

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, April 20, 1967

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

Prayer by the Rev. Mr. Robert Canfield of Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees**

Ought to Pass in New Draft

Report of the Committee on Agriculture on Bill "An Act relating to Exporting of Sardines" (S. P. 446) (L. D. 1126) reporting same in a new draft (S. P. 602) (L. D. 1584) under same title and that it "Ought to pass"

Report of the Committee on Election Laws on Bill "An Act relating to Unused Ballots Left in Voting Booths" (S. P. 450) (L. D. 1130) reporting same in a new draft (S. P. 603) (L. D. 1585) under title of "An Act relating to Deposit of Ballots in Ballot Box" 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 Labor reporting "Ought to pass" on Bill "An Act Establishing the Policeman's Arbitration Law" (S. P. 342) (L. D. 926)

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

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

Divided Report

Majority Report of the Committee on Education reporting "Ought to pass" on Bill "An Act Authorizing Beal Business School to Confer Associate Degrees" (S. P. 154) (L. D. 325)

Report was signed by the following members:

Mr. MacLEOD of Penobscot
—of the Senate.

Mrs. BAKER of Winthrop
Messrs. LEVESQUE of Madawaska
RICHARDSON

of Stonington
Mrs. HANSON of Lebanon
Messrs. SHUTE of Farmington
CARROLL of Limerick
—of the House.

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

Report was signed by the following members:

Messrs. KATZ of Kennebec
SNOW of Cumberland
—of the Senate.

Mr. ALLEN of Caribou
—of the House.

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker and Members of the House: I would like to move the acceptance of the Majority "Ought to pass" Report on this bill.

The SPEAKER: The gentlewoman from Lebanon, Mrs. Hanson, moves that the Majority Report be accepted. The gentlewoman may proceed.

Mrs. HANSON: Mr. Speaker and Members of the House: This school is a business school, and not an "Ivy League" type of school. They have worked long and hard to build up and establish a top-notch school, tried to conform to the standards set by the Department of Education. They have a qualified staff, an adequate building, high-quality performance, national accreditation; but because they have not completely reached the non-proprietary status yet they have not attained the regional accreditation. This seems to me to be a minor detail to hold the degree granting privilege away from them, when they are working so hard to attain this point.

These are hard-working people who have tried to take this business school and make a top-notch

school out of it. I feel we should not discourage these people who are trying to give us extra school facilities.

Industry is at their doors to grab their students because of their excellent business and educational training even before graduation.

I feel that it is wrong to withhold for another two years what this bill would grant. Therefore I hope you will accept the "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Allen.

Mr. ALLEN: Mr. Speaker, I move we lay this on the table until next Wednesday, April 26.

Mrs. Hanson of Lebanon then requested a division on the tabling motion.

The SPEAKER: The gentleman from Caribou, Mr. Allen, now moves that this matter be tabled until Wednesday, April 26, pending the motion of the gentlewoman from Lebanon, Mrs. Hanson, to accept the Majority "Ought to pass" Report. A vote has been requested on the tabling motion. All those in favor of tabling until Wednesday, April 26, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

25 having voted in the affirmative and 99 having voted in the negative, the tabling motion did not prevail.

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

Non-Concurrent Matter

Bill "An Act Prohibiting the Sale of Bear" (H. P. 354) (L. D. 501) on which the House voted to insist on April 13 on its former action whereby the Minority "Ought not to pass" Report of the Committee on Inland Fisheries and Game was accepted.

Came from the Senate with that body voting to insist on its former action whereby the Majority "Ought to pass" Report was accepted and the Bill passed to be engrossed in non-concurrence, and asking for a Committee of Con-

ference with the following Conference appointed on its part:

Messrs. ALBAIR of Aroostook
BECKETT of Washington
NORRIS of Oxford

In the House: On motion of Mr. Cookson of Glenburn, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act relating to Quality of Inspection Stickers for Motor Vehicles" (H. P. 1102) (L. D. 1569) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on April 14.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Pendergast of Kennebunkport, the House voted to recede and concur.

Petitions, Bills and Resolves Requiring Reference

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

Legal Affairs

Bill "An Act relating to Board of Commissioners of Police for the Town of Sanford" (H. P. 1117) (Presented by Mr. Gauthier of Sanford)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Dennett of Kittery, it was

ORDERED, that Philip Harriman and Frank Harriman of Yarmouth be appointed to serve as Honorary Pages for today.

On motion of Mrs. Kilroy of Portland, it was

ORDERED, that Glenn, Charles and Deborah Starbird of Kingman Township be appointed to serve as Honorary Pages for today.

On motion of Mrs. Lincoln of Bethel, it was

ORDERED that Kenneth Richard Danforth of Gardiner be appointed to serve as Honorary Page for today.

House Reports of Committees Leave to Withdraw

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of Two Hundred Fifty Thousand Dollars to Develop Coastal Beach Recreational Facilities in Town of Wells" (H. P. 776) (L. D. 1138) reported Leave to Withdraw.

Mr. Snowe from the Committee on Towns and Counties reported same on Bill "An Act Increasing Payments to Hancock County Law Library" (H. P. 85) (L. D. 115)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Nadeau from the Committee on Towns and Counties on Bill "An Act Increasing Payments to Piscataquis County Law Library" (H. P. 88) (L. D. 118), reported Leave to Withdraw, as covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act Increasing Payments to Somerset County Law Library" (H. P. 683) (L. D. 954)

Mr. Snowe from same Committee reported same on Bill "An Act Increasing Payments to Sagadahoc County Law Library" (H. P. 126) (L. D. 190)

Mr. Wight from same Committee reported same on Bill "An Act to Increase Payments to the Androscoggin County Law Library" (H. P. 390) (L. D. 537)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Tabled and Assigned

Mr. Fortier from the Committee on Industrial and Recreational Development reported "Ought not to pass" on Bill "An Act Changing the Name of the Department of

Economic Development to the Department of Commerce and Industry" (H. P. 860) (L. D. 1273)

Report was read.

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

Mr. COOKSON: Mr. Speaker, I move this be tabled until next Tuesday, April 25.

The SPEAKER: The gentleman from Glenburn, Mr. Cookson, moves that item 7, L. D. 1273, be tabled until Tuesday, April 25, pending acceptance of the Report.

Mr. Littlefield of Hampden requested a division on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion. All those in favor of this matter being tabled until Tuesday, April 25, vote yes; those opposed, vote no. The Chair opens the vote.

A vote of the House was taken.

64 having voted in the affirmative and 58 having voted in the negative, the tabling motion did prevail.

Mr. McMann from the Committee on Industrial and Recreational Development reported "Ought not to pass" on Bill "An Act Creating an Informational Center on the Capitol Grounds in Augusta" (H. P. 861) (L. D. 1274)

Mr. Cookson from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Legal Length of Salmon" (H. P. 142) (L. D. 206)

Same gentleman from same Committee reported same on Bill "An Act Providing Complimentary Hunting and Fishing Licenses to Maine Residents Over Sixty-five Years of Age" (H. P. 894) (L. D. 1308)

Mr. Haynes from same Committee reported same on Bill "An Act relating to Age of Hunting for Resident Minors" (H. P. 996) (L. D. 1458)

Mr. Thompson from same Committee reported same on Bill "An Act Empowering Commissioner of Inland Fisheries and Game to Supervise Water Level of Estes Lake" (H. P. 998) (L. D. 1460)

Reports were read and accepted and sent up for concurrence.

Recommitted

Mr. Foster from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Mandatory Inspection of Penal Institutions by Court Justices" (H. P. 944) (L. D. 1376)

Report was read.

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

Mr. HENNESSEY: Mr. Speaker, I would like to recommit this back to the Judiciary Committee, having checked with the House Chairman, and we thought we would like to do this.

Thereupon, Report and Bill was recommitted to the Committee on Judiciary and sent up for concurrence.

Tabled and Assigned

Mr. Buck from the Committee on Retirements and Pensions reported "Ought not to pass" on Resolve Increasing Pension for Leeman Grant of Milbridge (H. P. 115) (L. D. 142)

Report was read.

(On motion of Mrs. White of Guilford, tabled pending acceptance of Report and specially assigned for Wednesday, April 26.)

Mr. Rocheleau from the Committee on Retirements and Pensions reported "Ought not to pass" on Resolve Increasing Pension for Margaret H. Frisbee of Belfast (H. P. 199) (L. D. 238)

Mr. Nadeau of Sanford from the Committee on Towns and Counties reported same on Bill "An Act relating to Establishment of Regional Planning Commissions by Counties" (H. P. 332) (L. D. 466)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Gaudreau from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Closed Season on Bear"

(H. P. 30) (L. D. 69) as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Referred to Committee on Legal Affairs

Mr. Robertson from the Committee on Towns and Counties on Bill "An Act relating to Pensions for Members of the Police Department and Fire Department of the City of Auburn and Their Beneficiaries" (H. P. 925) (L. D. 1357) reported that it be referred to the Committee on Legal Affairs.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Snowe.

Mr. SNOWE: Mr. Speaker, I move that item 18 be recommitted to the Committee on Towns and Counties.

The SPEAKER: The gentleman from Auburn, Mr. Snowe, moves that item 18, L. D. 1357, be recommitted to the Committee on Towns and Counties.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The next item will involve the same procedure although it involves a Lewiston measure. Both of these bills involve themselves with charters of communities, so I think the reference to the Legal Affairs Committee is a proper one and I hope that the House will stay with their thinking as well on this item as well as the next one that is coming along.

The SPEAKER: The pending question is the motion of the gentleman from Auburn, Mr. Snowe, that this matter be recommitted to the Committee on Towns and Counties. Is this the pleasure of the House? All those in favor say yes; those opposed, no.

A viva voce vote being doubted by the Chair, a vote of the House was taken.

50 having voted in the affirmative and 74 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was referred to the Committee on Legal Affairs and sent up for concurrence.

Mr. Wight from the Committee on Towns and Counties on Bill "An Act relating to Clothing Allowance for Employees of Public Works Department of Lewiston" (H. P. 293) (L. D. 413) reported that it be referred to the Committee on Legal Affairs.

Report was read and accepted, the Bill referred to the Committee on Legal Affairs and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Cookson from the Committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act relating to the Hunting of Muskrat, Mink, Otter and Fish-er by Indians" (H. P. 670) (L. D. 942)

Mr. Thompson from same Committee reported same on Bill "An Act relating to Definition of Sporting Camp Under Fish and Game Laws" (H. P. 359) (L. D. 506)

Mrs. White from the Committee on Retirements and Pensions reported same on Resolve Increasing Retirement Benefit of Charles S. Hulbert of Shin Pond (H. P. 914) (L. D. 1323)

Mr. Robertson from the Committee on Towns and Counties reported same on Bill "An Act Providing Relocation Assistance by Municipalities" (H. P. 729) (L. D. 1053)

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

Ought to Pass with Committee Amendment

Mrs. White from the Committee on Health and Institutional Services on Bill "An Act Permitting Northern Maine General Hospital of Eagle Lake to Maintain Nursing Home" (H. P. 889) (L. D. 1303) 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. 889, L. D. 1303, Bill, "An Act Permitting Northern Maine General Hospital of Eagle Lake to Maintain Nursing Home."

Amend said Bill in the Title by striking out the words "Nursing Home" and inserting in place thereof the words "Medical or Social Care Institution"

Further amend said Bill by striking out all of that part designated "Sec. 6-A." (same in L. D. 1303) and inserting in place thereof the following:

'Sec. 6-A. Medical or social care institution. Said corporation is authorized to establish and maintain a medical or social care institution to be known as the Northern Maine Security Home.'

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

Mr. Thompson from the Committee on Inland Fisheries and Game on Bill "An Act relating to Charges by Camp Owners under Fish and Game Laws to Hunters or Fishermen" (H. P. 360) (L. D. 507) 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. 360, L. D. 507, Bill, "An Act Relating to Charges by Camp Owners Under Fish and Game Laws to Hunters or Fishermen."

Amend said Bill in the 6th line (4th line in L. D. 507) by inserting after the underlined word "camp" the underlined words "in unorganized territory"

Further amend said Bill by adding at the end (same in L. D. 507) the following underlined sentence: **'For the purpose of this section a single meal shall not be construed to mean keep, lodge or board.'**

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

Mrs. Baker from the Committee on Legal Affairs on Bill "An Act

Amending the Charter of the Town of Falmouth" (H. P. 760) (L. D. 1107) 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. 760, L. D. 1107, Bill, "An Act Amending the Charter of the Town of Falmouth."

Amend said Bill in section 12 by striking out all of subsection 901-2 of that part designated "Sec. 901." and inserting in place thereof the following:

'901-2. Orders or resolves appropriating \$100,000 or more for a single capital improvement.'

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

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act relating to Approval of Ward Boundaries of the City of Brewer" (H. P. 801) (L. D. 1178) 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. 801, L. D. 1178, Bill "An Act Relating to Approval of Ward Boundaries of the City of Brewer."

Amend said Bill in the Title by striking out the words "Approval of"

Further amend said Bill by inserting after the enacting clause, the following:

'Sec. 1. P. & S. L., 1931, c. 75, Art. II, § 1, amended. The first sentence of the last paragraph of section 1 of Article II of chapter 75 of the private and special laws of 1931 is amended to read as follows:

The said city shall continue to be divided for election purposes into five 6 wards with the now existing boundaries; except that it shall be the duty of the city coun-

cil, once in 10 years, and not often-er than once in 5 years, to revise and, if alteration is deemed necessary, to alter the boundaries of said wards in such manner as to preserve as nearly as convenient an equal number of inhabitants in each ward.'

Further amend said Bill by inserting at the beginning of the first line (same in L. D. 1178) the underlined abbreviation and figure 'Sec. 2.'

Further amend said Bill in the 3rd line (2nd line in L. D. 1178) by striking out the word and figures "January 16, 1967" and inserting in place thereof the word and figures 'April 10, 1967'

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

Mr. Farrington from the Committee on Towns and Counties on Bill "An Act relating to Payment of Fees to Secretary of State Resulting in Protest" (H. P. 167) (L. D. 230) 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. 167, L. D. 230, Bill, "An Act Relating to Payment of Fees to Secretary of State Resulting in Protest."

Amend said Bill by striking out all of that part designated "\$55-A" (same in L. D. 230) and inserting in place thereof the following:

'§55-A. Payment of fees resulting in protest

Whenever the payment of any fee, as required in this Title, results in a protest or is returned by the bank upon which it was drawn because of "Insufficient Funds," "Account Closed," "No Account" or any other similar reason, there shall be charged a service collection of \$2 plus the cost of collection.'

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

Passed to Be Engrossed

Bill "An Act relating to Chiropractic Services for Injured Employee Under Workmen's Compensation Law" (H. P. 756) (L. D. 1103)

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 173) (L. D. 365)

Resolve to Reimburse Raymond Lammers of Augusta for Payment of Restaurant Liquor License (S. P. 518) (L. D. 1338)

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

Amended Bills

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

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

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

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

Mr. QUINN: Mr. Speaker and Members of the House: The sponsor of this bill is not present and the amendment is not clear, and I think that some member of the House should table this to next Tuesday, April 25, in order that it might have further consideration.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for Wednesday, April 26.

**Third Reader
Tabled and Assigned**

Bill "An Act to Grant a New Charter to the City of Auburn" (H. P. 609) (L. D. 859)

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

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Snowe.

Mr. SNOWE: Mr. Speaker and Members of the House: The sponsor of this bill is not here today and the possibility of a few amendments exists, and I would hope that somebody would table this until next week.

Thereupon, on motion of Mr. Bernard of Auburn, tabled pending passage to be engrossed and specially assigned for Tuesday, May 2.

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

Bill "An Act relating to Inspection of County Jails" (H. P. 668) (L. D. 923)

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.

**Third Reader
Tabled and Assigned**

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

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

(On motion of Mr. Brennan of Portland, tabled pending passage to be engrossed and tomorrow assigned.)

Engrossed in Non-Concurrence

Bill "An Act to Revise Utility Location Permits in Public Highways" (S. P. 594) (L. D. 1572)

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

**Enactor
Tabled and Assigned**

An Act Creating a Capitol Planning Commission (S. P. 520) (L. D. 1340)

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and specially assigned for Thursday, April 27.)

Passed to Be Enacted

An Act relating to Clerical Assistance for Clerks of the Law Court (S. P. 524) (L. D. 1360)

An Act relating to Payment of Funeral Expenses of Recipients of Aid to the Aged, Blind or Disabled (H. P. 461) (L. D. 674)

An Act Authorizing the City of Portland to Use Park Lands for Public Highway Purposes (H. P. 520) (L. D. 732)

An Act Authorizing the Commissioner of Health and Welfare to Accept Federal Funds and Commodities (H. P. 890) (L. D. 1304)

Finally Passed

Resolve Providing for Purchase of One Hundred Copies of History of Bridgton, Bicentennial Edition (H. P. 704) (L. D. 999)

Resolve Authorizing Conveyance of State Land and Easement to the City of Portland for the Portland Municipal Airport (H. P. 919) (L. D. 1328)

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

Orders of the Day

Mr. Crosby of Kennebunk presented the following Order out of order and moved its passage:

ORDERED that Jonathan Hough and Kathryn Hough of Falmouth be appointed to serve as Honorary Pages for today.

The Order received passage.

Orders of the Day

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

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

Tabled—April 12, by Mr. Rideout of Manchester.

Pending—Acceptance.

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

Mr. **RICHARDSON**: Mr. Speaker and Ladies and Gentlemen of the House: I move that this Bill and its accompanying reports be indefinitely postponed, and I would speak briefly to that motion.

The **SPEAKER**: The gentleman from Cumberland, Mr. Richardson, now moves that L. D. 186, both bill and report be indefinitely postponed. The gentleman may proceed.

Mr. **RICHARDSON**: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 186 provides that the Penobscot and Passamaquoddy tribal representatives shall receive the same compensation, mileage and allowance as any other member of the Senate and House of Representatives. I move to indefinitely postpone this bill because I believe that it is inconsistent with the status of the law as it now exists.

As you know, in 1953 a Constitutional Amendment was adopted by the people of the State of Maine, guaranteeing to every Indian the right to vote in general elections. The legislative history of this resolve proposing an amendment to the Constitution is such that it made very clear that it was the intention of the Legislature at that time that Indians vote for Representatives to the House and for State Senators as well as for all other offices.

Following the discovery of this, I wrote to all of the Governors, and to the tribal representatives on April 5, 1967, and I'd like to give you the gist of what that letter said.

We are very anxious that there be no misunderstanding. We have

recently passed an Order directing the Senate Reapportionment Committee to come out with a bill which will place the reservations at Old Town, Perry and Princeton within House Districts, but while guaranteeing the right of the Indian to vote for House seats, we also want to make it clear that we think it would be appropriate to continue having a tribal representative at the Legislature, receiving the same compensation and allowances as they are now receiving under the Order which was passed earlier in the House.

Yesterday, I had a conference with all of the Governors of the Indian nations, and the tribal representatives, and I explained this to them—that by indefinitely postponing L. D. 186 we are not making and do not intend to make any change in tribal representation. In other words, each of the Tribes will be represented here by what I call a sort of species of municipal lobbyists at State expense. In addition to that, however, the reservations will be placed within House Districts and they will be voting for the Members of the House of Representatives.

The Secretary of State's Office has assured us that from now on the ballots distributed at the Indian reservations will include a space for voting for a member to this body. It is for this reason that I move the indefinite postponement of this L. D. and I hope that my explanation will help clarify any question that any of you might have. I think that we are doing the fair thing, and we're doing everything that we can certainly to satisfy the Indian representatives that we are interested in their welfare.

They have invited members of the leadership to come to the reservations and explain this change, and I have agreed that either myself or some other member of the Republican leadership and, hopefully, a member of the other Party, will go up there and assist us to explain to them this and any other changes in the law that we may make. I can assure

you that we have given this careful consideration, and I hope that you will go along with the indefinite postponement of L. D. 186. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker, I would like to pose a question through the Chair to Mr. Richardson.

The SPEAKER: The gentleman may pose his question.

Mr. STARBIRD: As you know, there is a companion bill in a committee that would give the Indian tribal representatives similar rates and employment privileges. If this perhaps were amended, watered down to some extent, I wonder if the tribal representatives could have a seat on the House Floor and the right to speak on Indian matters perhaps?

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he so chooses.

Mr. RICHARDSON: Mr. Speaker and Members of the House: In response to the question, we are not prepared at this time to make any commitment with respect to the other L. D., and I'm not trying to dodge the question; I'll simply indicate to you that there is serious question as to whether or not it would be appropriate for us to grant speaking and seat privileges to tribal representatives in view of the fact that the Indians will be voting in general elections and will have the right, obviously, to campaign and do everything they can to elect a representative to this body that they want. And under these circumstances, I want to indicate that it is our present feeling that it would be inappropriate to seat the tribal representative—he is, after all, as I view our law, really a lobbyist, really a sort of a lobbyist and I'm not trying to be derogatory in any sense. So that, I would feel that we have made a good-faith effort to do everything we can and I do not want this to be taken as the final answer, the

Majority Party has not arrived at a decision on the L. D. to which the gentleman from Kingman, Mr. Starbird, refers.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: The Legislature appointed an Indian Affairs Committee. It spent money to set up the Committee, and things seem to be happening outside the Committee. I would like to look into this matter a little further, and therefore I would hope that somebody would table this bill. I'm a member of the Indian Affairs Committee, and I don't want to work in the dark.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of Mr. Richardson to indefinitely postpone and specially assigned for Thursday, April 27.

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

HOUSE REPORT—Ought Not to Pass—Committee on Taxation on Bill "An Act relating to Distribution of Railroad Stock Tax to City of Bangor" (H. P. 811) (L. D. 1137)

Tabled—April 13, by Mr. Ewer of Bangor.

Pending—Acceptance.

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

Mr. EWER: Mr. Speaker and Members of the House: At the time I tabled this I wanted to get some information from the Bangor City Government regarding it. Having received that information it answered my question and I now move acceptance of the "Ought not to pass" Report.

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

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

An Act relating to Carrying Operator's License when Operating Motor Vehicle (H. P. 178) (L. D. 241)

Tabled—April 13, by Mr. Quinn of Bangor.

Pending—Passage to be enacted.

On motion of Mr. Quinn of Bangor, the House voted to suspend the rules and to reconsider its action of April 11 whereby it voted to recede and concur.

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

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

Thereupon, Senate Amendment "B" was read by the Clerk and, on motion of Mr. Quinn of Bangor, that Amendment was indefinitely postponed in non-concurrence.

Mr. Quinn 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. 178, L. D. 241, Bill, "An Act Relating to Carrying Operator's License when Operating Motor Vehicle."

Amend said Bill by adding at the end the following underlined sentence: **'If the person charged shall exhibit to a law enforcement officer designated by the summoning officer such an operator's license, not later than 24 hours before the time set for the court appearance, then the complaint shall not issue.'**

The SPEAKER: Is it now the pleasure of the House that House Amendment "A" be adopted?

The Chair recognizes the same gentleman.

Mr. QUINN: Mr. Speaker and Members of the House: I did want to explain to the House all the various movements that we have taken up to the present time.

I had tabled this bill at the request of one of my associates in the House and, after having tabled it, I examined it and I find that this is a bill whereby if a person is caught by any enforcing officer in his car without his license on his person he may be arrested for operating without a license. Frequently people change their clothes and leave their license in the suit they've left at home.

The Senate put an amendment on this to the effect that if a person had done that — had a license and had left it at home — then they would inform a State Police Officer of the fact and that State Police Officer would refer that operator to another State Police Officer in his vicinity whereby he could show his license, and then if he did it within twenty-four hours of the time he had to go to court, he would be excused from going to court.

In considering this matter, I realize there are State Police officers in my area conveniently close. I do realize that there are not State Police officers in the area of other members of the House, or other citizens of Maine. Consequently, my motion was that this referral could be to any enforcing officer and we have enforcing officers in all our communities, thereby making it more convenient to the person to exhibit that license which he had left at home to a local enforcing officer and meet the requirements. Thereupon, House Amendment "A" was adopted and the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

HOUSE MAJORITY REPORT (7) — Ought Not to Pass — Committee on Legal Affairs on Bill "An Act to Annex Black and Megquier Islands in Thompson Lake to Town of Oxford" (H. P. 757) (L. D. 1104) — MINORITY REPORT (3) — Ought to Pass.

Tabled — April 14, by Mr. Foster of Mechanic Falls.

Pending — Acceptance of either report.

Thereupon, on motion of Mr. Foster of Mechanic Falls, the Majority "Ought not to pass" Report was accepted.

Mr. FOSTER of Mechanic Falls: Mr. Speaker, I would like to speak briefly.

The SPEAKER: Did the gentleman misstate his motion? The gentleman moved to accept the

Majority "Ought not to pass" Report. It will be sent up for concurrence.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I would like to beg your indulgence; inasmuch as the gentleman from Mechanic Falls did not sit down I thought he was going to speak to the motion. May I —

The SPEAKER: The Chair will advise the gentleman that the matter is no longer before us unless he wishes to reconsider the acceptance of the "Ought not to pass" report.

Mr. HENLEY: I so move.

The SPEAKER: The gentleman from Norway, Mr. Henley, now moves that the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report. Is this the pleasure of the House?

Mrs. Baker of Orrington then asked for a division.

The SPEAKER: A division on the motion has been requested. As many as are in favor of reconsidering our action whereby we accepted the "Ought not to pass" report will vote yes, and those opposed, no.

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

Mr. HENLEY: Am I in order to speak to the bill?

The SPEAKER: The gentleman may speak to the motion of reconsideration.

Mr. HENLEY: Mr. Speaker and Members of the House: I feel that this should be reconsidered mainly because I think it should get more discussion.

I feel that the various discussions which the gentleman from Mechanic Falls and I both were prepared to discuss should be brought before the members of this body before a decision is rightfully made. Therefore, I strongly urge everyone to go along with me on reconsideration of this bill.

The SPEAKER: Is the House ready for the question? All those in favor of reconsidering our action whereby we accepted the "Ought not to pass" report will

vote yes; those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

89 having voted in the affirmative and 38 having voted in the negative, the motion to reconsider prevailed.

The SPEAKER: The question now before the House is the acceptance of the "Ought not to pass" Report.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I suppose every sponsor of a bill feels that he wants it to pass. This bill here, of course, I have no axe to grind. When I was asked to sponsor this bill, I went down and looked over the area, and I would like to call the House's attention to the chart which the gentleman from Mechanic Falls, Mr. Foster, was so kind to present to us. I thank him for it; I was unable to get hold of one myself.

I would call your attention to Black Island and Megquier Island; the fact that the Oxford and Poland line bisects the two islands; the fact of the town way leading entirely in Oxford over to a camp, and from there a private way leading over onto the islands. That will orient the members of the House on the situation.

Again I say that my purpose in working for this bill, entirely from point of what I feel, is coming to a decision on the future of this area.

We all are becoming conscious in this State now, because of its being "Vacationland", of land values in and around our bodies of water. I realize that the opponents of this bill and the people of Poland have very legitimate reasons for opposing this — they do not want to lose valuable land — I don't blame them, but I would like to ask the members of this House to attempt to project this situation into the future.

Here's two islands which, over a hundred years ago when these lines were set up, were probably completely wild land of no particular value; nothing was

thought of any future valuation. It seems to me we in this country are apparently lacking sometimes in forethought. Anyway, in recent years because someone decided to build some camps down there — they improved them, and they built their private roads, they consider themselves a part of the Town of Oxford. For a good many years nothing much was thought of it. Recently, of course, land values and camps and cottages and the exploitation of such areas came to mind.

The principal owners down there are some people by the name of Lentsch, L-e-n-t-s-c-h, wealthy people, and they own the biggest part of the area. There are I believe twelve other owners. These people were not able to attend the hearing because they were in Florida, but I did have a letter from the principal owner; they own property on both sides of the line. Five of the people own property only in Poland; the remainder are partly in Oxford and partly in both sides.

I have no desire to take too long on this subject, I merely want to orient everyone into the situation. I feel that in a sense this was a difficult problem to lay in the lap of the Legal Affairs Committee. They hesitate naturally from interfering with long lasting boundaries, especially where county boundaries are concerned. I would be in complete agreement with their problem, except that we have here a very ideal natural boundary which can easily be followed. It isn't as though one had to go out into land areas, run lines across someone's land, set up markers and posts and make a disfigured line. Here we have the eastern boundary of these islands. In a good many cases such water areas and shore lines are used as boundaries, so that issue shouldn't be too much of a problem here.

Secondly, as you can all see, to project this into the future, at no time would it be feasible for the Town of Poland to set up communications directly with either of those islands. It certainly would not be worth it in spite of the value of the islands. The vari-

ous land areas and camps and cottages have been promoted and built up on that island at no cost whatsoever to the Town of Poland. If they lost this area they would be losing to our opinions valuable land to be sure. I believe they call the valuation a little bit better than \$100,000. Now that's good money in anybody's language and I don't blame them for not wanting to lose it. Nevertheless, this land does not cost them anything, the development has not cost them anything. They have not had any responsibility for this area and as one can see, if this situation exists, they never will have any responsibility for this area.

It just seems to me to project this situation into the future that some body, and I suppose it can only be this body, should dissolve this and decide once and for all the future responsibility of these towns. Towns do have definite responsibilities, political subdivisions have definite responsibilities for the citizens and for the area. What part of that responsibility can the Town of Poland fulfill at this time, or ever, as long as the only way of getting to that area goes through the Town of Oxford? I know it will be said that if there is cost to the town such as fire costs from fire departments, the Town of Poland will be ready to meet the costs. I agree they probably would. I believe it is not legally possible for the Town of Poland to assist in road maintenance. Recently I am given to understand that the Town of Poland — the Town of Oxford rebuilt their town way road to the extent of roughly \$6,000. That was not built of course to assist the island people. Nevertheless, the island people are using that road. That is an expense, along with many others, which have been incurred by the Town of Oxford through the years.

I feel that the Town of Oxford has earned its right to that land regardless of the people that will contest it will insist it is merely a taxation problem. I am given to understand that the owners on the island, providing that this bill should go through, would realize

some savings in taxation. I submit that that is merely a side issue. The issue is not taxation really, the issue is the future projection of the responsibility of towns to its citizens. This property as time goes on is going to increase in value and of course there will always be that taxation problem. As it is now, these people do their shopping up through the Town of Oxford. In order to go down to Poland, they have to go all the way around. They look to the town for their police protection and sort of as their town.

I believe I have stated the case the best I know how. There is no other body that can dissolve this. If the Majority Report is accepted on this bill, and they are turned down, where else can the Town of Oxford or the people on the islands turn for relief from this situation? There is no place else they can turn. Apparently there is no way of permanently resolving it. This is the only body that can so do. Consequently, I request that the Minority Report ought to pass be followed through by this body, and I request careful thought on it.

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

Mr. BOURGOIN: Mr. Speaker, I would like to ask a question through the Chair to anybody who could give me the answer. How many acres are concerned on the Poland part of the island, and what part or what percentage of the acreage of Poland would be lost to Oxford?

The SPEAKER: The gentleman from Fort Kent, Mr. Bourgoin, poses a question through the Chair to anyone who may answer if they choose and the Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I spent an hour this morning checking on that very subject, Mr. Bourgoin, and there are roughly sixty-five acres in the two islands. The islands are so small that the instrument that the people use in the Highway Department could not measure one island alone, but I believe you people can interpolate here and I

would say that roughly half of this was in Poland and half of it in Oxford, and one island is about twice the size of the other. Sixty-five acres on both islands.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: In order to acquaint you with the situation up there, I wish you would take the little sketch that I have prepared and you will note at the top of the page it says "Town Road" and of course that's the public highway that has been there for many years. There is a void, a blank space from that town road to a private way; the only reason that that line doesn't extend from the town way to the private road was because the mimeograph paper was not wide enough to accommodate it, so if you were to make somewhat of a circular line from the town road down to meet the private way, you would have a true picture of this situation.

Now as you follow down the private way you will see a line leading off to your left. That is a road that accommodates and passes to many cottages that have been built there, and it is all tax revenue producing. Down there before you get to the private way, there is a large boys camp there, it is called Camp Kohut, I believe, and that is revenue producing, but from the town way, every inch of the road from there on which transcends the mainland and across the causeway from the mainland to Black Island and the road across Black Island and the causeway from Black Island to Megquier Island is a private road. It has been built as such and it is maintained as such and not a penny of the money of the Town of Oxford has been expended for that, because they would not have any right to do so if they wanted to. I understand it has been customary in times past that the Town officials will haul a load of gravel or something like that, but they haven't any right to do that any more than they would have a right to send the owner of the cottage there to Bermuda for a vacation, so it has

been said half of these islands in the Town of Poland hasn't cost Poland any money. Neither has the other half cost the Town of Oxford any money, and neither would it cost them any money in the future because it is a private road and must be maintained as a private road.

Now as to the history of these two islands, I would like to read you a communication received from the Town Manager of the Town of Poland, and in part it says as follows:

"The Islands were formerly owned by the late Mrs. Richard Stiles, a daughter of the Robinson family, here in Oxford. The Islands were sold to Mrs. Winifred Lentsch in the early 50's, whose husband is Rolvin Lentsch. They started developing Black Island and in the mid 50's, were so unhappy with the tax assessment in Oxford that a survey of the town line between Oxford and Poland was run in 1957. The aim was to have more property in Poland.

The line was surveyed by Alberti, LaRoche and Hodson, engineers of Lewiston. The Islands were found to be well monumented and no change made.

In 1963, the Town of Poland tax assessment was on a revaluation by Cole, Layer and Trumble Co., an appraisal firm of good repute. Megquier Island has 3000 ft. of frontage in Poland which was valued equally with other shore frontage on Thompson Lake and then depreciated for excess frontage by 52%.

The reason for the depreciation of the frontage was that there was more frontage than there normally would be, if the island was wider why there wouldn't be that extent of depreciation.

"The Lentsch's were now unhappy with the Town of Poland. They appealed to the Assessors and lost, to the County Commission and lost. They then tried to have the Island declared a reforestation plot, to be exempt, and lost. This is a last resort, to have legislative approval of L. D. 1104."

So it isn't so much for the future of the people in the Town

of Poland or the Town of Oxford that this bill got its original push, it is from a private and a very wealthy man that spends his winters in Florida, and he is developing it and making a great amount of money on it, and I submit that there isn't any valid reason — I haven't heard one yet and I have talked with many people—no valid reason why a total tax valuation in excess of \$100,000 which nets the Town of Poland a tax in excess of \$2,100 per year, why that should be taken away from the Town of Poland and given to the Town of Oxford. The chief beneficiary will be the wealthy man that bought both islands and is developing and will continue to develop until it is all done.

Now on all these private developments no town expends the public funds, they wouldn't have any right to. Every lawyer in the State of Maine knows that public funds cannot be diverted to private uses; every freshman in law school knows that, so it isn't ever going to be an expense to the Town of Oxford, it's a private road; they'll have tax valuation down there, they'll have wealthy people down there so that they can either be satisfied and content with a cowpath or they may have a four lane highway if they choose and if they want to pay for it. So it isn't what we are trying to do for the future; the circumstances will always remain the same. It is true throughout the State of Maine and it hasn't any peculiarities about it, so why should the Legislature take from one town and give to another town unless there is a valid excuse and I haven't heard one yet.

Now this idea of providing roads for our people to go over that own land in our town, certainly the Town of Oxford wouldn't expect us to pay a toll on the Megquier Hill Road; they certainly wouldn't expect us to maintain or spend money in an area beyond the territorial jurisdiction of our town on this town way, and even they don't have to expend any money on private ways nor will they ever. I think it is a private project; I think it is unfounded,

it is ill-advised and it shouldn't be given any consideration whatsoever. If anybody in this House can give me one valid reason, I am open-minded and I will be the first to admit it, but I haven't heard one valid reason as yet. Thank you.

The SPEAKER: The pending question is the motion of the gentleman from Mechanic Falls, Mr. Foster, to accept the ought not to pass Report.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I have listened to my colleague, the gentleman from Mechanic Falls, Mr. Foster. He has presented a very valid case based entirely upon community taxation. I can only say this in regard to the bill, I took the bill and the responsibility for sponsoring it before I knew that there was anyone on the island that had over a ten dollar bill. I took the responsibility as I state, and my intentions are still the same based on the fact that I feel that we, if we are officials of a town, assessors, we assess the people of the town with the expectation that the taxes that they spend are buying something that they are using. I feel that in spite of the fact that this might appear to be an injustice to the Town of Poland if they lose this taxation, and if the adjoining town should have this tax amount accrue to them, so be it, but I still contend that these people on the island are not getting anything for their tax dollars, as to where their tax dollars are going. If they had children going to school, they would have to send them a round about way to a school in Poland. Of course with our modern school districts it is hard to tell just where they would be sending them, but that's beside the point. And I still contend that sooner or later this issue will come up again, and sometime this body will be faced with the same problem of deciding whether that half of those islands should belong to one town or the other because of their geographic location and the fact of the only

access is through the Town of Oxford. I again ask for a defeat of the motion for the Majority "Ought not to pass" on this and I would like a division.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, there was one point that I neglected to bring out, and that is simply that this problem isn't new at all. In the Town of Poland we have a public road that leads to the easterly area of a lake area, I can't think of the name, it is in New Gloucester, Sabbath Day Lake, and we have an area that we are providing the roadway to, the cottages are all in New Gloucester in the County of Cumberland, and we haven't complained, we maintain the road down there and we don't have a single house or any property of any consequence on that entire area of road leading to Sabbath Day Lake, and we certainly aren't going down and ask New Gloucester to give us a few of those cottages to help us pay for maintenance, and I understand that in Sebago it came out at the hearing that they have a similar situation, so if you start cutting up your county lines, there is no end to it. First we would be down in Cumberland County, then we would be over at Sebago and we would be all over the State of Maine if you once start it. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Mechanic Falls, Mr. Foster, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Annex Black and Megquier Islands in Thompson Lake to Town of Oxford," House Paper 757, L. D. 1104, and a vote has been requested. All those in favor of the acceptance of the Majority Report will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

81 having voted in the affirmative and 38 having voted in the negative, the motion did prevail. Sent up for concurrence.

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

Bill "An Act relating to Constitution of Police Department of City of Lewiston" (S. P. 487) (L. D. 1343) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-67)

Tabled—April 14, by Mr. Gaudreau of Lewiston.

Pending—Passage to be engrossed.

On motion of Mr. Tanguay of Lewiston, retabled pending passage to be engrossed and specially assigned for Wednesday, April 26.

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

HOUSE MAJORITY REPORT (9) — Ought to Pass — Committee on Sea and Shore Fisheries on Bill "An Act Prohibiting Hauling Lobster Pots on Sundays" (H. P. 240) (L. D. 348) — MINORITY REPORT (1) — Ought Not to Pass.

Tabled — April 18, by Mr. Lewis of Bristol.

Pending — Motion of Mr. Prince of Harpswell to accept Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, I tabled this bill this week, the early part of this week because I felt that there should be some provision written into the bill to protect lobster fishermen who might necessarily have to tend their lobster traps in case of an impending storm. I have talked with the sponsor of this bill, the gentleman from Southwest Harbor, Mr. Benson, at some length and I believe there is an amendment to this bill, but it doesn't do too much to take care of that situation. I have talked with Commissioner Greene and he assures me that there would be very little likelihood of a bad storm occurring during the months of June, July and August. That doesn't necessarily mean that a bad storm would not occur particularly in the

latter part of August when we do get hurricane warnings. I am not going to make any motion on this bill, but I would like to hear from the gentleman from Southwest Harbor, Mr. Benson, who has spent some time on this and he might be able to clarify the situation.

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

Mr. BENSON: Mr. Speaker and Members of the House: It's always a pleasure to introduce a piece of legislation that is non-controversial. The subject matter of this Bill is the result of the thinking of a majority of the Maine Lobstermen's Association. I introduced this Bill for that organization and I did so because I heartily concur with their reasoning. This very definitely is a conservation measure. Our first consideration in this matter, as well as all other matters of similar nature, must be the well-being of the lobster industry; so there can be no misunderstanding, when I say Lobster Industry, I mean those people who are in some phase of fishing or handling lobsters on a full time basis. I realize that part-time fishermen play an important role in the Lobster Industry, but our first and greatest consideration must be for those people who earn their livelihood as a result of full time participation in the lobster business.

Let us pursue the conservation idea for just a moment. Statistics tell us that 90% of the legal lobsters taken on the coast of Maine this year were last year's short lobsters. We all know a very large majority of short lobsters are taken on Sundays. This is agreed to by lobster fishermen as well as the people in Sea and Shore Fisheries Department.

Under the present law it is extremely difficult for an enforcement officer to prove in a court a case of molesting lobster traps. In order to prove molesting lobster traps the officer must catch the offending individual with a trap in his possession which he is not licensed to haul.

At the hearing before the Sea and Shore Fisheries Committee on

this measure there were approximately 400 full-time lobster fishermen. There was testimony by these people both for and against the measure, with a majority I feel being in favor of it. When the Committee Chairman asked those in the room in favor of the Bill to stand signifying their favor of the bill, I would estimate between 7 or 8 to one stood favoring this measure. This is an indication to me that the people who I call professional lobstermen favor this as a conservation measure. I want you to be assured that my first and only purpose in proposing this legislation is a sincere desire to promote conservation in the Lobster Industry. I move acceptance of the nine to one ought to pass report.

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

Mr. HUBER: Mr. Speaker, with a nine to one Committee Report and several hundred lobstermen in favor of a bill like this, we had better take it, and I am very much in favor of it, but I am not too sure that Mr. Lewis, the gentleman from Bristol, got an answer to his question concerning whether a possible amendment. Now the question was raised on the Floor here the other day, and I wasn't particularly happy with the answer when someone said that the Commissioner assured everyone that the Commissioner would not enforce the particular law, which is the one you are reading right now, in the event of a hurricane. This to me seems just a little bit ridiculous, because if you know me by now, it rather twinges my conscience to write a law on the books that somebody says we won't enforce it under some circumstances.

Now it would seem to me that it might be possible that the Committee might consider an amendment which would allow either the Commissioner or the Department or some other authority to suspend the law maybe for one Sunday in the event of high winds, hurricane, bad weather or some other marine

disaster or other possibility, that could be covered that way.

Now certainly the conscientious, honest lobsterman, if he takes this law the way it is spelled out right here, could very easily wind up losing property in the form of traps and gear should he abide strictly by the law in the event of serious weather, and I am sure in this day of modern communication, even when you have to kick the microphone at times, it would be possible to inform every lobsterman along the coast of such a decision were a suspension of the law granted on such a day like that. I wish that somebody might consider an amendment such as that on this particular bill.

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

Mr. HENNESSEY: Mr. Speaker, I move that we table this for another legislative day to make an amendment here to take care of this situation.

The SPEAKER: The gentleman from West Bath, Mr. Hennessey, moves that this bill be tabled, pending the motion of the gentleman from Harpswell, Mr. Prince, to accept the Majority Report, to Friday, April 21.

Mr. Benson of Southwest Harbor requested a vote.

The SPEAKER: A vote has been requested. All those in favor of this matter being tabled until tomorrow will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken.

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

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

HOUSE REPORT—Ought Not to Pass—Committee on Retirements and Pensions on Bill "An Act relating to Disability Retirement and Retirement Allowances Under State Retirement System" (H. P. 807) (L. D. 1183)

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

Pending—Acceptance.

Report was read and accepted and sent up for concurrence.

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

HOUSE REPORT—Ought to Pass with Committee Amendment "A" (H-168)—Committee on Indian Affairs on Bill "An Act Appropriating Funds to Update the Surveys of Penobscot Tribal Lands" (H. P. 751) (L. D. 1098)

Tabled—April 18, by Mr. Binnette of Old Town.

Pending—Acceptance.

On motion of Mr. Cookson of Glenburn, retabled pending acceptance and specially assigned for Tuesday, April 25.

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 19, by Mr. Richardson of Cumberland.

Pending — Acceptance.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: This morning I've probably got to take quite a good deal of time to explain this thing.

I'm speaking this morning as an Independent, Republican-Democrat, and as a member, in spirit, of all religions that believe there's a higher intelligence that they call God.

This is a very serious problem. Now I believe that the members of that committee are very fair-minded, and I believe that the members of this Legislature are very fair-minded, but when an individual or a group are deciding about something, no matter how good judgment they have they have to have all of the facts.

I intend this morning to give, as far as possible, if not all of the facts, most of them.

In 1960 when we had seven members of the Legislature from Portland for the election of the members of the Legislature for the 100th Legislature, and when the final returns were in you had four Democrats and three Republicans — and if you will go and get those records you will find that the four Democrats were all those on the top of the list of seven, and the three Republicans the same way. They were in the top, an individual like my good friend Wallace who was on the bottom of the Republican ticket — frankly he didn't have a chance. So, this is not a matter of — this is not a partisan proposition.

You've seen recounts after recounts when there was only a difference of, oh all the way from maybe five to fifty or sixty, or possibly in the case of a governorship recount, possibly of two hundred.

Now the way this thing is set up, in Portland, because we have eleven members of the Legislature. In the primaries in Portland for the 102nd Legislature, my good friends in the Republican Party — they were smart. In the primaries they just put in eleven, so they had no contest. And, now I'm speaking also as a former member of the Republican Party and a delegate to three Republican conventions. And, on the Democratic side there were eleven running for — no, there were eighteen running for eleven positions, and when the final count was taken there was a young gentleman whose name begins with "E", and he happened to get in. Another gentleman who was third from the bottom — he just escaped being in — he would have been in, in a contest in my opinion, with the gentleman whose name begins with "E" — he'd probably beaten him by two or three or four hundred votes!

Now then, I will also call your attention to this. There are 151 members in this Legislature. There are 81 in the first eighteen letters of the alphabet. Now I know that

you're all for fairness, justice, et cetera, but I don't judge people or organizations by what they did lip - service to. I decide what they are by their deeds, when they have all of the facts.

I was in the 102nd — I'm also in the 103rd. Now, if you will go and get the records in the final election — not the primaries but the election there in November, you will get the records of the — what was cast for the various individuals on the Democratic ticket, and as I remember the lowest one of us won by about 1500 votes, but those whose names begin with B, C, D, were in the upper part of the ballot, there were a few of them there — they only received from 1500 to 2500 votes more than some of us who were on the bottom. I notice the smart, good-looking member of the Legislature from Portland isn't in her seat. She was down at the bottom. I also notice that probably the smartest and best looking woman in the Legislature, and that's also true in the case of the Portland delegation, she is not in her seat.

Now, gentlemen, you wouldn't in a basketball game — you wouldn't give an advantage to one team of anyway from fifteen to twenty-five percent over the other team. In a baseball game you wouldn't do the same thing — or a football game or anything else. And certainly in a card game you wouldn't want to give those who were playing with you, or against you, you wouldn't want to give them an advantage of fifteen to twenty-five percent!

Now, I'm very sorry that I have to take up so much time, but this is a very serious matter, and I'm going to make a motion that we send that bill — oh, before I do that, if I may, I want to mention these two things. The best and fairest method of doing it would be to rotate those names, the one on the top, the next going down to the bottom, and the second one up to the top, and so on. In other words if there were eighteen running for eleven positions, they'd have to change their ballot eighteen times. That would absolutely be the fairest.

The next probably best method and the least costly as far as changing the ballot would be the bill I put in, and that was to take half of the ballots and reverse them—you start with the first letter of the alphabet and so on down, and then reverse it and start with "Z", if there's anybody on "Z" on the other fifty percent.

My good friend, Rodney Scribner, had a couple of bills in, and those bills, that would be a very, very fair method of doing it—by lot—and frankly I would be for that. But you turned it down yesterday when you didn't know all the facts. So now I want you to know all these facts. And so, if I want that Committee to know all the facts, so I make a motion that you send that back to the committee for reconsideration.

Thank you gentleman—Im sorry I had to impose upon you so long.

The SPEAKER: The gentleman from Portland, Mr. Sullivan, now moves that L. D. 1426, Bill, "An Act Determining Position of Names of Candidates on Primary Ballot and General Election Ballot" be recommitted to the Committee on Election Laws. Is this the pleasure of the House?

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

Mr. HAWES: Mr. Speaker and Members of the House: I want to explain the main reason why the Committee passed this bill out "ought not to pass." We felt it wasn't a workable bill, and I'll try to explain to you why.

Under this bill presented by Mr. Sullivan from Portland, his plan is to take half of the names on the ballot, if you have got ten names on the ballot, you take the first five and start going A down through. Then you take the other five and reverse them around and go starting with anyone that had Z and you start with Z and go down. Now this is on half of the ballots. Each half, fifty percent of the ballot have started with A and the other fifty percent start with Z. We checked with the Secretary of State and he checked with the printers and he said it would cost the state about twice as much to print the ballots in this manner, they are just doing

everything double that's all. And then when you get to passing the ballots out at your polling places, somehow or another you have got to divide these ballots up so that every other ballot would start with A and the other ballot would start with Z, and we couldn't figure out any way of doing this without considerable expense to the state. It would look like you would have to start with the Secretary of State's office and he would have to take every ballot and sort them out separately.

Then we got into voting machines and it would be impossible to do this on voting machines. I think you can see why you can't do this on voting machines, and also we have a bill before us on electronic voting machines and it would be impossible to do this on the electronic voting machines. So we feel that this is a bill that you just cannot enforce, it cannot possibly be put in effect, and that is the main reason we passed it out ought not to pass and when the vote is taken I would ask for a division.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: The gentleman evidently didn't go through the thing thoroughly—that's one of the reasons I want them to go back to that committee for reconsideration. It isn't important to me that it's my bill. As I indicated before, any one of the other methods would be all right. What he says, would have no effect on the bill that Rodney Scribner had in, Representative Scribner.

I assume that he and the other members of that Committee and the members of this Legislature want to be fair. When he speaks about the expense, the expense would be relatively nothing. In the City of Portland and many other places, in the elections for the City Council and in fact in many other States, they have a method of doing it. In the City of Portland when there are three or four members running for the City Council, they rotate the names. Now as far as expense

goes, that brings another matter to my mind. When he talks of expense, when I see the hundreds of thousands of dollars that in my opinion have been wasted in this past Legislatures, I will give you one example; it may serve for a good many. In the 100th Legislature they had a committee, and that committee they were talking about changing or moving the Boys Training Center in South Portland, because they figured that one of the runways might possibly cause an accident. That committee, gentlemen, went up to Gorham about seven or seven and one-half miles from the Boys Training Center and there was a farm there, and that farm was offered to certain people in Gorham about eighteen months before for \$5,000. That Committee went up there, gentlemen, and they deposited for an option \$3,000 of what they said was the State's money, the taxpayers' money of this State, \$3,000 for an option at \$68,000—my voice is getting a little bit strong. At times you know I get a little bit aggressive and possibly a little bit emotional, and when I see things like that happen, do a little thinking gentlemen. What do you suppose was going to happen to that? Of course when you sell it to the State, maybe you should get double; maybe you should get triple. Well if they get triple and it went through, what was going to happen to that \$50,000? Use your imagination.

So when we talk about a little cost of making something in an election fair, that statement, when you consider all the facts and what's happened in this Legislature and the way money has been in my opinion, a good deal of it practically thrown away, and it is about time the taxpayers of the State know some of these facts—all of the facts, not part of them, and part of them covered up or camouflaged, and one excuse or another why they do this, or why they do that. In addition, gentlemen, that particular Committee that went up to Gorham, they took a nice junket out through the West. Do you know how much

it cost the State taxpayers? \$90,000. Now those are the things that are happening.

And there are certain individuals, members of this Legislature, and members of former Legislatures, members of the former 101st, 102nd, the 100th, they have in effect, in my opinion, I hope I misunderstood them, they told me what was going to happen to me if I dared to mention some of those things.

Nobody is going to make up my mind for me in any respect. I am in here to decide on every issue what I consider is best for the majority of the people of this State, irrespective of party, race, color or creed, and if I have any more suggestions or intimations from—in regard to some of those things, I'll come out with some of these things publicly and repeatedly. I think we need a little more fair-mindedness, a little bit more knowledge of these issues; all of the facts, not part of them, and in my opinion—I know I am rambling on, but these issues bother me, and when I see in addition—I was on a certain committee, Municipalities and Counties in the 102nd, and when I see the things that come in there and somebody wants their salary raised; maybe some of them deserved a little raise, and then everyone that—

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Lowery. For what purpose does the gentleman rise?

Mr. SULLIVAN: I'm not through, I still have the floor.

Mr. LOWERY: Mr. Speaker, point of order.

The SPEAKER: The gentleman may state his point.

Mr. LOWERY: Mr. Speaker, is the gentleman following the correct parliamentary procedure on this bill?

The SPEAKER: The Chair would advise the gentleman that his point is well taken, but there is nothing in our rules that restrains debate in any manner as long as it is within the confines of good taste and decorum. The

gentleman from Portland, Mr. Sullivan, may proceed.

Mr. SULLIVAN: Well, let me say I'm sorry again, possibly to take up too much time, but this to me is a very, very serious matter, and in my opinion, these things in a certain sense are intertwined.

However, it's getting late, you want lunch et cetera, so therefore, I just make the motion to send that back to the Committee for reconsideration, and that Committee, if they want to be fair-minded, I don't care what method they come up with as long as they make it fair; not particularly my bill, but anything that will make it fair, just and equitable. So I move to send it back to that Committee for reconsideration. Thank you.

The SPEAKER: The pending question is the motion of the gentleman from Portland, Mr. Sullivan, that this Bill "An Act Determining Position of Names of Candidates on Primary Ballot and General Election Ballot" House Paper 984, L. D. 1426, be recommitted to the Committee on Election Laws for further consideration. All those in favor will say yes, those opposed, no.

A viva voce vote being taken, 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 tenth tabled and today assigned matter:

Bill "An Act relating to Limited-user Highways" (S. P. 340) (L. D. 873) (House Amendment "A" (H-190) to House Amendment "A") (H-139)

Tabled—April 19, by Mr. Jalbert of Lewiston.

Pending—Passage to be engrossed.

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

The SPEAKER: Is there objection to taking up an order from the Senate?

(Cry of "No.")

The SPEAKER: The Chair hears objection. The paper will not be considered.

On motion of Mr. Benson of Southwest Harbor,

Adjourned until nine-thirty o'clock tomorrow morning.