An Act Relating to Conflicts of

Interest in Municipal and Quasi-Municipal Contracts.”

Amend said Bill in section 1 by striking out in the 11th line (9th and 10th lines in L. D. 890) the underlined words “a controlling stockholder” and inserting in place thereof the underlined words ‘the owner of at least 10% of the stock’

Further amend said Bill in section 3 by striking out in the 10th line (8th and 9th lines in L. D. 890) the underlined words “a controlling stockholder” and inserting in place thereof the underlined words ‘the owner of at least 10% of the stock’

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

Mrs. Wheeler from the Committee on Legal Affairs on Bill “An Act to Grant a New Charter to the City of Auburn” (H. P. 609) (L. D. 859) 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:

C O M M I T T E E A M E N D M E N T
 “A” to H. P. 609, L. D. 859, Bill, “An Act to Grant a New Charter to the City of Auburn.”

Amend said Bill in Article VII, section 5, by inserting after the words “each department” in the 5th line (same in L. D. 859) the punctuation and words ‘, except the school department,’

Further amend said Bill in Article VII, section 10, by inserting after the words “appropriation revenues” in the 3rd line (2nd line in L. D. 859) the words ‘from state or federal sources’

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

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting “Ought not to pass” on Bill “An Act relating to Term of Members on Board of Barbers” (H. P. 491) (L. D. 704)

Report was signed by the following members:

Mr. GREELEY of Waldo
 Mrs. SPROUL of Lincoln
 Mr. SNOW of Cumberland
 —of the Senate.

Mr. GILL of South Portland
 Mrs. CARSWELL of Portland
 Mrs. WHITE of Guilford
 Messrs. BENSON
 of Southwest Harbor
 SOULAS of Bangor
 NOYES of Limestone
 —of the House.

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

Report was signed by the following member:

Mr. BINNETTE of Old Town
 —of the House.

Reports were read.

On motion of Mr. Gill of South Portland, the Majority “Ought not to pass” Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Labor reporting “Ought not to pass” on Bill “An Act relating to Chiropractic Services for Injured Employee under Workmen’s Compensation Law” (H. P. 756) (L. D. 1103)

Report was signed by the following members:

Messrs. GOOD of Cumberland
 JOHNSON of Somerset
 —of the Senate.

Messrs. DRUMMOND of Sidney
 HUBER of Rockland
 HOOVER of Phillips
 DURGIN of Raymond
 BEDARD of Saco
 —of the House.

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

Report was signed by the following members:

Mr. NORRIS of Oxford
 —of the Senate.

Messrs. EWER of Bangor
 COUTURE of Lewiston
 —of the House.

Reports were read.

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

Mr. EWER: Mr. Speaker and Members of the House: I move the acceptance of the Minority "Ought to pass" Report and would ask permission to speak briefly on the matter.

The SPEAKER: The gentleman may proceed.

Mr. EWER: This bill, while it is more or less perennial, is a bill which in my opinion is a fair one, and one which is badly needed. The only addition to the law that this bill makes is as follows: "and such employee shall be entitled to chiropractic services, as needed, paid for by the employer, provided that the commission finds such services to be reasonable and proper."

The whole crux of this change is that the employee shall be entitled to chiropractic services paid for by the employer. And, at this point may I say that if I am working for myself and happen to be down in my cellar moving a box and I wrench my back, but I am covered by a private accident policy, I can go to a chiropractor and have this paid for by the insurance company. But if I am working for someone else who is covered by a Workmen's Compensation policy and I go to a chiropractor I would have to pay my own expenses.

This bill does not enlarge or expand the chiropractor's scope of service. He has been given the right to practice chiropractic since 1923, and as I said a man injured on the job at the present time can use the services of a chiropractor by paying for them out of his own pocket.

Why shouldn't an employee have the right to select who will take care of his own body? Morally, legally and sensibly, an individual should have the right to choose his own road to health be it by way of dentistry, optometry, osteopathy, podiatry, chiropractic or any other form of a recognized healing art.

Certainly no one can dispute that chiropractic is a recognized healing art. They are recognized in forty-eight states, the District of Columbia, the Commonwealth

of Puerto Rico, six provinces of Canada, Australia, New Zealand and South Africa. Claims for chiropractic care are paid for by more than six hundred insurance companies in the United States.

The very law which we are discussing today is the law in forty-five other states. The right for a man to have a freedom of choice and the right for a man to be paid for his services are basic rights.

This is not a new fight the chiropractors have been waging for the past few sessions. The osteopathic profession went through the same battle, and the proponents of Medicare fought the Medical Association a long battle before that legislation was ever passed.

Please don't be misled by the "red herrings" that have been thrown across the path of this bill. The most recent one is that a chiropractor cannot diagnose a case. This is simply, purely and simply a play on words. Courts all over the country have allowed chiropractors to qualify as experts in the field of chiropractic which means they can testify as to what the patient gave them for a history, what the symptoms were and as a result of this what their conclusions were. This is basically what is known as a diagnosis.

A chiropractor is also required to report to the State Department of Health and Welfare any contagious diseases which he may uncover among his patients. He is also required to sign death certificates. If this does not require diagnosis, I don't know the meaning of the word. If a chiropractor could not diagnose he could not even come to the conclusion that a person needed his services. In other words, the Legislature in 1923 would have given the chiropractor a license to practice, but not the right to practice unless someone first made a diagnosis for him.

This is a just and equitable bill. I ask for your vote and your support. Thank you.

The SPEAKER: The pending question is the motion of the

gentleman from Bangor, Mr. Ewer, that the House accept the "Ought to pass" Report on L. D. 1103.

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

Mr. LYCETTE: Mr. Speaker and Members of the House: This Bill, L. D. 1103 came up in substance two years ago and I voted against it.

I have had a lot of experience with chiropractors, osteopaths, because I have had inherent back troubles all my life. I feel that they have a very important part to play in the curing of people's ills and I certainly now would support this bill; I feel they are entitled to consideration. Thank you.

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

Mr. HENNESSEY: Mr. Speaker and Members of the House: As one who has directly benefitted from these treatments, I certainly will go on record with this Minority Report "Ought to pass."

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

Mr. CROMMETT: Mr. Speaker and Members of the House: My position on thus Bill, L. D. 1103 is this. I feel that the injured workman should have the right of free choice in seeking aid for the relief of pain. Chiropractors rendering such service should be paid under the Workmen's Compensation Act, the same as those in the medical profession.

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

Mr. JAMESON: Mr. Speaker and Members of the House: I introduced this bill because I thought it was a good bill and I don't like repetition any more than you do, so I don't want to repeat what the gentleman from Bangor said, and others, but I want to assure you of one thing. I asked the Chairman of the Industrial Accident Commission why they objected to this bill, and I was assured, Mr. Speaker, that they did not object to it in any way, shape or manner. I hope everybody in the House will understand that.

Now, I'll state my own experi-

ences with a chiropractor. I repeated this four years ago—I mean I said it four years ago—so I'll have to repeat it.

The first time I dropped a stitch in my back, known as a drop stitch, it was a slipped disc. I had the services of a medical doctor and I was strapped up and tied up for fourteen days, and when they took the straps off of me I thought they took the hide too and nailed it to the barn door. So it worried me the next time about a year afterwards when I slipped a disc again, and it happened on a job where the New England Tel. and Tel. were working and their foreman advised me to go to a chiropractor, that I'd be back to work the next day. I did, ladies and gentlemen, and I was back to work the next day.

Twice more it occurred, and I went to a chiropractor. Then I got smart and fell off a house and broke my back! So, since then my back has been bad anyway and I've had the treatments from the chiropractors. I learned a lesson, I won't go back up on anybody's roof, for any money either.

Now ladies and gentlemen, I have a nephew who was hurt playing basketball at Bangor High. He was seriously hurt; he was paralyzed for seven months, laid in a bed in the Eastern Maine General Hospital, and nothing could be done for him. I pleaded with my brother to call in a chiropractor. It seems they won't allow a chiropractor in the hospital. Finally, one of the medical doctors advised that he be moved home, and then he could receive chiropractic treatment. He was taken home, ladies and gentlemen, and in two treatments that boy was working again. He's working now, he's night dispatcher for the Police Department.

I hope, ladies and gentlemen, you will accept the Minority Report, and I ask for a division.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Bangor, Mr. Ewer, that the House accept the Minority "Ought to pass" Report. A division has been requested, and the Chair will open the vote.

The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker, I ask for a roll call vote on this.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes; those opposed no, and the Chair opens the vote.

A vote of the House was taken.

64 voted in the affirmative and 52 voted in the negative.

The SPEAKER: Obviously, more than one fifth having expressed the desire for a roll call, a roll call is ordered. The pending question is the motion of the gentleman from Bangor, Mr. Ewer, that the House accept the Minority "Ought to pass" Report on Bill "An Act relating to Chiropractic Services for Injured Employee under Workmen's Compensation Law," House Paper 756, L. D. 1103: All those in favor of accepting the "Ought to pass" Report will vote yes; those opposed will vote no. The Chair will open the vote.

ROLL CALL

YEA — Allen, Bedard, Belanger, Beliveau, Berman, Binnette, Boudreau, Bourgoin, Bradstreet, Brennan, Brown, Buck, Burnham, Carroll, Carswell, Champagne, Clark, Cote, Crockett, Crommett, Cushing, Danton, Darey, Dennett, Drigotas, Dudley, Edwards, Eustis, Evans, Ewer, Farrington, Fecteau, Foster, Gauthier, Hanson, H.L.; Harvey, Hawes, Haynes, Healy, Hennessey, Hewes, Hichens, Hinds, Humphrey, Hunter, Immonen, Jameson, Jewell, Keyte, Kyes, Lebel, Levesque, Lewin, Littlefield, Lycette, Martin, McMann, McNally, Miliano, Minkowsky, Nadeau, J.F.R.; Nadeau, N.L.; Philbrook, Pike, Prince, Quinn, Rackliff, Rideout, Robertson, Robinson, Roy, Sahagian, Sawyer, Scribner, Snowe, P.; Soulas, Starbird, Tanguay, Townsend, Trask, Truman, Wheeler, Williams, Wood.

NAY — Baker, E.B.; Baker, R. E.; Benson, Bernard, Birt, Bragdon, Bunker, Carey, Cookson, Cornell, Crosby, Curran, Drummond, Dunn, Durgin, Fortier, Fraser, Fuller,

Gaudreau, Giroux, Hall, Hanson, B.B.; Hanson, P.K.; Harriman, Henley, Hodgkins, Hoover, Huber, Jalbert, Lewis, Lincoln, Lowery, Maddox, Meisner, Mosher, Pendergast, Porter, Richardson, G.A.; Richardson, H.L.; Rocheleau, Ross, Scott, C.F.; Scott, G.W.; Shaw, Shute, Snow, P. J.; Thompson, Waltz, Watts, White, Wight.

ABSENT — Carrier, Conley, Cottrell, Couture, D'Alfonso, Dickinson, Gill, Harnois, Jannelle, Killroy, Noyes, Payson, Quimby, Sullivan, Susi.

Yes, 84; No, 51; Absent, 15.

The SPEAKER: 84 having voted in the affirmative and 51 having voted in the negative, the Minority "Ought to pass" Report has been accepted.

The Bill was then given its two several readings and assigned for third reading tomorrow.

Divided Report Tabled and Assigned

Report "A" of the Committee on State Government reporting "Ought to pass" on Bill "An Act Creating County Commissioner Districts" (H. P. 457) (L. D. 631)

Report was signed by the following members:

Mr. WYMAN of Washington
—of the Senate.

Messrs. DENNETT of Kittery
WATTS of Machias

Mrs. CORNELL of Orono

Mr. RIDEOUT
of Manchester
—of the House.

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

Report was signed by the following members:

Messrs. LUND of Kennebec
STERN of Penobscot
—of the Senate.

Messrs. PHILBROOK
of South Portland
STARBIRD
of Kingman Township
MARTIN of Eagle Lake
—of the House.

Reports were read.

(On motion of Mr. Dunn of Denmark, tabled pending acceptance

of either Report and specially assigned for Tuesday, April 25.)

Passed to Be Engrossed

Bill "An Act relating to Examination to Determine Sanity of Accused in the District Court" (S. P. 191) (L. D. 426)

Bill "An Act relating to Unindorsed Checks of Recipients of Aid to the Aged, Blind and Disabled" (S. P. 346) (L. D. 930)

Bill "An Act relating to the New England Compact on Radiological Health Protection" (S. P. 482) (L. D. 1203)

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)

Bill "An Act relating to Published Records of Vital Statistics Purchased by the State Library" (H. P. 378) (L. D. 525)

Bill "An Act relating to Compensation of Patients and Inmates at State Institutions" (H. P. 446) (L. D. 621)

Bill "An Act relating to Maternity Homes or Hospitals" (H. P. 485) (L. D. 698)

Bill "An Act relating to Municipal Expenses in District Courts" (H. P. 597) (L. D. 826)

Bill "An Act relating to Application for Aid to Aged, Blind or Disabled" (H. P. 603) (L. D. 847)

Bill "An Act Authorizing Positions for Casework Services to the Blind" (H. P. 649) (L. D. 902)

Bill "An Act relating to Claims Against Estates of Deceased Recipients of Aid to the Aged, Blind and Disabled" (H. P. 690) (L. D. 971)

Bill "An Act relating to Earned Income of Recipients of Aid to the Aged, Blind or Disabled and Aid to Dependent Children" (H. P. 706) (L. D. 1001)

Bill "An Act Amending Incorporation of and Extending Charter of R. and T. Cement Railway Company" (H. P. 715) (L. D. 1010)

Bill "An Act relating to State Prison Prisoners' Attendance at Funerals or Deathbed Visits" (H. P. 740) (L. D. 1063)

Bill "An Act relating to Limit to Hold Property of the East Liv-

ermore Campmeeting Association" (H. P. 758) (L. D. 1105)

Bill "An Act to Clarify the Purposes of Northeast District of the Unitarian Universalist Association" (H. P. 759) (L. D. 1106)

Bill "An Act relating to Salaries of Board of Trustees of Brunswick Sewer District" (H. P. 761) (L. D. 1108)

Bill "An Act relating to Trespass on Lands Appurtenant to State Colleges" (H. P. 795) (L. D. 1173)

Bill "An Act Making Mandatory the Reporting of Blindness to the Department of Health and Welfare" (H. P. 887) (L. D. 1301)

Bill "An Act relating to Rules and Regulations of Department of Health and Welfare Regarding Health of Employees" (H. P. 888) (L. D. 1302)

Bill "An Act Repealing Law Relating to Medical Care Accumulation Fund" (H. P. 987) (L. D. 1428)

Bill "An Act Providing for Volunteer Services within Department of Health and Welfare" (H. P. 988) (L. D. 1429)

Bill "An Act relating to Practitioners of Funeral Service, Funeral Directors and Embalmers" (H. P. 989) (L. D. 1467)

Bill "An Act relating to Voting Rights in Protestant Episcopal Church in the Diocese of Maine" (H. P. 1112) (L. D. 1581)

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 Authorizing the Leasing of Air Rights by Municipalities" (H. P. 1113) (L. D. 1532)

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 and specially assigned for Wednesday, April 26.)

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

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

Amended Bills

Bill "An Act Revising Laws on Dealers in Poultry" (S. P. 420) (L. D. 1074)

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

Bill "An Act relating to Time of Municipal Election in City of Westbrook" (H. P. 787) (L. D. 1149)

Bill "An Act relating to Qualifications of Superintendents at the State Hospitals for the Mentally III" (H. P. 935) (L. D. 1351)

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.

Bill "An Act to Clarify the Motor Vehicle Laws" (S. P. 115) (L. D. 264)

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 Senate Amendment "A" and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act to Appropriate Funds and Provide Staff for Alcoholism Services (S. P. 9) (L. D. 15)

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. 109 voted in favor of same and 8 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 Providing for a Council-Manager Charter for the Town of Cape Elizabeth (H. P. 233) (L. D. 341)

An Act to Create the Orrington Water District (H. P. 913) (L. D. 1336)

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:

Bill "An Act relating to Transportation of Disabled, Collision Damaged, Wrecked or Repossessed Highway Motor Vehicles" (H. P. 59) (L. D. 84)

Tabled—April 7, by Mr. Drummond of Sidney.

Pending—Assignment for third reading.

The SPEAKER: The Chair recognizes the gentleman from Sidney, Mr. Drummond.

Mr. DRUMMOND: Mr. Speaker, would I be out of order to speak regarding this bill prior to making a motion?

The SPEAKER: The gentleman may proceed.

Mr. DRUMMOND: Mr. Speaker, Ladies and Gentlemen of the House: I have heard the 102nd Legislature called "the Legislature of trucks." I hope the 103rd won't be called "the Legislature of the automobile dealers."

We now have laws on the books regulating the use of dealer plates. We have L. D. 84 to change one part of the law so that the dealers can get into the leasing business without paying the Sales Tax or Excise Tax on their vehicles.

L. D. 1533 is hustling right along to repeal and replace all the laws regarding dealers' plates, and start over.

I would like to discuss with you L. D. 150 which if passed will let the dealers use the dealer plates on their wreckers to haul for hire. They would have to pay no Sales Tax and no Excise Tax.

The way the present law reads a dealer's plate is a legal registration until the vehicle is sold, exchanged or used for hire. Another law says that no one shall haul for hire over 15 miles without a Public Utilities permit. The Public Utilities Commission and the Courts of our State have ruled that any person, firm or corpora-

tion is engaged in transportation if they haul for hire twice in any six-month's period. There are a few exemptions. I hope that you will note these carefully.

An owner, or a corporation or a company doing business of manufacturing may haul its own product. You can haul for hire within your own city limits if it is not over 15 miles from where your vehicle is domiciled.

If you're working on a government construction job, either State, Federal or County or a municipality, you don't have to have permits if you're transporting mail. You don't have to have permits if you're transporting farm vegetables from farms to processing plants. You don't need permits if you're hauling wood products not over 100 miles. You can move livestock to fairs without permits, but this does exclude race horses. You may haul milk not over 25 miles without permits.

There are some others, but every other commodity that is hauled either by common or contract carriers in the truck field or the railroads, comes under the Public Utilities Commission's jurisdiction.

I am informed that of the 387 new car dealers who sponsor this legislation, there are only 82 with wreckers. If each one of these wreckers cost \$4,000, and this is a low figure, the State would lose \$160.00 per unit in Sales Tax, and \$142.00 in Excise Tax. For these dealers we could lose \$13,000, and this is just 82 new car dealers with wreckers—we could lose \$13,120 in Sales Tax and \$11,644 in Excise Tax for a total of \$24,764.

I ask you, did you ever see one of these wreckers made to haul cars with trying to haul a truck? If these vehicles were licensed and registered under the Public Utilities Commission, they would have had to meet certain safety standards that they don't meet now.

The day of the hearing there were two car dealers present, and one of these car dealers has two wreckers and the other one has

one. All three of these wreckers are on dealer plates. There were two members of the third house there at the hearing, and a representative from the Public Utilities Commission, and the gentlewoman from Bethel, Mrs. Lincoln, who presented L. D. 150. There were two other people there opposed to this legislation and they had no special interests.

There are people who will ask—what will we do if this bill isn't passed, and the nearest wrecker is thirty miles away? I would say that this creates no problem because if this dealer had his vehicle licensed and registered under the PUC as anyone else does in the transportation business, it would create no problem.

What would the part of the 2,500 filling station operators who have wreckers think if they knew we were passing this kind of legislation? These people in the filling stations have to pay the Sales Tax, the Excise Tax, and if they haul over 15 miles they have to get Public Utility permits and plates.

I couldn't guess the number of garages and repair shops who have wreckers, and they pay their taxes and license these vehicles.

I would like to challenge every member in this House to go home and ask ten people—not owners of, or associated with dealerships, if they think we should liberalize our dealer plate regulations, and because of this I would like to make the motion that we indefinitely postpone L. D. 150. Thank you.

The SPEAKER: The question before the House now is the motion of the gentleman from Sidney, Mr. Drummond, that Item 1, Bill "An Act relating to Transportation of Disabled, Collision Damaged, Wrecked or Repossessed Highway Motor Vehicles," be indefinitely postponed.

The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker, Ladies and Gentlemen of the House: I believe my good friend Mr. Drummond from Sidney is a

little bit mixed up. He mentioned that I presented Legislative Document 150. I did not present Legislative Document 150. Mr. Crosby from Kennebunk presented that, and that Bill deals with the dealer registration plates. The Bill we are discussing now is L. D. 84, relating to transportation of disabled, collision damaged, wrecked or repossessed highway motor vehicles.

I don't blame him for being confused. This was heard quite a few months ago, and it has been on the table ever since.

He also is speaking about, I think it's 1533, which is a revision of this dealer registration plates.

Now my bill has nothing whatsoever to do with the dealer registration plates. I merely would like to have the mileage that a wrecker can go which is now 15 miles, to the amount of 35 miles. Bethel has not had a wrecker in our town since last Fall. We couldn't possibly be hauled any place, it would be against the law since you can only go the 15 miles. The nearest towns would be Rumford or Norway, and as this Bill has been amended to 35 miles, this would enable Bethel to be able to get a wrecker without going against the law, and I sincerely hope that the bill is not indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Sidney, Mr. Drummond.

Mr. DRUMMOND: Mr. Speaker, I would like to apologize to the House and to the gentlewoman from Lincoln. I referred in my talk to L. D. 84 although I did say L. D. 150, I'm sorry.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker and Members of the House: As Chairman of the Highway Committee that heard this bill, it came out of the Committee unanimous "ought to pass." Now are we going to uphold our committees and what are our committees for? I say vote yes on this bill.

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

Mr. WALTZ: Mr. Speaker, Ladies and Gentlemen: As a member of the Highway Committee, I wish to support what my good friend, Mr. Crockett from Freeport has just said. This bill at executive session of the Highway Committee was extremely widely discussed. I think that every individual member of the Committee had some ideas on the subject. It finally simmered down to this. At the present time under dealers' plates the dealer may go out or send his mechanic out or driver and pick up a damaged vehicle within fifteen miles of this plant. This bill, if it should pass as written, would permit an individual at Fort Kent to go down to Kittery and pick up a vehicle. We felt it would be unwise to go to that extent, but we did feel somewhat sympathetic to a dealer who might wish to pick up a car, a damaged vehicle, perhaps a car that had been in collision with some other car sixteen miles from his place of business. Definitely, if he did that, and off-times I suspect that he would receive calls from the State Police to come out and gather up this damaged vehicle as quickly as possible, should he go beyond the fifteen mile limit he would be breaking the present law. For that reason, we felt that if we went along to the extent of thirty-five miles it would be an injustice to no one. I have no reason to question the mathematics that my good friend, Mr. Drummond presented; I presume they are correct. I certainly feel that this House should support the decision that was unanimous from the Highway Committee.

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

Mr. ROSS: Mr. Speaker, as the Republican Monitor in the House, I would pose a question through the Chair to the gentleman from Freeport, Mr. Crockett, because he said he hoped the House voted "yes." If the House votes "yes" they are voting for indefinite postponement.

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to the

gentleman from Freeport, Mr. Crockett, who may answer if he so chooses.

Mr. CROCKETT: Mr. Speaker, I stand corrected.

The SPEAKER: The Chair understands the gentleman stands corrected. Does the gentleman consider his question answered?

Mr. ROSS: Yes, Mr. Speaker.

Mr. Drummond of Sidney requested a vote on the pending motion.

The SPEAKER: A vote has been requested on the motion of the gentleman from Sidney, Mr. Drummond, that this Bill "An Act relating to Transportation of Disabled, Collision Damaged, Wrecked or Repossessed Highway Motor Vehicles," House Paper 59, L. D. 84, be indefinitely postponed.

All those in favor of the indefinite postponement of this bill will vote yes; those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, I would like to make a motion to table this for a week.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, now moves this be tabled until Wednesday, April 26, pending the motion of the gentleman from Sidney, Mr. Drummond, to indefinitely postpone.

Mr. Richardson of Cumberland requested a division on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All those in favor of tabling will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken.

42 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Sidney, Mr. Drummond, to indefinitely postpone this bill. A vote has been requested. All those in favor of indefinite postponement will

vote yes, those opposed will vote no and the Chair will open the vote.

A vote of the House was taken.

27 having voted in the affirmative and 95 having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Bill was assigned for third reading tomorrow.

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

SENATE REPORT — Ought to Pass in New Draft — Committee on Highways on Bill "An Act to Revise Utility Location Permits in Public Highways" (S. P. 535) (L. D. 1397) — New Draft (S. P. 594) (L. D. 1572) (In Senate, new draft passed to be engrossed)

Tabled — April 12, by Mr. Robertson of Brewer.

Pending — Acceptance in concurrence.

The Report was accepted in concurrence and the New Draft read twice.

Mr. Robertson of Brewer offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 594, L. D. 1572, Bill, "An Act to Revise Utility Location Permits in Public Highways."

Amend said Bill in section 4 by inserting after the underlined words and punctuation "federal aid highway." in the 10th line (8th line in L. D. 1572) the underlined words and punctuation 'except for such state or state aid highways in the compact areas of municipalities having a population over 5,000.'

Further amend said Bill in section 5 by inserting after the underlined words and punctuation "federal aid highway," in the 4th line from the end (same in L. D. 1572) the underlined words and punctuation 'except for such state or state aid highways in the compact areas of municipalities having a population over 5,000.'

Further amend said Bill in section 6 by striking out all of subparagraphs (1) and (2) of paragraph A of subsection 1 of that part designated "§2483." and in-

serting in place thereof the following:

'(1) **The State Highway Commission, when the public way is a state, state aid or federal aid highway, except for such state or state aid highways in the compact areas of municipalities having a population over 5,000;**

(2) **The municipal officers, when the public way is a city street or town way or a state or state aid highway in the compact areas of municipalities having a population over 5,000;'**

Further amend said Bill in section 6 by striking out all of subsections 16 and 18 of that part designated "§2483." and inserting in place thereof the following:

'16. Agreement. The granting of a permit by the State Highway Commission, municipal officers or county commissioners, pursuant to this section, shall constitute an agreement between the utility and the State or political subdivision thereof.

18. Relocation in certain municipalities. The State Highway Commission shall have the exclusive rights, powers and duties of municipal officers under section 2489 when state, state aid and federal aid highways are affected, except for state and state aid highways in the compact areas of municipalities having a population over 5,000.'

Further amend said Bill in section 7 by inserting after the underlined words and punctuation "**federal aid highway,**" in the 7th and 8th lines (6th line in L. D. 1572) the underlined words and punctuation '**except for such state or state aid highways in the compact area.'**

The SPEAKER: The gentleman may proceed.

Mr. ROBERTSON: Mr. Speaker and Members of the House: I felt perhaps I had an obligation to explain the reason for this amendment. Passage of this bill as presently written would definitely impair the rights of the municipal officers in controlling use of the public way within the compact limits on State and State-Aid Highways.

There appears to be no justification for State Highway Commission involvement of this kind in

communities of over 5,000 population since the State does not accept any responsibility for maintenance on these classifications.

In my opinion some aspects of this legislation are an unnecessary invasion of State government in local matters. It should be pointed out that this bill will give the Highway Commission power to control the location of not only utility poles but water and sewer lines, storm drainage systems, fire alarm systems, gas or electricity whether privately or municipally owned.

Now in business and commercial areas of a city the State Highway Commission will not have available to it, without great expense, the necessary information to make adequate location judgments. State participation in compact areas will cost both State and local governments time and money. In downtown areas where redevelopment and redesign are in process local authorities must have available to them the control of all utility systems both over the public ways and underground. These are strictly local matters and should be of no concern to the State.

The Act as written gives the State Highway Commission the authority to grant pole and other utility permits along State, State-Aid and Federal-Aid highways. Now to do this, a copy of the utility location application is required to be sent to the municipality and the procedures outlined in which they would receive this permission eventually. I maintain, ladies and gentlemen of the House, that the State Highway Commission needs this legislation on Federal-Aid highways to meet Federal requirements.

Now the amendment which I have presented which is before you now will exempt State and State-Aid roads in compact areas over 5,000 population. Now in those areas, with the exception of Federal-Aid highways, municipalities would still be responsible for utility location permits. This amendment will not — I reiterate that this amendment will not jeopardize the Federal funds of the State Highway Commission. So ladies and gentlemen of the House,

let's not unnecessarily handicap our municipalities with legislation that is not required to meet the Federal standards. Thank you.

Thereupon, House Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

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

Bill "An Act relating to Education of Members of Lewiston Police Department" (H. P. 207) (L. D. 298)

Tabled—April 12, by Mr. Gaudreau of Lewiston.

Pending — Passage to be engrossed.

On motion of Mr. Cote of Lewiston, retabled pending passage to be engrossed and specially assigned for Thursday, April 27.

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

An Act relating to Tuition for Pupils Attending Secondary Schools in Other States or Countries (H. P. 1096) (L. D. 1562)

Tabled—April 12, by Mr. Bragdon of Perham.

Pending—His motion to reconsider passage to be enacted.

Thereupon, the House voted to reconsider its action whereby the bill was passed to be enacted on April 11.

On further motion of Mr. Bragdon of Perham, the House voted to suspend the rules and to reconsider its action whereby the bill was passed to be engrossed on April 4.

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

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

HOUSE AMENDMENT "A" to H. P. 1096, L. D. 1562, Bill, "An Act Relating to Tuition for Pupils Attending Secondary Schools in Other States or Countries."

Amend said Bill by striking out all of the last underlined sentence (same in L. D. 1562)

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

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

An Act relating to Permits for Motorcycle Operation (H. P. 566) (L. D. 798)

Tabled—April 13, by Mr. Snowe of Auburn.

Pending—Passage to be enacted.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

SENATE MAJORITY REPORT (7)—Ought Not to Pass—Committee on State Government on Bill "An Act Increasing Compensation of Members of the Legislature" (S. P. 167) (L. D. 338)—MINORITY REPORT (3)—Ought to Pass as amended by Committee Amendment "A" (S-60) (In Senate, Committee Amendment "A" indefinitely postponed, passed to be engrossed as amended by Senate Amendment "A" (S-72)

Tabled—April 18, by Mr. Martin of Eagle Lake.

Pending—Acceptance of either report.

On motion of Mr. Martin of Eagle Lake, the Minority "Ought to pass" Report was accepted in concurrence on a viva voce vote.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in opposition to the acceptance of this report.

I do not believe that it was ever intended that this Legislature should be a rich man's club; neither do I believe that it should be an adjunct to the poverty program.

I would not say that you, as members of the Legislature, are overpaid, neither do I think at the

present moment that you are really underpaid.

There is in process in this Legislature of the passage of a certain bill that would increase the allowances to the members of the Legislature for their housing and for their subsistence, and I am reminded of charges that sometimes are made to juries by the judges in the finding of a verdict, when the judge admonishes the jury that the plaintiff should be made whole, but he should not be enriched. I think this is the case at the present time. I do really believe that we as members of the Legislature should be made whole, that our expenses as such should be firmly met, but I do not think in any manner that we should be enriched.

Another point is that I think that this legislation is very untimely, particularly in view of the fact that only two years ago the Legislature increased the salary of this present Legislature.

Now I, like yourselves, am very much aware that this Legislature cannot increase its own salary, but it can increase the salary of the succeeding Legislature. But the people at home don't know this. When they read in the paper that the Legislature has increased its own salary, it strikes pretty much of a sour note. They are not aware that you are increasing the salary of a succeeding Legislature, but they think that you have come up here for the sole purpose of voting yourselves more money, and this does not leave a very good taste in anyone's mouth.

Now I think again, and this is in conclusion, that this is a crucial session of the Legislature. We are going to be called upon to raise more money perhaps than ever before to meet the vital needs of the State of Maine. I think it is a very poor time to think personally of our own needs. I think, without exception, that every man and woman who sits in this House is here for a cause and not for a purpose, and certainly not the purpose of raising their own salaries and particularly at this time.

And with this, Mr. Speaker and Members of the House, I move that this bill and its accompanying reports be indefinitely postponed, and when the vote is taken I ask that it be taken by division.

The SPEAKER: The Chair would advise the gentleman that the House has accepted the Minority "Ought to pass" Report. Does the gentleman wish to make a motion to reconsider the action of the House?

Mr. DENNETT: Mr. Speaker, I move that we now reconsider our action where we accepted the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, now moves that the House reconsider its action whereby it accepted the Minority "Ought to pass" Report.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise to support the motion of the gentleman from Kittery, Mr. Dennett, for the same reasons that he has given, plus I would like to quote from this morning's Waterville Sentinel. This is a statement from our Chief Executive, and this shows perhaps why we do not deserve more money. It says: "If I were the best of all Governors, which I am not, my hands would be tied by the type of people you send to a Legislature."

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: When I first came here we were getting \$1200, and I really felt that that wasn't very much. However, I feel at this time that there are many, many more pressing needs, and as all of you people know, I am very very interested in getting more programs passed, particularly for our institutions and Mental Health and Mentally Retarded, and so I'm going to have to vote to reconsider this measure and then vote against its passage.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the

House: As the signer of the Minority "Ought to pass" Report I feel I must defend the position which I have taken.

Many suggestions as you all realize have been made to improve the image and the efficiency of the Legislatures, not only in Maine but across the country. They usually include that of Joint Committees, improved staff, annual sessions and increased compensation of legislators.

When this bill was originally presented to the State Government Committee, it was for \$4500. The Committee amended the bill to \$3000. The sponsor in the other body has reduced the bill to \$2500.

The Members of the House might be interested somewhat in what other states across the country are paying. The salary ranges from \$200 a year in New Hampshire to \$35,000 for a two-year period in the State of California. The immediate compensation for a two-year period now being paid to legislators across the country, is in the range of \$5800 to \$6300 per biennium.

Obviously this L. D. would not reach that level, but it would be a step in that direction. The opponents will argue that there is no need for this legislation. I cannot agree with this. When salaries are grossly inadequate, a member of the Legislature must have independent means. He must therefore neglect his public duties in order to earn an income or to accept financial responsibilities from friends or others. Certainly, if legislators were to receive more, there is no doubt in my mind that the people of Maine could expect more, and certainly you can expect more if you pay them properly.

I certainly hope therefore that you vote against the motion of the gentleman from Kittery, Mr. Dennett, and against the motion to reconsider.

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

Mr. NADEAU: Mr. Speaker, I rise only to make a couple of brief remarks. Frankly, as I see it now, there are only a few dedi-

cated people here who can afford to come here. Others are those who draw a salary elsewhere while they are here, and then there are those who have been said to belong to a rich man's club. I personally feel that by accepting this amendment as amended, it is only a slight increase of \$500, and like anything else everything else has gone up, and it's gone up for some of us who would like to come back.

I feel that it should not be just a particular type for a certain few that are allowed to come back. I feel that this slight increase would bring about more capable people who would think of running. We shouldn't be afraid of competition.

Now I have here the roll calls, it says Washington, D. C. February 16. I think some of you people have seen this. There are only eight states receiving less money than us. Now we should go along with the majority again. California is the highest with \$35,000. We don't want that kind of money I don't believe, but I feel \$500 ought to be considered and I feel we should be men and ladies enough to give a chance to the people that would like to come here as a dedicated person and get a decent salary.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: In my individual capacity and not as the Majority Floor Leader, I would like to support the motion for reconsideration made by the gentleman from Kittery, Mr. Dennett. I have never been satisfied that increasing salaries necessarily improves the quality of legislation or legislators. I think that the people of the State of Maine are blessed to have had good Legislatures, and I am including certainly the 102nd and this Legislature.

I don't see that you necessarily guarantee yourself any place in the hearts of your constituents when you vote yourself a pay increase but for a later session, and that too has been suggested by the gentleman from Kittery, Mr. Dennett.

The one point that has not been made is that in my visits to the Legislatures in other states here in New England, many of whom have higher salaries, I am not at all impressed that they do a better job or that they do a more faithful job. I would remind the members of the House that we have a bill before us which is going to increase the allowances which we receive both for travel and lodging. I think that is just about enough for one dose, and I would urge you to go along with reconsideration of the acceptance of the ought to pass report and then go along with indefinite postponement of this bill as amended. Thank you.

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

Mr. EWER: Mr. Speaker, I wish to go along with the gentleman from Kittery, Mr. Dennett, in everything that he said, and to point out one more thing. It has been said that the price of everything is going up, everything is increasing, and I think I can point to your attention one thing that certainly would go up if we passed this bill and that is the number of votes cast in opposition to those who are favoring this.

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

Mr. JALBERT: Mr. Speaker, I would like to ask the gentleman from Bangor, Mr. Ewer, to repeat the last comment. I don't think I believe what I heard. I would like to ask him to repeat it.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Bangor, Mr. Ewer, who may answer if he chooses.

Mr. EWER: Mr. Speaker, my statement was that I thought that one thing that would certainly go up and that would be the size of the vote opposing those who voted for this measure the next election.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I don't wish to take sides in this issue at all, but every once in a while remarks are made on the Floor of the House which frankly would be better off left unsaid, and I think if you will look back at the record, up to about maybe six or eight years ago when I was a candidate myself and at the time was the youngest man in the world, you will see that I made such statements also. I think they are uncalled for and I guarantee you one thing right now, that my ability or non-ability as a legislator is not voiced and based upon whether I voted for myself a raise in pay. I would like to ask the gentleman from Bangor, Mr. Ewer, just where would he suggest that the Legislature do vote themselves a raise in pay outside of this body. I would like to ask him if there is another body that can vote us a raise in pay for legislators outside of this body?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Bangor, Mr. Ewer, who may answer if he chooses.

Mr. EWER: Mr. Speaker, Ladies and Gentlemen: I fail to just see the connection in all this, but possibly there is one. I agree absolutely that the Legislature votes for the pay system set up for the following term, it cannot do it for its own benefit, I understand that.

I am decidedly in opposition to this bill and I perhaps shouldn't have made the wisecracks I did, and if it offended anybody I sincerely wish to apologize, but I fail to see just what the connection with the bill is.

The SPEAKER: The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House reconsider its action whereby it accepted the Minority "Ought to pass" Report on Bill "An Act Increasing Compensation of Members of the Legislature" and a vote has been requested. All those in favor of reconsideration will vote yes and those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

86 having voted in the affirmative and 43 having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The question now before the House is acceptance of the Minority "Ought to pass" Report. All those in favor of the acceptance of the Minority "Ought to pass" Report will say yes; those opposed, no.

Thereupon, the motion to accept the Minority "Ought to pass" Report failed on a viva voce vote.

Thereupon, on motion of Mr. Dennett of Kittery, the Reports and Bill were indefinitely postponed in non-concurrence on a viva voce vote and sent up for concurrence.

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

Bill "An Act relating to School Entrance Age Requirements" (S. P. 213) (L. D. 476) (In House, passed to be engrossed as amended by Committee Amendment "A" and House Amendments "A" and "B" in non-concurrence.) (In Senate, Committee Amendment "A" (S-43) and House Amendments "A" (H-134) and "B" (H-140) indefinitely postponed; passed to be engrossed as amended by Senate Amendment "A" (S-74) in non-concurrence)

Tabled — April 18, by Mr. Nadeau of Sanford.

Pending — Further consideration.

On motion of Mr. Fraser of Mexico, the House voted to recede and concur with the Senate.

(Later Reconsidered and Tabled)

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

Bill "An Act relating to Windshield Wipers on Motor Vehicles" (H. P. 927) (L. D. 1335) (In House, Bill substituted for Report and passed to be engrossed as amended by House Amendment "A" (H-145) (In Senate, Ought Not to Pass Report accepted in non-concurrence)

Tabled—April 18, by Mr. Nadeau of Sanford.

Pending—Further consideration.

On motion of Mr. Nadeau of Sanford, the House voted to insist and ask for a Committee of Conference.

The Chair laid before the House the ninth tabled and today assigned matter.

HOUSE REPORT — Ought Not to Pass — Committee on Election Laws on Bill "An Act Determining Position of Names of Candidates on Primary Ballot and General Election Ballot" (H. P. 984) (L. D. 1426)

Tabled — April 18, by Mr. Benson of Southwest Harbor.

Pending — Acceptance.

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

Mr. SCRIBNER: Mr. Speaker, I note that my good friend from Portland, Mr. Sullivan, the sponsor of this measure is not in attendance today and I would request that it be tabled for one legislative day.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled pending acceptance of the Report and specially assigned for tomorrow.

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

HOUSE REPORT — Ought Not to Pass — Committee on Election Laws on Bill "An Act Determining Position of Names of Candidates on Primary Ballots" (H. P. 983) (L. D. 1425)

Tabled — April 18, by Mr. Richardson of Cumberland.

Pending — Acceptance.

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

Mr. SCRIBNER: Mr. Speaker, Ladies and Gentlemen of the House: I wish to thank the gentleman from Norway, Mr. Henley, for requesting this item be tabled until today. I would like to speak briefly to the question and make a motion.

This measure was introduced by a legislator at the 102nd session at my request and it received a divided report at that time. I introduced it again because I feel

that this is still a most worthy measure. L. D. 1425 provides that the listings of names, if there are more than one name for an office on a primary ballot, be determined by the Secretary of State by the drawing of lots. The Secretary of State stated at the hearing that this would not involve any additional expense to the State and it would not change anything else on the ballot.

The present method is a two-edged sword. Candidates have to survive two elections under the present method, and many people feel that a candidate near the top of the list has a decided advantage with the voters. This is especially true if there are as many as sixteen to eighteen candidates for an office which can and does happen here in Maine. A fairer method of listing names will encourage more people to seek public office and make it possible for every candidate on the ballot to have a more equal chance for election. I have been interested in this for several years and wonder if I am making any headway. I move that we substitute the Bill for the Report and when the vote is taken I request that it be taken by a division.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Scribner, that the House substitute the bill for the report, and a vote has been requested.

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

Mr. HAWES: Mr. Speaker, as House Chairman of the Election Laws Committee I feel I should defend the Committee's feelings on this bill. It came out of committee unanimous ought not to pass. Those on the Committee felt that this was just affecting a few people in one or two areas in the State and we did realize that the Secretary of State said that it wasn't any great problem but we felt it would contribute to some confusion this drawing of names by lot, it might be another cost to the candidates if they wanted to go and see that their names were drawn. I don't think there is too much more I can say on it except that I hope you will take into

consideration the Committee passed it out ought not to pass unanimously.

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

Mr. QUINN: Mr. Speaker, I would like to inquire from somebody who might give me the answer through the Chair as to the method of selecting the names by lot, the procedure.

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

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

Mr. SCRIBNER: Mr. Speaker, I have discussed this with the Secretary of State. He inquired whether there would be any requirement for advertising, which was the primary objection he might have if it resulted in additional expense and there was none. The bill does require there to be a public drawing which would be attended by the members of the Press on the fourth floor here and it would probably be noted in the news columns that the drawing was to be taken prior to the printing of the ballots and there is no requirement that the candidates be there but it would be reported in the press.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, as a member of the Election Laws Committee I would like to comment on this particular bill of my friend Mr. Scribner. I know that on a lot of items that I have studied in this session of the legislature I feel that it is a specialty item in a good many cases and we a lot of times are more or less obligated to go along with the majority report of the Committee. I feel that other times possibly the Committee is placed on the spot, some of these things we have no proponents with the exception of the writer of the bill and a good many times we have no opponents and we have to study over the bill in executive session and I realize as we all do that we can make errors there. I myself did not see

very much harm in this bill. I do recall that the Secretary of State was quizzed on the procedures to go by to draw these names, and I can see where it would be possibly a pretty fair way of doing it for the cities that have multiple candidates, and even though I voted with the majority, I think I voted rather cruelly on it because I would be willing to state here that I feel that this body can judge by itself, and that's why I feel it is wise to have a division. And in conclusion I will state that my feelings will not be hurt if the majority report is turned down and the bill is substituted.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: This might just be a coincidence, but I was just looking over the Election Laws Committee. Now we have twenty-six letters in the alphabet, and I'll just give you a quick rundown of the Committee members. The names are: Anderson, Berry, Couturier, Hawes, Henley, Hodgkins, Jannelle, Bourgoin, Boudreau and Bernard. Only one of these people comes after the seventh letter in the alphabet. (laughter)

The SPEAKER: Is the House ready for the question? All those in favor of substituting the Bill "An Act Determining Position of Names of Candidates on Primary Ballots," L. D. 1425, 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. 49 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

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

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

HOUSE REPORT—Ought Not to Pass—Committee on Legal Affairs on Bill "An Act to Require Fencing of Unsightly Public Dumps" (H. P. 679) (L. D. 951)

Tabled—April 18, by Mr. Benson of Southwest Harbor.

Pending—Acceptance.

On motion of Mr. Lowery of Brunswick, retabled pending acceptance and specially assigned for Wednesday, April 26.

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

HOUSE REPORT—Ought to Pass in New Draft—Committee on State Government on Bill "An Act Requiring Constructed Public Buildings be Made Accessible to the Physically Handicapped" (H. P. 857) (L. D. 1270)—New Draft (H. P. 1114) (L. D. 1583)

Tabled—April 18, by Mrs. Cornell of Orono.

Pending—Acceptance.

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

Mr. BIRT: Mr. Speaker and Members of the House: Although I don't want to take any position on this particular bill, I have the greatest sympathy for people who are crippled in any way, shape or manner, but I would like to point out to the House that they give serious consideration to this bill because there are many built-in extras that can increase the cost of public buildings a great deal. I think you might at least want to give serious consideration to just what might be built into this bill.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: As you all know, Niran Bates who has charge of construction of public buildings, spoke in favor of this bill, and there aren't really going to be high costs in the construction of special facilities for the handicapped. Niran Bates said that they are doing it now under a Resolve that was passed by the last Legislature.

Now there are twenty-seven states that have such legislation and there are twelve states which have bills before their Legislatures. The Federal Government

has a bill before Congress. Now there is a possibility that if this bill passes that we will have to have a bill before our Legislature if we are to accept Federal funds for the construction of buildings.

There were representatives of veterans groups, cerebral palsy representatives, the Pine Tree Society for Crippled Children and Adults is in favor of this bill and many, many other organizations. This bill is not only beneficial to the permanently handicapped, but it is also beneficial to the family man who may have been boating, skiing or in an automobile accident, and I think many legislators have had recent accidents and some of the lobbyists have, and they can realize how important it would be if they were able to get to work without some of these barriers that they are faced with, so I ask that you pass this bill and then I will add an amendment which corrects a deletion.

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

Mr. BRAGDON: Mr. Speaker, I had not intended to say anything on this bill. However, I would like to call the attention of the House to the fact that this does apply to reconstruction and possibly for that reason there could be considerable cost involved when two municipalities, and this applies to all public buildings, there could very well be considerable costs involved and I think that you might well consider whether this is worth your time to take a serious look at this bill before you pass it, and if that is the disposition or the choice of this group, I am sure somebody will table it so as to give you time to do that.

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

Mr. DUNN: Mr. Speaker, I move this bill be tabled until next Tuesday.

The SPEAKER: The gentleman from Denmark, Mr. Dunn, moves this bill be tabled until Tuesday, April 25 pending acceptance of the report.

Mrs. Carswell of Portland requested a division.

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

A vote of the House was taken.

83 having voted in the affirmative and 44 having voted in the negative, the tabling motion did prevail.

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

An Act relating to Limited-user Highways (S. P. 340) (L. D. 873)

Tabled—April 18, by Mr. Richardson of Cumberland.

Pending—Passage to be enacted.

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

Mr. BRAGDON: Mr. Speaker, it has been brought to the attention of the proponents of this bill by the Attorney General's Department that there is no provision in the bill as it is now written for public notice. I have an amendment which has been prepared to take care of this oversight, and—

The SPEAKER: The Chair would advise the gentleman if he is to move suspension of the rules, he should not debate.

Thereupon, on motion of the gentleman from Perham, Mr. Bragdon, the House voted to suspend the rules and to reconsider its action of April 13 whereby it voted to recede and concur.

On further motion of the same gentleman, the House voted to recede.

On further motion of the same gentleman, the House receded from its action whereby Committee Amendment "A" was adopted and the Amendment was indefinitely postponed in concurrence.

On further motion of the same gentleman, the House receded from its action whereby House Amendment "A" was adopted.

Mr. Bragdon of Perham offered House Amendment "A" to House

Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "A" to S. P. 340, L. D. 873, Bill, "An Act Relating to Abandonment of Highways."

Amend said Amendment by adding at the end, before the single quotation mark, the following underlined sentence:

'Public notice under this section shall be by publication in a newspaper circulated in a municipality in which the way is located at least 14 days prior to the date scheduled for the determination of limited use or posting in at least 2 conspicuous places in an unorganized territory in which the way is located at least 14 days prior to the determination of limited use.'

House Amendment "A" to House Amendment "A" was adopted.

House Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Mr. HENNESSEY: Mr. Speaker, a question on this, if a town has already voted to abandon a highway, how does this fit into the picture now?

The SPEAKER: The gentleman from West Bath, Mr. Hennessey, poses a question through the Chair to any person who may answer if they choose.

On motion of Mr. Jalbert of Lewiston, tabled pending passage to be engrossed and tomorrow assigned.

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

An Act relating to Sale of Certain Biologies (H. P. 789) (L. D. 1151)

Tabled—April 18, by Mr. Richardson of Stonington.

Pending—Motion of Mr. Gill of South Portland to reconsider passage to be enacted.

Whereupon, Mr. Gill of South Portland withdrew his motion to reconsider enactment.

Signed by the Speaker and sent to the Senate.

The SPEAKER: For what purpose does the gentleman rise? Mr. HEALY of Portland: To reconsider item 7, L. D. 476.

The SPEAKER: The gentleman from Portland, Mr. Healy, moves that the House reconsider its action on item 7 tabled and today assigned, Bill "An Act relating to School Entrance Age Requirements," Senate Paper 213, L. D. 476, whereby the House receded from its former action and concurred with the Senate. The gentleman may proceed.

Mr. HEALY: May I table this until Tuesday of next week?

The SPEAKER: The Chair would not like the gentleman to table his own reconsideration motion.

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

Mr. BENSON: Mr. Speaker, I request that this lie upon the table until Tuesday next.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, now moves that item 7, L. D. 476, whereby the House receded and concurred and the gentleman from Portland, Mr. Healy, moved to reconsider, be tabled until Tuesday, April 25.

Thereupon, Mrs. Hanson of Lebanon asked for a division.

The SPEAKER: All of those in favor of tabling this matter until Tuesday, April 25, will vote yes; those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

80 having voted in the affirmative and 46 having voted in the negative, the tabling motion did prevail.

Mr. Berman of Houlton was granted unanimous consent to address the House.

Mr. BERMAN: Mr. Speaker and Members of the House: Ours is a comparative young country. It's probably been less than two hundred years since the Declaration of Independence was written by a man of thirty-three. It's just slightly more than a hundred

years since Abraham Lincoln was assassinated at Ford's Theatre while watching "Our American Cousin." Today there are some four hundred thousand boys and men fighting for our freedom and for what we believe in a far distant land.

I think that all of us are here today because of the blood of patriots living and dead and I am very proud that Maine is one of the very very few states in the Union which takes official recogni-

tion of April 19, and I would hope that the House today would take official recognition of Patriot's Day.

The SPEAKER: The Chair would advise the gentleman that his remarks are a matter of record.

On motion of Mr. Benson of Southwest Harbor,

Adjourned until ten o'clock tomorrow morning.