

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

1967

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, May 2, 1967

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

Prayer by the Rev. Mr. Stanley Haskell of Augusta.

The members stood at attention during the playing of the National Anthem, by the Wells-North Berwick Band.

The journal of the previous session was read and approved.

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

Report of the Committee on Business Legislation on Bill "An Act to Incorporate the Maine Title Insurance Company" (S. P. 529) (L. D. 1364) reporting Leave to Withdraw.

Report of same Committee reporting same on Bill "An Act relating to Security for Loans under Small Loan Agency Law" (S. P. 530) (L. D. 1365)

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to State Appropriations for Regional Planning Commissions" (S. P. 467) (L. D. 1159)

Report of same Committee reporting same on Bill "An Act Providing for Removal of State of Maine Pavilion at 1967 World Exhibition in Canada" (S. P. 525) (L. D. 1361)

Report of the Committee on Retirements and Pensions reporting same on Resolve to Permit Philip G. Clark of Winthrop Use of his Out-of-state Credits to Obtain a Retirement Allowance (S. P. 480) (L. D. 1201)

Report of the Committee on Towns and Counties reporting same on Bill "An Act relating to Failure to Send County Estimates to Municipalities" (S. P. 515) (L. D. 1228)

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 Agriculture reporting "Ought to pass" on Bill "An Act relating to the Length Provision in the Sale or Packaging of Herring" (S. P. 444) (L. D. 1124)

Report of the Committee on Taxation reporting same on Bill "An Act Exempting Water and Air Pollution Control Facilities from Sales and Use Taxes" (S. P. 413) (L. D. 1042)

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

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

**Ought to Pass in New Draft
Amended in Senate**

Report of the Committee on Natural Resources on Bill "An Act to Regulate the Alteration of Wetlands" (S. P. 507) (L. D. 1221) reporting same in a new draft (S. P. 612) (L. D. 1597) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A".

In the House, the Report was read and accepted in concurrence and the New Draft read twice. Senate Amendment "A" was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the New Draft.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Education on Bill "An Act relating to Public Policy on Higher Education" (S. P. 498) (L. D. 1259) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

guishing quality and character is to bring about world brotherhood through a practicable program including world peace, solution of cultural problems, interreligious and interfaith worship and fellowship, moral values in education; assistance in problems involving the handicapped, the delinquent, health, etc.; maintaining that human problems must be faced educationally and not merely emotionally with a stressing of civil obedience, maintaining that God is the heavenly Father of us all and that creatively we are all brothers and sisters irrespective of race, color, creed, social status etc.; now, therefore, be it

RESOLVED: That we the members of the 103rd Legislature hereby commend the dedicated and sacrificial efforts of the founder, the Reverend Herbert Lester Reid of Fairfield and the Board of Trustees of this Ecumenical Church and Movement and express our desire for perpetual success to this All-Religion Church which embraces within its bylaws such religions of the world as Christianity; Judaism; Islam; Shinto; Hindu; Jainism; Taoism; Primitivism; Sikhism; Parsiism; Buddhism and Confucianism; and be it further

RESOLVED: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the aforementioned person and board. (H. P. 1135)

The Joint Resolution was adopted and sent up for concurrence.

House Reports of Committees Leave to Withdraw

Mr. Shute from the Committee on Education on Bill "An Act relating to Fixing the Number of Personnel at the State Colleges" (H. P. 980) (L. D. 1422) reported Leave to Withdraw.

Mr. Gill from the Committee on Health and Institutional Services reported same on Bill "An Act relating to Sprinkler Systems in Nursing Homes" (H. P. 627) (L. D. 883)

Mr. Hewes from the Committee on Judiciary reported same on Bill "An Act relating to Quali-

fication of Witnesses" (H. P. 509) (L. D. 722)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Tabled and Assigned

Mr. Allen from the Committee on Education reported "Ought not to pass" on Bill "An Act Providing an Education Loan Fund for the Higher Education of Teachers" (H. P. 626) (L. D. 882)

Report was read.

(On motion of Mr. Pendergast of Kennebunkport, tabled pending acceptance and specially assigned for Thursday, May 11)

Mr. Allen from the Committee on Education reported "Ought not to pass" on Bill "An Act relating to a Student Tour of the Maine State Prison under the Supervision of the Commissioner of Education" (H. P. 933) (L. D. 1349)

Mr. Carroll from same Committee reported same on Bill "An Act relating to Preschool Physical Examinations of Children" (H. P. 736) (L. D. 1059)

Same gentleman from same Committee reported same on Bill "An Act relating to Readiness Test for School Entrance Age" (H. P. 975) (L. D. 1417)

Mr. Levesque from same Committee reported same on Bill "An Act relating to Free Admission to School Athletic Events for Those Eligible for Medicare" (H. P. 880) (L. D. 1292)

Mr. Shute from same Committee reported same on Bill "An Act Providing for a Professional Clearing House Plan for Public School Vacancies" (H. P. 881) (L. D. 1293)

Mr. Soulas from the Committee on Health and Institutional Services reported same on Bill "An Act relating to the Support of Children Committed to the Training Centers" (H. P. 185) (L. D. 274)

Mr. Brennan from the Committee on Judiciary reported same on Bill "An Act Licensing Private Detectives and Watch, Guard and Patrol Agencies" (H. P. 752) (L. D. 1099)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Richardson from the Committee on Education on Bill "An Act Increasing Minimum Salaries for Teachers" (H. P. 134) (L. D. 198) reported same in a new draft (H. P. 1133) (L. D. 1613) under title of "An Act to Revise Minimum Salaries for Teachers, Providing Incentive for Professional Training" and that it "Ought to pass"

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Fees of Witnesses in Criminal Cases" (H. P. 710) (L. D. 1005) reported same in a new draft (H. P. 1134) (L. D. 1614) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mrs. Baker from the Committee on Education reported "Ought to pass" on Bill "An Act Exempting the Use of Lake View Plantation's State Valuation in Computing State Aid to School Administrative District No. 41 (H. P. 576) (L. D. 808)

Mrs. Hanson from same Committee reported same on Bill "An Act to Provide State-wide Education Service for the Blind" (H. P. 481) (L. D. 694)

Same member from same Committee reported same on Bill "An Act relating to Accreditation of Elementary Schools" (H. P. 738) (L. D. 1061)

Same member from same Committee reported same on Bill "An Act Permitting Approval of Early Childhood Education Programs" (H. P. 784) (L. D. 1146)

Mr. Levesque from same Committee reported same on Bill "An Act Authorizing the Granting of Associate Degrees by the State Vocational-Technical Institute" (H. P. 883) (L. D. 1297)

Mr. Hewes from the Committee on Judiciary reported same on Bill "An Act to Revise the Uniform Gifts to Minors Act" (H. P. 320) (L. D. 454)

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

Ought to Pass with Committee Amendment

Mr. Foster from the Committee on Judiciary on Bill "An Act relating to Licensing and Regulation of Use of Explosives" (H. P. 107) (L. D. 134) 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. 107, L. D. 134, Bill, "An Act Relating to Licensing and Regulation of Use of Explosives."

Amend said Bill by striking out all of the Title and inserting in place thereof the following Title:

'AN ACT Relating to Possession, Storage and Handling of Explosives.'

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'R. S., T. 25, § 2441, amended. The first paragraph of section 2441 of Title 25 of the Revised Statutes is amended to read as follows:

The Insurance Commissioner shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations for the keeping, possession, storage, handling, dispensing or transporting from place to place in the State of all gunpowder, petroleum, coal oils, burning fluids, naphtha, benzine and all other explosives and illuminating substances which such commissioner believes dangerous to the lives or safety of citizens.'

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

Mr. Hewes from the Committee on Judiciary on Bill "An Act Establishing a Consumers' Council" (H. P. 1004) (L. D. 1471) 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. 1004, L. D. 1471, Bill, "An Act Establishing a Consumers' Council."

Amend said Bill in section 1 by striking out all of that part designated "§ 1361" (same in L. D. 1471) and inserting in place thereof the following:

§ 1361. Membership

There is created a Consumers' Council, hereinafter in this chapter called the "council," consisting of 8 members to be appointed by the Governor, with the advice and consent of the Council, for terms concurrent with that of the Governor, no more than 4 of whom shall be members of the same major political party. The chairman of the council shall be designated by the Governor. Said members shall serve without compensation, but shall receive their expenses necessarily incurred in the performance of their duties. The council shall meet monthly and at other times at the call of the chairman.

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 Charter of City of Calais" (H. P. 802) (L. D. 1210) 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. 802, L. D. 1210, Bill, "An Act Amending Charter of City of Calais."

Amend said Bill in section 11 by striking out in the 11th and 12th lines (10th line in L. D. 1210) the stricken out words "of the city" and inserting in place thereof the words 'of the city'

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 Sprinkler Systems

in Boarding Homes" (H. P. 905) (L. D. 1316) 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. 905, L. D. 1316, Bill, "An Act Relating to Sprinkler Systems in Boarding Homes."

Amend said Bill in the last line (same in L. D. 1316) by striking out the underlined word and figures "January 1, 1970" and inserting in place thereof the underlined word and figures 'July 1, 1969'

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

Mr. Conley from the Committee on Legal Affairs on Bill "An Act to Establish the Augusta Civil Service Commission" (H. P. 904) (L. D. 1315) 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. 904, L. D. 1315, Bill, "An Act to Establish the Augusta Civil Service Commission."

Amend said Bill in section 2 by adding at the end of that part designated "Sec. 7." the following underlined paragraph:

'The commission shall have the power and authority to demote, lay off, suspend and remove employees for just cause and for reasons specifically given in writing to such employee within 24 hours of his demotion, layoff, suspension or removal. In all cases such employee, should he request such in writing from said commission, shall be furnished with written specifications of the charges against him, and may request a public hearing, in which event a public hearing shall be granted by said commission to be held at such time and place as the commission shall designate, and said employee shall have the

right of representation by counsel, if he desires, at said hearing. Said hearing shall be held upon written charges made by said commission. Any such employee aggrieved by the decision of the commission after such public hearing may, within 20 days thereof, appeal to the city council of the City of Augusta who, after reviewing the finding of said commission, shall lay off, suspend, remove, demote or reinstate him. Review of the administrative action of the city council may be taken by the employee to a Justice of the Superior Court or Supreme Judicial Court.

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

Mr. Cushing from the Committee on Legal Affairs on Bill "An Act relating to Retail Jewelers Association" (H. P. 1070) (L. D. 1535) 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. 1070, L. D. 1535, Bill, "An Act Relating to Retail Jewelers Association."

Amend said Bill by inserting before the enacting clause the following emergency preamble:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, the following legislation is vitally necessary to permit the Retail Jewelers Association to carry out its duties as soon as possible and to render the service to its members which was intended by the association's formation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace,

health and safety; now, therefore,'

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

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

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

Tabled and Assigned

Mrs. Wheeler from the Committee on Legal Affairs on Bill "An Act relating to Meetings of Board of Veterinary Examiners" (H. P. 1071) (L. D. 1536) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Beliveau of Rumford, tabled pending acceptance and specially assigned for Wednesday, May 3.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act Providing Vocational Education Loan Funds" (H. P. 882) (L. D. 1294)

Report was signed by the following members:

Messrs. KATZ of Kennebec
SNOW of Cumberland
—of the Senate.
Messrs. ALLEN of Caribou
RICHARDSON
of Stonington
Mrs. HANSON of Lebanon
Mrs. BAKER of Winthrop
Mr. LEVESQUE
of Madawaska
—of the House.

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

Report was signed by the following members:

Mr. MacLEOD of Penobscot
—of the Senate.
Messrs. SHUTE of Farmington
CARROLL of Limerick
—of the House.

Reports were read.

(On motion of Mr. Gauthier of Sanford, tabled pending acceptance of either Report and specially assigned for Thursday, May 4.)

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act Appropriating Funds for Inspection of Nursing Homes, Boarding Homes and Related Institutions" (H. P. 985) (L. D. 1427)

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. WHITE of Guilford
 Messrs. BENSON
 of Southwest Harbor
 SOULAS of Bangor
 NOYES of Limestone
 BINNETTE of Old Town
 —of the House.

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

Report was signed by the following member:

Mrs. CARSWELL of Portland
 —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.

Passed to Be Engrossed

Bill "An Act relating to Annual Postaudit for Municipalities" (H. P. 166) (L. D. 229)

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

Third Reader Amended

Bill "An Act Prohibiting Hauling Lobster Pots on Sundays" (H. P. 240) (L. D. 348)

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

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

Mr. ROBERTSON: Mr. Speaker, I move this item be tabled until Wednesday, May 10.

The SPEAKER: The gentleman from Brewer, Mr. Robertson, now moves this matter be tabled and specially assigned for Wednesday, May 10.

Mr. Prince of Harpswell requested a division.

The SPEAKER: A vote has been requested. All those in favor of this matter being tabled pending passage to be engrossed and specially assigned for Wednesday, May 10 will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken.

51 having voted in the affirmative and 70 having voted in the negative, the tabling motion did not prevail.

Mr. Benson of Southwest Harbor offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 240, L. D. 348, Bill, "An Act Prohibiting Hauling Lobster Pots on Sundays."

Amend said Bill by striking out everything after the amending clause and inserting in place thereof the following: 'From June 1st to October 31st of each year, during the period ½ hour after sunset until ½ hour before sunrise of the following morning, it is unlawful for any person to raise, haul or transfer from the tidal waters of this State any pot, trap or other contrivance that is set for the taking of lobsters or crabs during the period ½ hour after sunset until ½ hour before sunrise of the following morning. From June 1st to August 31st of each year, during the period from 4 p.m., Eastern Daylight Saving Time, on Saturday to ½ hour before sunrise of the following Monday morning it is unlawful for any person to raise, haul or transfer from the tidal waters of this State any pot, trap or other contrivance that is set for the taking of lobsters or crabs.'

House Amendment "A" was adopted, the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act relating to Duties of Deputy County Treasurer" (H. P. 334) (L. D. 468)

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

Third Reader Amended

Bill "An Act to Authorize Food Stamp Program in Sagadahoc County" (H. P. 660) (L. D. 915)

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

Mr. Ross of Bath offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 660, L. D. 915, Bill "An Act to Authorize Food Stamp Program in Sagadahoc County."

Amend said Bill by striking out all of section 2 (same in L. D. 915) and inserting in place thereof the following:

'Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Health and Welfare the sum of \$14,100 for the fiscal year ending June 30, 1968 and \$15,200 for the fiscal year ending June 30, 1969 to carry out the provisions of this Act.

The breakdown of expenditures shall be as follows:

	1967-68	1968-69
HEALTH AND WELFARE,		
DEPARTMENT OF		
Personal		
Services (3)	\$14,000	(3) \$15,000
All Other	5,300	5,700
Capital		
Expenditures	500	500
	<u>\$19,800</u>	<u>\$21,200</u>
Estimated		
Federal		
Funds	5,700	6,000
	<u> </u>	<u> </u>
State Funds		
Required	\$14,100	\$15,200'

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

Mr. ROSS: Mr. Speaker and Members of the House: The purpose of this amendment is just to cut down on the administrative costs. It cuts the personnel from four to three each year and reduces the expenditure by \$4,000 each year.

Thereupon, House Amendment "A" was adopted on a viva voce vote and the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies" (H. P. 950) (L. D. 1381)

Bill "An Act relating to Banks Participating in Public Agencies" (H. P. 961) (L. D. 1404)

Bill "An Act relating to Furnishing of Service by Public Utilities" (H. P. 1130) (L. D. 1606)

Bill "An Act relating to Weight and Weight Tolerance of Vehicles" (H. P. 1132) (L. D. 1608)

Resolve in Favor of Paul V. Douglass of Winslow for Well Damage by Highway Construction (H. P. 402) (L. D. 568)

Resolve Authorizing Construction of a Ferry Boat for the Maine State Ferry Service (H. P. 465) (L. D. 678)

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

Amended Bills

Bill "An Act Appropriating Funds to Update the Surveys of Penobscot Tribal Lands" (H. P. 751) (L. D. 1098)

Bill "An Act to Enable City of Portland to Establish Sewer Service Charges" (H. P. 946) (L. D. 1377)

Bill "An Act Creating the Town of Old Orchard Beach School District" (H. P. 1082) (L. D. 1547)

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.

Finally Passed Emergency Measure

Resolve Authorizing the Disposal of Northern Maine Sanatorium (S. P. 239) (L. D. 564)

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. 131 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve Appropriating Funds to Waban Project, Inc. for Retarded Children to Purchase Land for Summer Camp for Handicapped Children (H. P. 688) (L. D. 969)

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. 131 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to State Contribution to Pollution Abatement (S. P. 227) (L. D. 552)

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

An Act relating to Number of Officers of Associated Hospital Service of Maine (S. P. 549) (L. D. 1395)

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.

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

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

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: The Federal Pest Control Committee approved our request for a spraying designed to halt the epidemic of spruce budworm infestation and to protect the woodlands of the State of Maine in the infested area. Some time later the junior Senator from Maine learned of this and wrote to the Secretary of Agriculture, Mr. Orville Freeman, asking that funds be withheld until such time as Maine set up a study program.

The Bill before you today sets up this study and as you know, I am very much in favor of the bill and as we pass it today I call this action to your attention so that you will know that unless we do this, we are not going to have any spraying program, and I would note perhaps wistfully that we are concerned that there be no disruption of the partnership between the Federal Government and the State of Maine, and I know there won't be, and I urge you to act in favor of this legislation.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen: I notice that when this bill first came to the House it was an emergency bill, and the emergency clause has been removed. On the back of the bill it states that the Maine Agricultural Experiment Station has \$10,000 to continue this study, and this \$10,000 is an extra appropriation. I don't think the taxpayers should be expected to provide it, and there is nothing in the bill that mentions Federal matching funds or anything of the sort. When the vote is taken I would request a division.

The SPEAKER: A vote has been requested. All those in favor of this bill being passed to be enacted will vote yes and those opposed to enactment will vote no, and the Chair will open the vote.

A vote of the House was taken. 98 having voted in the affirmative and 20 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act relating to Housing and Meal Expenses for Legislators (S. P. 586) (L. D. 1551)

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

An Act Repealing Bond Issue for Dining Facilities for the Maine Maritime Academy (H. P. 129) (L. D. 193)

An Act relating to Allocation of Funds for Purchase of Real Estate by State (H. P. 438) (L. D. 613)

An Act to Make Allocations from Bond Issue for Construction and Equipment of Pollution Abatement Facilities (H. P. 622) (L. D. 878)

An Act relating to Incorporation of Maine Retail Gasoline Dealers Association (H. P. 678) (L. D. 950)

An Act to Permit the Interchange of Government Employees (H. P. 724) (L. D. 1048)

An Act relating to Ward Boundaries of the City of Brewer (H. P. 801) (L. D. 1178)

An Act to Clarify the Organization of the Department of Health and Welfare (H. P. 918) (L. D. 1327)

An Act relating to Unity Institute and John F. Kennedy Institute (H. P. 934) (L. D. 1350)

An Act relating to Protective Headgear by Persons Riding Motorcycles (H. P. 1092) (L. D. 1560)

Finally Passed

Resolve Authorizing the Sale of State Land Located at Thomaston (S. P. 357) (L. D. 941)

Resolve Authorizing Director of Public Improvements to Convey Land in Hallowell to City of Hallowell (H. P. 726) (L. D. 1050)

Resolve Appropriating Moneys for Improvements at Pleasant Point and Indian Township Reservations and the Penobscot Indian Reservation (H. P. 780) (L. D. 1142)

Resolve to Provide Funds for the Purchase of Copies of the "History of the Town of Lisbon" (H. P. 825) (L. D. 1233)

Resolve Providing for a State Pension for David Carnevale of Saco (H. P. 1121) (L. D. 1593)

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

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

Mr. HEALY: Mr. Speaker, on Page 6, item 10, on Resolve Authorizing Construction of a Ferry Boat for the Maine State Ferry Service, House Paper 465, L. D. 678, I move we reconsider our action whereby this was passed to be engrossed.

The SPEAKER: The gentleman from Portland, Mr. Healy, moves that the House reconsider its action on Resolve Authorizing Construction of a Ferry Boat for the Maine State Ferry Service. Is it the pleasure of the House to reconsider its action?

(Cries of "No")

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

Mr. HEALY: Mr. Speaker and Ladies and Gentlemen of the House: There is \$350,000 riding on this new Ferry for the services to our offshore islands, and I remind you that they run a deficit now of a quarter of a million dollars a year, and I would ask some kind soul to table this until Friday, May 5. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Healy, that the House reconsider its action whereby this Resolve was passed to be engrossed.

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

Mr. LEVESQUE: Mr. Speaker, I move this lie upon the table until May 5 pending reconsideration.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves this matter be tabled pending reconsideration and specially assigned for Friday, May 5.

Mr. Benson of Southwest Harbor requested a division.

The SPEAKER: A vote has been requested. All those in favor of the tabling motion will vote in the affirmative and those opposed to the tabling motion will vote

no, and the Chair will open the vote.

A vote of the House was taken. 55 having voted in the affirmative and 71 having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The pending question is the motion of the gentleman from Portland, Mr. Healy, that the House reconsider its action whereby this Resolve was passed to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would remind you that this bill will be back for enactment at which time its opponents can take a swing at it. I see no reason to delay further business in the House and I ask for a division in opposition to reconsideration.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Healy, to reconsider engrossment of this Resolve. All those in favor of reconsideration will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken.

40 having voted in the affirmative and 87 having voted in the negative, the motion to reconsider did not prevail.

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

Bill "An Act to Grant a New Charter to the City of Auburn" (H. P. 609) (L. D. 859) (Committee Amendment "A") (H-188)

Tabled—April 20, by Mr. Bernard of Auburn.

Pending—Passage to be engrossed.

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

Mr. BERNARD: Mr. Speaker, I have prepared House Amendment "A" to the charter; however, I have been told that the amendment is incomplete. Therefore, I move this matter be further tabled until Thursday of this week.

Thereupon, on motion of Mr. Richardson of Cumberland, tabled

pending passage to be engrossed and specially assigned for Thursday, May 4.

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

HOUSE REPORT—Ought Not to Pass—Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics" (H. P. 868) (L. D. 1280)

Tabled—April 25, by Mr. Hichens of Eliot.

Pending—Acceptance.

Report was accepted and sent up for concurrence.

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

HOUSE REPORT—Ought Not to Pass—Committee on Legal Affairs on Bill "An Act to Provide for a Lien for Hospital Services on Recoveries from Third Persons" (H. P. 901) (L. D. 1314)

Tabled—April 25, by Mr. Benson of Southwest Harbor.

Pending—Acceptance.

On motion of Mr. Benson of Southwest Harbor, retabled pending acceptance and specially assigned for Thursday, May 4.

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

HOUSE DIVIDED REPORT "A" (5)—Ought to Pass—Committee on State Government on Bill "An Act Creating County Commissioner Districts" (H. P. 457) (L. D. 631)—Report "B" (5) — Ought Not to Pass.

Tabled—April 25, by Mr. Dennett of Kittery.

Pending—Acceptance of either report.

On motion of Mr. Dennett of Kittery, Report "A" "Ought to pass" was accepted, the Bill read twice and tomorrow assigned.

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

HOUSE REPORT—Ought Not to Pass—Committee on Public Utilities on Bill "An Act Increasing the

Membership of the Board of Trustees of Richmond Utilities District" (H. P. 1054) (L. D. 1524)

Tabled—April 27, by Mr. Hennessey of West Bath.

Pending—Acceptance.

On motion of Mr. Hennessey of West Bath, recommitted to the Committee on Public Utilities and sent up for concurrence.

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

HOUSE REPORT—Ought Not to Pass—Committee on Business Legislation on Bill "An Act relating to Countersigning Fees for Insurance Agents and Brokers" (H. P. 875) (L. D. 1287)

Tabled—April 28, by Mr. Scott of Wilton.

Pending—Acceptance.

On motion of Mr. Scott of Wilton, recommitted to the Committee on Business Legislation and sent up for concurrence.

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

HOUSE MAJORITY REPORT (9)—Ought Not to Pass—Committee on State Government on Bill "An Act Providing Additional Funds for Education by Sweepstake Races" (H. P. 384) (L. D. 531)—MINORITY REPORT (1)—Ought to Pass.

Tabled—April 28, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Dennett of Kittery to accept Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Roy.

Mr. ROY: Mr. Speaker and Members of the House: There is nothing unusual about the proposed sweepstake bill. As you had on your desks last Friday, a flyer which was in turn a zeroxed copy of what the Education Compact had produced on sweepstake.

The sweepstake is merely an extension of the present parimutuel wagering which we have had in Maine for many years.

By changing the name of this and calling it the "Maine Derby"

we could create nation-wide interest for the State of Maine, and get an income out of it at the same time. We could also benefit from the tremendous free advertising in the running of this Derby.

At one time we had the best free advertisement the State of Maine could have when we ran our election in September.

On the revenue side, based on New Hampshire's three years of experience and taking into consideration our larger population, and also larger tourist turnover in the summer we can project the following:

Between 80 to 90 percent sale of tickets to our State visitors.

Additional revenue beyond what is now available through its school subsidy for the town and school districts in Maine. This would mean a bonus for the towns, not subsidizing the school program.

Again, based on what the New Hampshire sweepstake has returned to various towns, and comparing other towns in Maine of similar sizes, I would like to point out a few figures in comparison to population size as they are compared to the cities and towns that we have in Maine.

The population of Manchester, New Hampshire is 88,282 as compared to Portland, Maine. They received \$681,373.

Nashua, New Hampshire which is compared to Bangor, Maine, has a population of 39,000 people. They received \$382,321, in addition to what their school subsidies were from the State.

Keene, New Hampshire, which is compared to Waterville, Maine, has a population of 17,562. They received \$209,677.

Franklin, New Hampshire, which is compared to Rumford, Maine, has a population of 6,742. They received \$71,725.

Epping, New Hampshire, which is compared to Waldoboro, Maine, has a population of 980. They received in addition to their subsidies, \$28,151.

The Maine Derby would become a yearly attraction, plus national publicity. As the cost of State Government becomes a burden on the taxpayer, think of the tax

revenue that could come from the sweepstake bill. Let's take L. D. 531 for an example; Section 631 provides for the local option. This, in turn, would give the people of the State a chance to decide for themselves.

Let's compare our school budgets in our cities and towns, and let's take a good look at the tax increases we will be faced with both city and state and government expenditures.

Just the other day we had a bill before us, L. D. 1384, which freezes the valuation and taxes of people that are 65 years of age or over. I believe personally it's a good bill, but you must bear in mind, if you add another exemption to your property tax plus the exemption that you have for your World War II veterans, the Korean War and the Viet Nam War, there's got to be a certain percentage of the people that's going to carry the burden of the taxes of the State.

I ask you today, ladies and gentlemen, to think very seriously about the sweepstakes bill. It would mean also some relief for the homeowner, the guy in the middle that pays the bulk of the taxes.

What have we done in this session to lessen the education tax burden on the homeowner? I only ask you again to take a good hard look at the bill before you before voting against it.

I also ask each and every one to take a hard look at the future of our State. Let's take for an example 10 years from now—1977. What will the taxes of the State be then? Let's look at the overall tax expenditure for the operation of our towns and cities and State. Today, not ten years from now, we are faced with finding enough revenue for this session. Mr. Speaker, when the vote is taken, I ask that it be taken by the yeas and nays.

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

Mr. SULLIVAN: Mr. Speaker, just for a little information, I wondered if that so-called "derby", I would ask the gentleman if he chooses to answer, if that could

be changed and have two derbies but have them in the harness racing, one at Gorham and the other at Lewiston.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Roy.

Mr. ROY: Mr. Speaker, in answer to the gentleman from Portland, I would say in reply that if this would create enough revenue and they could provide for the seating capacity for this type of an event, we would be more than happy to have it held in Lewiston or Gorham or any other track that could hold the crowd that creates the revenue.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of my own motion to accept the Majority "Ought not to pass." This Bill was heard before the Committee on State Government and, as you will note, you have before you a 9 to 1 "Ought not to pass" Report.

Now I believe that the Committee on State Government went over this very thoroughly, and they viewed the bill objectively. The question of morals or a moral issue did not enter into any consideration that the Committee had on this bill. It was truly on the bill itself, and I think to quite some degree the Committee was swayed by what has actually occurred in a neighboring State on a, what is now a fact, a bill of like nature; a lottery based upon a sweepstakes. This neighboring State, which is the State of New Hampshire, has a large drawing, particularly from Massachusetts Rockingham Raceway is very popular with the population of northern Massachusetts, drawing from such cities as Lawrence, Haverhill, Lowell, metropolitan Boston, a drawing area much greater than anything that Maine could produce. However, and apparently according to all reports, the returns from New Hampshire are very, very unsatisfactory.

They had high hopes for what this would turn into the treasury in that State, and each successive year it has dwindled, and dwindled

and dwindled. Of course, a ruling of the Federal Court was a deterrent—it more or less kept people from neighboring states from buying tickets in New Hampshire because they were somewhat fearful that they might get into difficulties with the Federal Government when they transported them across state lines. This would be no less true in the State of Maine.

Now, on the other hand, the State of New York is apparently instituting a lottery. New York has a vast drawing power of people who would likely buy sweepstakes or lottery tickets; many of them have purchased heretofore in New Hampshire until they—some of them got frightened away. And on top of that it has gone down and down; the Commission in New Hampshire is crying for more outlets, more outlets, and I note that the bill that we have before us even provides less outlets than those in New Hampshire.

Our bill calls for the sale of these sweepstakes tickets at the enclosure at Scarborough Downs and also in the State liquor stores. That's the limit.

New Hampshire sells in the state liquor stores, at the toll plazas on all turnpikes, and at the enclosure at Rockingham Raceway, and they still are crying for more—they are crying for billboards to advertise the sweepstakes — and still the sweepstakes go down and down.

Now one point that I would make to the Members of this House is the fact that certain people representing education were highly opposed to this bill, inasmuch as it calls for the money received to be dedicated to education. They did not think that education should have the stigma of this money.

Now I would comment in passing and only briefly, and this is only a comment, I think it very strange that once these monies that are received from pari mutuels, liquor, cigarettes and so forth, which do ultimately a portion find the way to education, somehow or another be cleansed of this taint, and when it comes out of the General Fund it is no longer tainted money. This is merely a comment, so consequently we could

not buy the representation of those gentlemen that this was tainted money, so again I merely am saying this to impress upon the members of this body that there was no moral issue involved, it was straight economics, and straight business.

We do not feel that a venture of this type is feasible in the State of Maine because it will not, it cannot, yield enough money to even scratch the surface.

I would trust that you will accept the Majority "Ought not to pass" Report of the Committee.

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

Mr. SULLIVAN: Mr. Speaker and Members of the House: Of course I have a tremendous amount of respect for Mr. Dennett, and I have increased my knowledge, with Mr. Dennett by my side, I've probably increased my knowledge, oh at least three times in asking him questions. But, if we could get that bill, as I said before, and have it at the Gorham and Lewiston Harness Racing, and if we could get it through so that it could go into effect this summer when we will have, I hope, three or four million people coming down here after they go to that Montreal exhibition, we would gather up a tremendous amount of money.

Now as far as gambling is concerned, most of the people of this House in some form or another, even in a little game of penny ante, they gamble! Everyone, and probably in this House, you have a number of them who invest in the stock market, and when they are investing in the stock market, they are in effect, most of them, taking a chance—and that's true right along the line, and if I could make a real survey of this House, I'll bet you that ninety percent of them in one form or another, they take a chance. Even the churches, many of them, they have a form of "take a chance." Some people would be apt to call that gambling. So, I believe if that could be put into effect in Gorham and Lewiston, two harness races, one in Gorham and one in Lewiston, I think it would gather up quite considerable amounts of

money, and therefore, I believe that it should be, that bill if it went through the way I've suggested, I think we would add quite a few millions of dollars for education in this State. Thank you.

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

Mr. RICHARDSON: Mr. Speaker, in urging every member of this House to vote in favor of accepting the Majority "Ought not to pass" Report of the Committee on State Government, I would very briefly suggest to you that this is "gimmick" financing, it's an appeal to the "something for nothing" philosophy—that we are ducking our responsibilities to appropriately and soundly finance State Government by reliance on this sort of a program. I am very much opposed to it. It's the same bill we had last year, or last session. Experience with lotteries in the interim has not been encouraging.

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

Mr. GILL: Mr. Speaker and Members of the House: I would like to state that I intend to support the Majority Report upon this matter, and the only reason I mention it is that I was the sponsor of this type legislation in the 100th session of the Legislature, and I have seen the mistake I made at that time.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Kittery, Mr. Dennett, to accept the Majority "Ought not to pass" Report. 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 who desire a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

88 voted in the affirmative and 18 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 Kittery, Mr. Dennett, to accept the Majority "Ought not to

pass" Report on Bill "An Act Providing Additional Funds for Education by Sweepstake Races." House Paper 394, L. D. 531. All those in favor of accepting the Majority "Ought not to pass" Report will vote yes, those opposed will vote no, the Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Beliveau, Benson, Birt, Bragdon, Brennan, Buck, Bunker, Burnham, Carrier, Carswell, Clark, Conley, Cookson, Cornell, Cottrell, Crommett, Crosby, Curran, Cushing, Danton, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Eustis, Ewer, Foster, Fuller, Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Haynes, Healy, Henley, Hennessey, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jewell, Lewin, Lewis, Lincoln, Littlefield, Lowery, Lycette, Maddox, Martin, McMann, Meisner, Minkowsky, Mosher, Philbrook, Pike, Porter, Prince, Quimby, Quinn, Rackliff, Richardson, G. A.; Richardson H. L.; Rideout, Robertson, Robinson, Ross, Sahagian, Sawyer, Scott, C. F.; Scott, G. W.; Scribner, Shaw, Shute, Snow, P. J.; Starbird; Sullivan; Susi, Thompson, Trask, Truman, Waltz, Watts, Wheeler, White; Wight, Williams, Wood.

NAYS — Bedard, Belanger, Bernard, Binnette, Brown, Carey, Carroll, Champagne, Cote, Driogotas, Evans, Farrington, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Harnois, Hewes, Jalbert, Jameson, Keyte, Kyes, Lebel, Levesque, McNally, Nadeau, J. F. R.; Nadeau, N. L.; Rocheleau, Roy, Snowe, P.; Soulas, Tanguay.

ABSENT — Berman, Boudreau, Bourgoin, Bradstreet, Couture, Crockett, D'Alfonso, Darey, Dudley, Giroux, Harvey, Hunter, Janelle, Kilroy, Miliano, Noyes, Payson, Pendergast, Townsend.

Yes, 98; No, 33; Absent 19.

98 having voted in the affirmative and 33 having voted in the negative, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

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

Resolve Proposing an Amendment to the Constitution Pledging Credit of State and Providing for the Issuance of Bonds Not Exceeding, at Any One Time Issued and Outstanding, Twenty-Five Million Dollars for Loans to Private Colleges for Construction and Expansion of Facilities (S. P. 60) (L. D. 73)

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

Pending—Motion of Mr. Pike of Lubec to indefinitely postpone.

On motion of Mr. Benson of Southwest Harbor, retabled pending the motion of Mr. Pike of Lubec to indefinitely postpone and specially assigned for Thursday, May. 4.

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

An Act Creating the Maine Higher Education Loan Authority Act (S. P. 59) (L. D. 72)

Tabled—April 28, by Mr. Birt of East Millinocket.

Pending—Passage to be enacted.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be enacted and specially assigned for Thursday, May 4.

The Chair laid before the House a matter tabled earlier in today's session for later in the day:

Bill "An Act Providing Appropriations for Payment of School Con-

struction Aid to the Cities of Westbrook and South Portland," House Paper 1124, L. D. 1601, which was referred to the Committee on Appropriations and Financial Affairs in the House on April 26.

Came from the Senate referred to the Committee on Education in non-concurrence.

On motion of Mr. Hinds of South Portland, tabled pending further consideration and specially assigned for Wednesday, May 3.

Mr. McNally of Ellsworth was granted unanimous consent to address the House.

Mr. McNALLY: Mr. Speaker and Members of the House: In spite of any cartoons you might see in the newspapers, or what you might read, I think that when you go to the Expo that you'll find the Maine Exhibit is something you can be very proud of. It shows a lot of work by Mr. Clarence McKay and his Assistant, Chet Robbins; and the thing that they put round it, if it is a pseudo Colonial type, is a very neat looking pseudo Colonial type building, and is very appropriate; is well liked by the people in Montreal and I did not see anything that impressed me any better than the Maine building. (Applause)

On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.