

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, May 4, 1967

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

Prayer by the Rev. Mr. William J. Burger of Farmington.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act relating to Comprehensive Planning under the Higher Education Facilities Act of 1963" (S. P. 617) (L. D. 1615)

Resolve Proposing an Amendment to the Constitution Pledging Credit of the State and Providing for the Issuance of Bonds Not Exceeding One Million Dollars for Loans for Maine Students in Higher Education (S. P. 618) (L. D. 1616)

Came from the Senate referred to the Committee on Education.

In the House, referred to the Committee on Education in concurrence.

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Towns and Counties on Bill "An Act Appropriating County Funds for the Cooperative Extension Service for Franklin County" (S. P. 385) (L. D. 997) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Appropriating Funds for Coordinator of Collections in Office of Treasurer of State" (S. P. 493) (L. D. 1213)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Business Legislation on Bill "An

Act to Permit Savings and Loan Associations to Act as Trustee under Self-employed Individuals Tax Retirement Act of 1962" (S. P. 392) (L. D. 1025) reporting same in a new draft (S. P. 614) (L. D. 1604) under title of "An Act to Permit Savings and Loan Associations and Savings Banks to Act as Trustee under Self-employed Individuals Tax Retirement Act of 1962" and that it "Ought to pass"

Report of the Committee on Judiciary on Bill "An Act relating to List of Prospective Jurors and Selection of Jurors" (S. P. 381) (L. D. 994) reporting same in a new draft (S. P. 620) (L. D. 1612) under same title and that it "Ought to pass"

Report of the Committee on Legal Affairs on Bill "An Act to Regulate the Practice of Psychologists" (S. P. 409) (L. D. 1072) reporting same in a new draft (S. P. 619) (L. D. 1611) under same title 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 Education reporting "Ought to pass" on Bill "An Act relating to Adult Education" (S. P. 394) (L. D. 1027)

Report of same Committee reporting same on Bill "An Act relating to Driver Education" (S. P. 402) (L. D. 1033)

Report of same Committee reporting same on Bill "An Act relating to Attending Secondary School Outside of Residence" (S. P. 403) (L. D. 1034)

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Legal Affairs on Bill "An Act Revising the Laws Relating to Dentists and Dental Hygienists" (S. P. 551) (L. D. 1448) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act to Clarify the Status of Passenger Tramway Devices" (S. P. 554) (L. D. 1486)

Report was signed by the following members:

Messrs. HILDRETH

of Cumberland
HARDING of Aroostook
MILLS of Franklin
— of the Senate.

Messrs. DANTON

of Old Orchard Beach
FOSTER

of Mechanic Falls
QUINN of Bangor
BRENNAN of Portland
— of the House.

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

Report was signed by the following members:

Messrs. HEWES of Cape Elizabeth
DAREY

of Livermore Falls
BERMAN of Houlton
— 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.

On motion of Mr. Quinn of Bangor, the Majority "Ought to pass" Report was accepted in con-

currence, the Bill read twice and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act relating to Mental Illness as a Ground for Divorce" (H. P. 319) (L. D. 453) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Judiciary on April 27.

Came from the Senate with the Majority Report reporting "Ought to pass" as amended by Committee Amendment "A" accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.

In the House:

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

Mr. QUINN: Mr. Speaker and Members of the House: When this matter was last before us we had a very very lengthy debate, and after that debate we had a vote and we voted 95 to 43 to accept the "Ought not to pass" Report of the Judiciary Committee. I now move that we adhere to our vote on that occasion.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, now moves that the House adhere.

The Chair recognizes the gentleman from Farmington, Mr. Shute.

Mr. SHUTE: Mr. Speaker and Members of the House: I move that we insist on our former action and request a Committee of Conference.

The SPEAKER: The gentleman from Farmington, Mr. Shute, now moves that the House insist on its former action and ask for a Committee of Conference.

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

Mrs. CARSWELL: Mr. Speaker, I request a roll call.

The SPEAKER: A roll call has been requested on the motion to insist.

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

Mr. QUINN: Mr. Speaker, since this motion precedes my motion in order, I hope the House will back me up by voting against this

motion to insist in order that we can adopt the motion to adhere.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Shute.

Mr. SHUTE: Mr. Speaker, the sole reason for our making our motion as we did is to have this returned to the Senate for the purposes of amending this bill which I think will be much more palatable to all members of this body.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Farmington, Mr. Shute, that the House insist on its former action and ask for a Committee of Conference. A roll call has been requested on this motion and for the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of 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. 59 voted in the affirmative and 46 voted in the negative.

The SPEAKER: Obviously more than one fifth having expressed a desire for a roll call, a roll call is ordered; and the pending question is the motion of the gentleman from Farmington, Mr. Shute, that the House insist and ask for a Committee of Conference. All of those who wish to insist and ask for a Committee of Conference will vote yes, those opposed will vote no.

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

Mrs. CARSWELL: Mr. Speaker, if we vote no, then we can vote on the gentleman from Bangor, Mr. Quinn's motion to adhere, which kills the bill, correct?

The SPEAKER: The answer is in the affirmative.

All those in favor of insisting and asking for a Committee of Conference will vote yes, and those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA—Allen, Baker, E. B.; Benson, Birt, Bragdon, Brennan,

Brown, Bunker, Burnham, Carey, Clark, Cornell, Cote, Crommett, Crosby, Cushing, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Eustis, Evans, Ewer, Farrington, Fortier, Foster, Fuller, Gill, Hall, Hanson, B. B.; Hanson, H. L.; Hanson, P. K.; Harriman, Haynes, Henley, Hennessey, Hewes, Hinds, Hoover, Huber, Immonen, Lewis, Lincoln, Lycette, Maddox, McMann, Noyes, Pendergast, Pike, Prince, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Starbird, Susi, Thompson, Townsend, Trask, Waltz, Watts, Wood.

NAY — Baker, R. E.; Belanger, Bernard, Boudreau, Bourgoin, Buck, Carrier, Carroll, Carswell, Champagne, Conley, Cookson, Crockett, Curran, D'Alfonso, Driogotas, Fecteau, Gaudreau, Giroux, Harnois, Healy, Hichens, Hodgkins, Humphrey, Jalbert, Jameson, Jewell, Keyte, Kilroy, Lebel, Levesque, Lewin, Littlefield, Lowery, Martin, McNally, Meisner, Minkowsky, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Porter, Quimby, Quinn, Rackliff, Robertson, Robinson, Ross, Sawyer, Scribner, Soulas, Tanguay, Wheeler, White, Williams.

ABSENT — Bedard, Beliveau, Berman, Binnette, Bradstreet, Cottrell, Couture, Danton, Darey, Dudley, Fraser, Gauthier, Harvey, Hawes, Hunter, Jannelle, Kyes, Miliano, Payson, Philbrook, Rochelleau, Roy, Sullivan, Truman, Wight.

Yes, 70; No, 55; Absent, 25.

70 having voted in the affirmative and 55 having voted in the negative, with 25 being absent, the motion prevailed.

Non-Concurrent Matter Tabled and Assigned

Resolve Permitting R. Dean Sequin of South Paris to Take the Examination for Admission to Practice Law (H. P. 514) (L. D. 727) which was passed to be engrossed in the House on March 22.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Richardson of Cumberland, tabled pending further consideration and specially assigned for Tuesday, May 9.

Non-Concurrent Matter Tabled and Assigned

Report of the Committee on Public Utilities reporting "Ought not to pass" on Bill "An Act Increasing the Membership of the Board of Trustees of Richmond Utilities District" (H. P. 1054) (L. D. 1524) which Report and Bill were recommended to the Committee on Public Utilities in the House on May 2.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker and Members of the House: The sponsor of the bill, and out of deference to him, would like to speak to the trustees of Richmond so as to clarify a few points; so I would ask that someone in the House table this matter for about one week.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I respectfully request that this be tabled for one week.

Mr. Richardson of Cumberland asked for a vote on the tabling motion.

The SPEAKER: The gentleman from Manchester, Mr. Rideout, moves that item 15, L. D. 1524, be tabled until Thursday, May 11, pending further consideration. A vote has been requested on the tabling motion. All those in favor of tabling will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

39 having voted in the affirmative and 76 having voted in the negative, the motion to table until Thursday, May 11, did not prevail.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending further consideration and specially assigned for Tuesday, May 9.

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:

Education

Bill "An Act Increasing Indebtedness of Baileyville School District" (H. P. 1142) (Presented by Mr. Townsend of Baileyville)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Martin of Eagle Lake presented the following Joint Resolution and moved its adoption:

WHEREAS, the soil and water conservation districts law was first passed in 1941 by the 90th Legislature; and

WHEREAS, the first Soil and Water Conservation Districts were duly organized in January, 1942 in Aroostook County; and

WHEREAS, these first Soil and Water Conservation Districts are the Central Aroostook Soil and Water Conservation District, the St. John Valley Soil and Water Conservation District, and the Southern Aroostook Soil and Water Conservation District; and

WHEREAS, through the programs of these three districts cooperating landowners have protected, conserved and developed their soil and water resources and thereby protected the tax base for present and future generations; now, therefore, be it

RESOLVED: That these three districts be commended by the 103rd Legislature, for their dedicated service to the people of the State of Maine over the last quarter century; and be it further

RESOLVED: That the Clerk of the House be directed to transmit duly attested copies of this resolution to each of the districts mentioned above. (H. P. 1144)

The Joint Resolution was adopted and sent up for concurrence.

On motion of Mr. Hoover of Phillips, it was

ORDERED, that Richard Caton III and Kevin James of Phillips be appointed to serve as Honorary Pages for today.

House Reports of Committees Leave to Withdraw

Mr. Richardson from the Committee on Education on Bill "An Act Adopting a Master Plan as Guide for Forming School Administrative Districts" (H. P. 884) (L. D. 1295) reported Leave to Withdraw.

Report was read.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: There are several reasons which prompted the request for "Leave to Withdraw" this bill. There is a great deal of legislation pending before this Legislature which will, I am convinced, aid those remaining towns who are not in Administrative Districts to form. Such bills as the formation on basis other than strict evaluation.

I think also that the record of the towns which have formed during the last three years is a major step in the right direction. In 1964, 21 towns entered school districts; in 1965, 43; and in 1966, 65 towns.

There aren't too many towns now to be brought in under districts, and I am thoroughly convinced that when the 104th Legislature meets that there will be very very few towns remaining. And therefore it was the wisdom of the committee that this L. D. should be withdrawn. Thank you.

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

Ought Not to Pass

Mr. Champagne from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act Providing for a Limited Open Season on Moose in Northern Zone" (H. P. 223) (L. D. 313)

Same gentleman from same Committee reported same on Bill "An Act relating to Wearing "Blaze Orange" Clothing When Hunting" (H. P. 997) (L. D. 1459)

Mr. Lewin from same Committee reported same on Bill "An Act to Permit Sunday Hunting" (H. P. 995) (L. D. 1457)

Mr. Ewer from the Committee on Labor reported same on Bill "An Act relating to Qualifications for Locomotive Engineer" (H. P. 593) (L. D. 823)

Reports were read and accepted and sent up for concurrence.

Mr. Ewer from the Committee on Labor reported "Ought not to pass" on Bill "An Act Establishing the University Employees Arbitration Law" (H. P. 1009) (L. D. 1502)

Report was read.

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

Mr. SCRIBNER: Mr. Speaker, I am the sponsor of this bill. I don't feel the Committee probably gave it serious consideration. But I would like to pose a question through the Chair at this time before we accept the report in that the bill will affect the University employees. A number of them have expressed to me they were quite concerned that they had none of the rights of organized labor. I know the Labor Committee has considered a great many bills regarding public employees and I understand there is a possibility there may be one bill come out which would cover all public employees.

I would like to pose a question as to whether University employees will be given consideration in that type of a bill.

The SPEAKER: The gentleman from Portland, Mr. Scribner, poses a question through the Chair to any member of the Labor Committee who may answer if they choose.

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

Mr. EWER: Mr. Speaker, in regard to the question of the gentleman, the chief reason for our reporting this "ought not to pass" was because some members of the Committee made an investigation among the employees of the Uni-

versity of Maine at Orono and also the U of M at Portland and found that they didn't feel that they needed any such legislation as this at this particular time. That was the immediate cause of it.

As to the other part of his question, in regard to whether the University employees will be considered as state employees or not, I think I can say for the Committee that the feeling in our discussion was that they constituted a separate entity, that they were not under the same category as the maintenance people for the State House or Highway Department employees. And because of the attitude which the Committee members found on the part of the various employees, and we spoke with people from all the different branches of employment in the Universities, and we felt that this bill should be reported "ought not to pass."

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

Mr. D'Alfonso from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act relating to Certificates Required by Railroads as Common Carriers" (H. P. 540) (L. D. 772)

Report was read and accepted and sent up for concurrence.

Recommended

Mr. Harriman from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Trade-in Credit for Watercraft under Sales Tax" (H. P. 47) (L. D. 66)

Report was read.

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

Mr. ROSS: Mr. Speaker and Members of the House: As a member of the Taxation Committee, we talked about this bill this last week and since it is similar to the auto trade-in tax it was my opinion that it was not going to be reported out until at least next week, so I move that it be recommitted to committee temporarily.

Thereupon, recommitted to the Committee on Taxation and sent up for concurrence.

Covered by Other Legislation

Mr. Dudley from the Committee on Highways on Bill "An Act Pertaining to Payment of Overtime for Certain Employees of the State Highway Commission" (H. P. 990) (L. D. 1452) reported "Ought not to pass", as covered by other legislation.

Mr. Drigotas from the Committee on Taxation reported same on Bill "An Act Providing Tax Exemption for Persons Aged Sixty-Five" (H. P. 1038) (L. D. 1507)

Reports were read and accepted and sent up for concurrence.

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

Mr. Drigotas from the Committee on Taxation on Bill "An Act Providing for a Tax on Real Estate Transfers" (H. P. 645) (L. D. 900) reported same in a new draft (H. P. 1143) (L. D. 1627) under same title and that it "Ought to pass"

Report was read.

(On motion of Mr. Foster of Mechanic Falls, tabled pending acceptance of Report and specially assigned for tomorrow.)

Ought to Pass Printed Bills

Mr. Wood from the Committee on Highways reported "Ought to pass" on Bill "An Act relating to Registration of Farm Motor Trucks Having Two or Three Axles" (H. P. 669) (L. D. 924)

Mr. Gaudreau from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Guides under Fish and Game Laws" (H. P. 353) (L. D. 500)

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

Ought to Pass with Committee Amendment

Mr. Harvey from the Committee on Claims on Resolve to Reimburse Richard Jewell of Mechanic Falls for Well Damage by Deposit of Salt on Highway (H. P. 969) (L. D. 1411) reported "Ought to pass" as amended by

Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 969, L. D. 1411, Resolve, to Reimburse Richard Jewell of Mechanic Falls for Well Damage by Deposit of Salt on Highway.

Amend said Resolve in the 2nd line (same in L. D. 1411) by striking out the figure "\$2,400" and inserting in place thereof the figure '\$600'

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Mr. Immonen from the Committee on Claims on Resolve to Reimburse L. D. Durgin, of Limington, for Well Damage Resulting from Highway Construction (H. P. 401) (L. D. 567) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 401, L. D. 567, Resolve, to Reimburse L. D. Durgin, of Limington, for Well Damage Resulting from Highway Construction.

Amend said Resolve by striking out in the 2nd line (same in L. D. 567) by striking out the figure "\$1,500" and inserting in place thereof the figure '\$600'

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Mr. Immonen from the Committee on Claims on Resolve to Reimburse Enzly Nason of Linneus for Well Damage by Highway Maintenance (H. P. 1051) (L. D. 1523) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 1051, L. D. 1523, Re-

solve, to Reimburse Enzly Nason of Linneus for Well Damage by Highway Maintenance.

Amend said Resolve in the 2nd line (same in L. D. 1523) by striking out the figure "\$1,000" and inserting in place thereof the figure '\$600'

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Tabled and Assigned

Mr. Minkowsky from the Committee on Claims on Resolve to Reimburse Henry T. Parent of Mechanic Falls for Well Damage by Deposit of Salt on Highway (H. P. 970) (L. D. 1412) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Foster of Mechanic Falls, tabled pending acceptance of Report and specially assigned for tomorrow.)

Mr. Townsend from the Committee on Claims on Resolve to Reimburse Marguerite Spohrer of York for Well Damage Resulting from Use of Salt on Route 1 (H. P. 93) (L. D. 121) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 93, L. D. 121, Resolve, to Reimburse Marguerite Spohrer of York for Well Damage Resulting from Use of Salt on Route 1.

Amend said Resolve in the 2nd line (3rd line of L. D. 121) by striking out the figure "\$2,986" and inserting in place thereof the figure '\$600'

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act relating to Opening and Closing Time for Polls" (H. P. 577) (L. D. 809), which was recommitted.

Report was signed by the following members:

Mr. ANDERSON of Hancock
— of the Senate.
Mrs. BOUDREAU of Portland
Messrs. BERNARD of Auburn
HAWES of Union
HENLEY of Norway
HODGKINS of Greene
BOURGOIN of Fort Kent
— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. COUTURIER
of Androscoggin
BERRY of Cumberland
— of the Senate.
Mr. JANNELLE
of Scarborough
— of the House.

Reports were read.

(On motion of Mrs. White of Guilford, tabled pending acceptance of either Report and special-ly assigned for Friday, May 5.)

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Exempting Water Sold for Human Consumption from Sales Tax" (H. P. 331) (L. D. 465)

Report was signed by the following members:

Mr. FARLEY of York
— of the Senate.
Messrs. COTTRELL of Portland
HARRIMAN of Hollis
SUSI of Pittsfield
ROBINSON of Carmel
DRIGOTAS of Auburn
— of the House.

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

Report was signed by the following members:

Messrs. WYMAN of Washington
YOUNG of Hancock
— of the Senate.
Messrs. ROSS of Bath
HANSON of Gardiner
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Townsend.

Mr. TOWNSEND: Mr. Speaker, I move that we accept the Minority Report.

The SPEAKER: The gentleman from Baileyville, Mr. Townsend, moves that the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker and Members of the House: This Committee Report, this six to four "ought not to pass," the bill had a lot of sympathy, and like a lot of items in our sales tax at the present time I think many of us would like to see them out from under the sales tax. We think some of them unfair. There is a lot of income involved, there's approximately \$300,000 in this taxation which as far as I am concerned is the only reason it was "ought not to pass," and I request a division.

The SPEAKER: The gentleman from Baileyville, Mr. Townsend, moves that the House accept the Minority "Ought to pass" Report, and a vote has been requested.

The Chair recognizes the gentleman from Baileyville, Mr. Townsend.

Mr. TOWNSEND: Mr. Speaker, he said \$300,000—I say \$175,000. I investigated this before through the Governor and through the office I found out, and the only thing that I say on this bill and I say it again, I believe three things should be free of taxation: the air you breathe, the church you worship at, and the water you drink. Thank you.

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

Mr. HANSON: Mr. Speaker and Members of the House: To clarify my position on this, I am in sympathy with the principle of the bill but it would be a loss to the State amounting to 150,000 for the first year of the biennium and 175,000 for the second year of the biennium. These are the estimated figures from the Taxation Department. This is more or less of a divided report, Mr. Cottrell I believe signed the report and he is not present.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I wasn't planning to arise on this, but it happens to be one of the things that stirred up quite a controversy back home over this past weekend and I did get quite a lot of reaction the same as Mr. Hennessey stated. And they insist that if food is not taxed, they don't see why water should be. They feel that we should find some other source to raise this sum of money. If it involved millions I think they would have gone along more with us on it. I had several complaints on it and for that reason I shall vote for the exemption of water from taxation.

The SPEAKER: Is the House ready for the question? All those in favor of accepting the Minority "Ought to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

42 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

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

Divided Report Tabled and Assigned

Report "A" of the Committee on Election Laws reporting "Ought to pass" on Bill "An Act relating to Form and Arrangement of Ballots in General Elections" (H. P. 216) (L. D. 306), which was recommitted.

Report was signed by the following members:

Messrs. BERRY of Cumberland
ANDERSON of Hancock
—of the Senate.

Messrs. HAWES of Union
HODGKINS of Greene
JANNELLE

of Scarborough
—of the House.

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

Report was signed by the following members:

Mr. COUTURIER
of Androscoggin
—of the Senate.

Mr. HENLEY of Norway
Mrs. BOUDREAU of Portland
Messrs. BERNARD of Auburn
BOURGOIN of Fort Kent
—of the House.

Reports were read.

(On motion of Mr. Ross of Bath, tabled pending acceptance of either Report and specially assigned for Tuesday, May 9.)

Passed to Be Engrossed

Bill "An Act Permitting Municipalities to Raise Money for Blood Service Programs" (S. P. 185) (L. D. 375)

Bill "An Act relating to Payments of Accounts and Claims Against a County or Municipality" (S. P. 521) (L. D. 1341)

Bill "An Act relating to Certain Disqualifications of Benefits Under Employment Security Law" (H. P. 228) (L. D. 318)

Bill "An Act to Clarify the Meaning of a Labor Dispute Under Employment Security Law" (H. P. 322) (L. D. 456)

Bill "An Act relating to Wages Paid for Benefits and Eligibility Under Employment Security Law" (H. P. 515) (L. D. 728)

Bill "An Act Excluding Real Estate Brokers and Salesmen from Employment Security Law" (H. P. 592) (L. D. 822)

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

Third Reader Tabled and Assigned

Bill "An Act Revising Certain Portions of Workmen's Compensation Law" (H. P. 674) (L. D. 946)

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

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: This is in my opinion a pretty serious piece of legislation; it may be a good piece of legislation, but I would like to have a little serious

discussion about it in this House this morning.

Maine has always been famous, or it used to be at least, for its small enterprises and small businesses of which there were numerous, and each time this House meets we seem to try to do things that make it more difficult for a small business to get started in the State of Maine. In other words, we seem to try to make it easy for the big fish to eat up the little fish, and this has gone on for several sessions.

This is one of the little pieces that pecks away, a small man trying to start a small business today. Now this in your judgment, this you may feel as though you want this piece of legislation. However, I hope that there's some discussion and you know what it's all about.

Previous Legislatures have seemed to cut this figure down from quite a large number down to three which I thought was reasonable, it was cut from five I think the last session down to three, but this exemption of three allows a very small business whatever it may be, and there used to be numerous ones start in Maine, but today it's nearly impossible with all the records of Sales Tax and all these other things, they start and it's nearly impossible for a small business to start today, and I think that any business after they get started certainly would want it, they couldn't afford to be without it, they'd be sued and so forth.

But, I think a man that was starting — for instance we'll say a small filling station that has to be open seven days a week. Now he obviously, if he's not tougher than the average, is not able to work himself seven long days a week, so he must have at least some part-time help. Presently he can hire part-time help, which is not a very hazardous job, but if we pass this legislation he has to start with a new system of book-keeping, right from his very first man.

I also say a fisherman that needs the help, he's getting along in age and he has a boy to help

pull his traps, and then this boy learns the business and eventually is a fisherman himself, and there are numerous fields, you could go on and on; but I for one think when we cut this down to three that we cut it to the bone, and we shouldn't cut it further.

This was a divided report from the Committee we accepted yesterday, reasonably well divided, and I think I would move that this bill be indefinitely postponed and I would like to hear some discussion on it. I know there's opposition — there must be — it was a divided report. Thank you.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, now moves that Item 7, Bill "An Act Revising Certain Portions of Workmen's Compensation Law," L. D. 946, be indefinitely postponed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I have read this bill over hastily for the first time this morning, and I would like to inquire of some member of the committee, or anyone who is familiar with what this bill does. I would ask this question. Does this amendment of this law which we are now considering — I don't know quite how to ask it — previously we have been allowed to carry liability insurance and get away with it. Now, does this eliminate that provision, and require us to carry Workmen's Compensation instead? Would anyone answer me that question?

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

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

Mr. EWER: Mr. Speaker and Members of the House: I think that the inquiry of Mr. Bragdon is answered on page 2 of the Bill. It says: "Any private employer." and then it crosses out a few words, "who has elected not to be an assenting employer by not securing the payment of compensation" and so forth and so on, so it doesn't change the law at all in that respect. The only thing that this

measure does, and I am in opposition to the motion of the gentleman from Enfield, Mr. Dudley—the only thing it does, it includes any concern which has one or more employees—it's a matter for consideration for the employee. In other words, the majority of the Committee on Labor felt that a man who was working as a sole employee or possibly one of two employees should be entitled to compensation in case of an industrial accident to the same extent that an employee would for a concern which employed say a hundred people would be.

Incidentally, I think this is a measure which was recommended in both Party platforms before the last meetings, and I hope the motion of the gentleman from Enfield does not prevail.

I trust that I've answered the question of Mr. Bragdon of Perham.

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

Mr. BRAGDON: Mr. Speaker, I couldn't understand the gentleman who made his explanation, too well. I would ask him this—as I glance quickly at the law, on page 2, I just have it here before me, we strike out where it says, beginning where it says section 3 and where it refers to employers' liability insurance up to \$25,000. Now, if this doesn't strike that out, what does the striking out of that section do, and I wish the gentleman would stand close to his microphone when he answers.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses a further question to the gentleman from Bangor, Mr. Ewer, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. EWER: Mr. Speaker, the part of section three which is struck out reads as follows: "shall not apply to actions to recover damages for the injuries aforesaid, or for death resulting from such injuries sustained by the farm laborers of an employer who is covered by an employer's liability insurance policy with total limits of not less than \$25,000 and medical

payment coverage of not less than \$1,000."

I would like to ask the gentleman from Perham, Mr. Bragdon, if he were worried about the farm labor proposition? I don't know that I can give any better explanation of this than I have already.

Mr. Bragdon of Perham was granted permission to speak a third time.

Mr. BRAGDON: I still feel that I have not had my question completely answered. I would refrain for a minute and hope that somebody else would clarify that question.

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

Mr. RICHARDSON: Mr. Speaker, I request this matter be tabled until Tuesday, May 9.

Thereupon, tabled pending the motion of Mr. Dudley of Enfield to indefinitely postpone and specially assigned for Tuesday, May 9.

Third Reader Amended

Bill "An Act relating to Functions of State Political Conventions" (H. P. 681) (L. D. 953)

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

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. 681, L. D. 953, Bill, "An Act Relating to Functions of State Political Conventions."

Amend said Bill in the first line (same in L. D. 953) by striking out the underlined abbreviation and figure "Sec. 1"

Further amend said Bill by striking out all of section 2.

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

Bill "An Act relating to Computation of Tuition Rates for Elementary Schools" (H. P. 973) (L. D. 1415)

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
Indefinitely Postponed**

Bill "An Act Requiring Childhood Education Programs for Five-year Olds" (H. P. 978) (L. D. 1420)

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

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I am going to move that L. D. 1420, "An Act Requiring Childhood Education Programs for Five-year Olds" be indefinitely postponed and I would speak briefly to the motion.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Some two years ago when this same bill appeared before the Legislature I opposed it, and I do so again this year. This is a department bill. During the course of the discussion on the day this bill was heard, there were several bills dealing with the younger children and as a matter of record, Mr. Cook pointed out that there are not at the present time enough qualified teachers in the kindergarten area. It was also brought out that a very great deal of harm can be done to this age group by untrained personnel. Therefore, I think even though this is required in school administrative districts, that if we are lacking in trained personnel with which to instruct these youngsters that we would be well advised not to require it in some of the smaller towns where it is very difficult to obtain a qualified kindergarten teacher. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Stonington, Mr. Richardson, that item 10, L. D. 1420, Bill "An Act Requiring Childhood Education Programs for Five-year Olds" be indefinitely postponed.

The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Chairman and Members of this House: L. D. 1420, demands that by July 1, 1969, all the towns and cities in the State offer kindergarten education. Personally, I don't like being told that I must do something, I don't like being told over and over that I must do something, I prefer that I be convinced for my own good that I do something, but I object strenuously to being told that I must. Now this bill says the towns must have kindergartens by 1969. I've been told that eighty percent of our children of kindergarten age are now going to kindergarten. Can't these towns be reasoned with or convinced that their children deserve this type of education, rather than to make it mandatory? There are enough good reasons for having kindergartens, so that I believe that given time all of these other towns will be willing yes, may even be anxious, to offer this most desirable step up the educational ladder. Let's give these towns a little more time, followed by a selling job and then, perhaps in eight or ten years, we'll know what'll happen. Let us not, at this time, demand that all towns have kindergartens.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think probably, justly so this morning, the gentleman from Stonington, Mr. Richardson, and the gentleman from Lincoln are justified somewhat in their remarks. However, I feel that two years ago and four years ago the same problem existed as they have stated here this morning, given a little bit more time and they can probably be convinced. This certainly was a strong argument two years ago and four years ago that some of the communities needed a little bit more time.

I think probably the gentleman from Lincoln stated that probably given another eight or ten years. Certainly all the students of our state should have all the same

privileges and prerogatives, that is my feeling, and certainly given the opportunity to the town, I feel very certain that between the Department of Education and these communities by 1969 with the proper directions can become all a part of one, and that all five year olds will have an opportunity to attend a kindergarten class.

The gentleman from Stonington, Mr. Richardson, has pointed out that there are not enough teachers in the kindergarten classes. I think probably this has been pointed out that in all the classes there has never been enough teachers to go around, but if we don't afford the opportunity to the towns that are not presently furnishing kindergarten classes to their school systems, just a delay will put it aside for them to say well, we don't have to do it now, so we will just wait until it is mandatory or somebody pushes us or convinces us, so we certainly don't feel that we want to tell anybody that they have to do something; they should have recognized this area many years ago. This will give them the vehicle with the Department of Education to formulate a program and start working toward giving the five year olds a chance to attend a kindergarten the same as the rest of the eighty percent of the students in our state are presently getting. I think probably you will find in the law that most of the high schools have to provide some form of physical education, that is part of the law, and to this day, how many of our secondary schools do not provide physical education? I feel that this would be in due time the same thing and that an effort will be made, and it might not be completed by 1969 because of difficulties, and the State Board of Education recognizing that will make some exceptions the same as they have in the physical education classes in the secondary schools. I hope the motion to indefinitely postpone will not prevail.

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

Mr. LYCETTE: Mr. Speaker and Members of the House: I will remember when I was a youngster five years old and my folks sent me to the grade school, and eventually the teacher practically sent me home and I think she had a right to. My children did not go to kindergarten but some of my grandchildren did, and with all due respect to your private kindergarten schools, my observation was about all they did was play with blocks. I think it is a waste of money.

Now I have a letter here from a prominent lady in my town interested in education and she especially — she is a school teacher, and she especially referred to L. D. 636. I notice that in L. D. 636 and probably many of you are familiar with it, but as I have read it and gave it a cursory glance it seems to want to change the formula of our general setup. I notice that the last part of it, if adopted, it would cost the state \$10,000,000 ending June 30, 1969. Now all we hear about is the need for more education, and I think that there is a limit to that. Now I am for education and I was steeped in the tradition that my family should go to school and get an education, but I think if we are going to spend any more money, we can spend it on the grades that we now have. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I want to concur wholeheartedly with the motion before the House by the gentleman from Lincoln, Mr. Porter. I have several good reasons. I just thought I would tell you that I wanted to concur before I get too talkative and you don't know where I do stand, but let me say this, in our district and in the towns that I represent, not too many years ago we joined a school administrative district, District No. 31, and at that time we had a kindergarten in the town that I represent, but several of the towns that we took in with us did not have kindergartens, and at that time we were very concerned about how this was going to work,

taking these children in that had not been to kindergarten. Now it worked out just to the contrary to what you might think. These children that had not been to kindergarten turned out to be far ahead of those that had, and this is an absolute fact in District 31.

Now whether the kindergartens are not being taught what they should be or not, I am not going to question that, but I do have serious reservations about telling any town that they must do something, because I know that every town, village and hamlet in this state, I am positive of this, that everybody living there wants the best possible education for their children, and that they are for every day, every school board meeting and every town meeting, they emphasize this every time you meet them, and so I don't want to be the one or have any part in saying that you must do this, and I hope the motion prevails.

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

Mr. BENSON: Mr. Speaker, I heartily concur with the motion of the gentleman from Stonington, Mr. Richardson, and I ask for a vote.

The SPEAKER: A vote has been requested. All those in favor of the indefinite postponement of this Bill "An Act Requiring Childhood Education Programs for Five-year Olds," H. P. 978, L. D. 1420, will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken.

97 having voted in the affirmative and 27 having voted in the negative, the motion to indefinitely postpone did prevail. Sent up for concurrence.

Bill "An Act to Expand the Territory of the York Water District and to Modernize its Charter" (H. P. 1136) (L. D. 1618)

Bill "An Act relating to Regulations Regarding Atlantic Sea Run Salmon" (H. P. 1137) (L. D. 1619)

Bill "An Act relating to Allowance for Widows of Justices of the Supreme Judicial Court and

the Superior Court" (H. P. 1138) (L. D. 1620)

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

Bill "An Act to Restrict Purse Seining Near Certain Stop Seines" (H. P. 1139) (L. D. 1621)

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

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Lowery.

Mr. LOWERY: Mr. Speaker and Members of the House: This type of legislation we've had here many times, and it is not right. I really can't see that one area — right now I would ask for indefinite postponement of this bill and accompanying papers.

The SPEAKER: The gentleman from Brunswick, Mr. Lowery, now moves the indefinite postponement of Item 14, L. D. 1621.

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

Mr. HENNESSEY: Mr. Speaker and Members of the House: I concur with the gentleman from Brunswick, Mr. Lowery, and in fact this bill when it first came in to me was an out and out monopoly. The amendment which was put onto it just cut the monopoly situation in half, to me you still have a monopoly; and on Item "C" of this it really puts the small operator in a very difficult position, because in this he would have to have a crew to operate these seines, so I move for indefinite postponement.

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

Mr. RICHARDSON: Mr. Speaker, I think item "C" to which my good friend from West Bath, Mr. Hennessey, referred was put in at the instigation of the Committee when they felt that they would have to tie the hands of the stop seiner some way or other because this was going to help him out.

I would like to call the attention of the House to the fact that at the present time on the law books of the State of Maine is a law

which specifies that no seiner may operate within two thousand feet of a weir. This is just simply trying to give a stop seiner, who is not as mobile as a purse seiner, the opportunity to protect a little bit the section in which he is fishing.

I think it is fair to a person. This last year there was only one man on the coast of Maine who violated good practice, decent practice, and this one man caused this bill to be put in. I feel that it is certainly a justified action and I would hope that the motion for indefinite postponement does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker and Members of the House: As House Chairman of the Committee on Sea and Shore Fisheries, I would like to inform the members that we gave this bill very serious consideration. As you know it came out, Majority Report six to four.

There was a purse seine bill that was introduced in the last Legislature, I introduced it myself, which was much much stronger than this one. I'd like to have the members of the House mindful of the fact that a stop seiner has to depend on the fish coming into a cove, he has to operate his twine from one point to the other. A purse seiner has the privilege of setting his purse seine anywhere in the ocean at all times, and all this bill is doing is keeping the purse seiner 1500 feet from the stop seiner when he is in the process of catching fish. It certainly is not going to be harmful to anyone, but a little protection to the stop seiner. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Pendergast.

Mr. PENDERGAST: Mr. Speaker, I concur with the gentleman from Harpswell, Mr. Prince, and also will vote against the indefinite postponement.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Brunswick, Mr. Lowery, that Item 14, L. D. 1621, be indefinitely postponed.

The Chair will order a vote. All those in favor of indefinite postponement will vote yes, those opposed will vote no, and the Chair opens the vote.

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

Mr. BENSON: Mr. Speaker, just one more word. I fear that if we continue the present practice of purse seiners operating in shallow waters we're going to be facing a very serious threat to the sardine industry. The motion of the water in these shoal areas is a serious problem and one that we must be cognizant of, and therefore I would urge the House to vote against this indefinite postponement.

The SPEAKER: All those in favor of indefinite postponement will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

31 having voted in the affirmative and 94 having voted in the negative, the motion did not prevail.

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

Bill "An Act Authorizing a Memorial to Klir Beck" (H. P. 1140) (L. D. 1622)

Bill "An Act relating to Voting Procedures in School Administrative Districts" (H. P. 1141) (L. D. 1623)

Resolve Proposing an Amendment to the Constitution to Grant Adult Rights to Persons Twenty Years of Age and to Reduce the Voting Age to Twenty Years (S. P. 599) (L. D. 1580)

Resolve Extending Time for Ramp and Docking Facilities at Long Island Plantation (H. P. 53) (L. D. 78)

Resolve Increasing Pension for Leeman Grant of Milbridge (H. P. 115) (L. D. 142)

Resolve Providing Funds to the Washington County Development Authority for Development of Recreational Areas (H. P. 466) (L. D. 679)

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.

**Third Reader
Tabled and Assigned**

Resolve for Construction and Erection of Statue to "The Maine Lobsterman" in Washington, D. C. (H. P. 661) (L. D. 916)

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

(On motion of Mr. Hennessey of West Bath, tabled pending passage to be engrossed and specially assigned for Tuesday, May 9.)

Amended Bills

Bill "An Act to Protect Intake of Public Water Supply" (S. P. 276) (L. D. 656)

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 relating to Credit for Military Service Under State Retirement Law" (S. P. 277) (L. D. 657)

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

(On motion of Mr. Pendergast of Kennebunkport, tabled pending passage to be engrossed and specially assigned for Tuesday, May 9.)

Bill "An Act Providing Funds for Support of Civil Air Patrol" (S. P. 295) (L. D. 734)

Bill "An Act relating to Computation of State Aid for School Administrative District No. 12 (Jackman and Moose River)" (S. P. 598) (L. D. 1579)

Bill "An Act Increasing Amount of State Grants for Community Mental Health Facilities" (H. P. 260) (L. D. 381)

Bill "An Act relating to the Reimbursement of Board for Secondary School Pupils" (H. P. 303) (L. D. 437)

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

Bill "An Act relating to Time Limit of Keeping Sick or Injured Dogs by Agency Boarding Such Dogs" (H. P. 602) (L. D. 846)

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

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

Mr. LYCETTE: Mr. Speaker and Members of the House: Having been quite active over the years with the Humane problem and working with the Society in my area, I know that there are sometimes quite valuable dogs that are—and may I say cats—that are picked up and held by the Society.

I would like to ask someone, perhaps the sponsor of the bill, what the amendment was? I feel that perhaps where it only appears once a week that a person might not have time to realize that their dog or cat had been picked up.

The SPEAKER: The gentleman from Houlton, Mr. Lycette, poses a question through the Chair to the sponsor of the bill, the gentleman from Freedom, Mr. Evans, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. EVANS: Mr. Speaker and Members of the House: In answer to this question, the original bill called for seven days, but after a thorough discussion of this bill at the Committee hearing it was brought out that that wasn't adequate, and that the Pounds and the Humane Society were not being paid a fair sum to maintain the dogs that they are keeping, so this amendment was put in to change it right back to fourteen days and allow the extra fifty cents a day for the maintaining of the dogs, and I am very heartily in favor of this amendment that was put on by the Committee, and I hope you pass it as amended.

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

Bill "An Act relating to Instruction in a Foreign Language in Secondary Schools" (H. P. 977) (L. D. 1419)

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

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I am speaking in favor of the intent of this bill and I wish to clarify the limited extent of the bill.

This is a very sensitive subject, a subject of using a foreign language in courses other than a foreign language in secondary or high schools. At first when I first read of this bill several weeks ago, I had reservations on the bill because as an American, and all of us as Americans realize the great advantages that come to this country because we are a melting pot, and English has become our national tongue. We all know that teamwork is required in scientific areas, athletic achievements are accomplished because of teamwork of various ethnic groups. Intermingling of ideas and work has helped bring America to the great state it is today.

We have been told at this session of the Legislature that the Indians on our reservations are somewhat deprived or disadvantaged, partly because of their unwillingness to become Americanized. They retain their ancient customs and practices of the past.

I have been up in the Province of Quebec and seen some of the activity in the Separatist movement up there, and we read of the Puerto Rican problems perhaps in the New York City area. So any bill that would discourage the melting pot theory of Americanism in my opinion is unhealthy and a poor bill.

However, this bill 1419 merely encourages the preservation and better understanding of foreign languages and foreign tongues and the cultivation of these tongues. The intent of this bill is that each individual course, not any general college course or general course, but each individual subject such as perhaps World History will be reviewed annually by the Commissioner of Education and it is limited to that specific intent. In other words, academic course in this bill

means a subject such as algebra or Latin or history or civics, it does not mean the general college classical course that a student might be taking.

The Commissioner of Education with whom I have discussed this bill is in favor of it in its limited scope. He wouldn't oppose an amendment in fact if it was limited to being used in perhaps one subject or two subjects a day other than the foreign language itself. The present Commissioner says he will be on the lookout for any abuses to this law and if there are abuses, it should be changed by a later legislature. In other words, with the limited intent and scope of the bill, I am in favor of it. Thank you.

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

Resolve Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction (H. P. 400) (L. D. 566)

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

**Passed to Be Enacted
Emergency Measure**

An Act to Provide Funds for Blind Children's Education, Inc. (H. P. 1) (L. D. 1)

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. 137 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure
Tabled Until Later
in Today's Session**

An Act Repealing Trade-in Credit for Motor Vehicles Under Sales Tax Law (H. P. 121) (L. D. 147)

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

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be enacted and assigned for later in today's session.)

Emergency Measure

An Act to Validate Proceedings Authorizing the Issuance of Bonds or Notes by School Administrative District No. 57 (H. P. 574) (L. D. 807)

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. 134 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Licensing of Premises for Dancing Purposes (S. P. 83) (L. D. 164)

An Act Reactivating the Governor's Committee on Children and Youth (H. P. 261) (L. D. 382)

An Act relating to the Administration of the Aid to Dependent Children Program, and Authorizing Work Experience and Training for Recipients of Aid to Dependent Children (H. P. 707) (L. D. 1002)

An Act to Provide for Trade and Industrial Teacher Education Service at Gorham State College (H. P. 785) (L. D. 1147)

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.

Enactor

Indefinitely Postponed

An Act relating to Compensation for Appointive Members of the Various Boards and Commissions in City of Lewiston (H. P. 799) (L. D. 1177)

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

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

Mr. GAUDREAU: Mr. Speaker and Members of the House: L. D. 1177 is the third part of a three-part bill I sponsored concerning the City of Lewiston and its charter. The Report of the Legal Affairs Committee was unfavorable on the first two parts. I have no quarrel with the Committee and reluctantly accepted their decision. This measure before us is a minor change and without the first two parts I now feel that this is unnecessary and would only clutter the Lewiston charter. So I now move that this bill be indefinitely postponed.

Thereupon, on a viva voce vote, the Bill was indefinitely postponed and sent up for concurrence.

An Act Requiring Constructed Public Buildings be Made Accessible to the Physically Handicapped (H. P. 1114) (L. D. 1583)

An Act relating to Authority of Department of Mental Health and Corrections to Effect Rehabilitative and Work Release Programs (H. P. 1125) (L. D. 1598)

An Act Amending the Law Regulating the Practice of Nursing (H. P. 1126) (L. D. 1599)

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

Orders of the Day

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

Bill "An Act relating to 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 26, by Mr. Gaudreau of Lewiston.

Pending — Passage to be engrossed.

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

Mr. COUTURE: I move the matter lie on the table until May 11.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, moves that Item 1, be tabled until Thursday, May 11, pending passage to be engrossed.

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

Mr. RICHARDSON: I request a division.

The SPEAKER: A division has been requested on the tabling motion.

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

Mr. JALBERT: Mr. Speaker, I move this item lie on the table until Friday, May 12.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this item lie on the table until Friday, May 12, pending passage to be engrossed.

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

Mr. RICHARDSON: I request unanimous consent to very briefly address the House off the record.

The SPEAKER: The gentleman is out of order.

Mr. RICHARDSON: Mr. Speaker, I ask for a division.

The SPEAKER: A vote has been requested.

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

Mr. JALBERT: I withdraw my motion.

The SPEAKER: The tabling motion has been withdrawn. Is this the pleasure of the House? It's a vote.

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

Mr. JALBERT: I move this item lie on the table until Tuesday, May 9.

The SPEAKER: The Chair would advise the gentleman that the motion of the gentleman from Lewiston, Mr. Couture, was for May 11, being the longer time has precedence over May 9.

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

Mr. COUTURE: Mr. Speaker, I withdraw my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, withdraws his motion for tabling to May 11. Is it now the pleasure of

the House that this matter be tabled until Tuesday, May 9, pending passage to be engrossed?

The motion prevailed.

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 to Provide for Payment for Unused Sick Leave of State Employees" (H. P. 299) (L. D. 434)

Tabled—April 27, by Mrs. Baker of Winthrop.

Pending—Acceptance.

On motion of Mrs. Baker of Winthrop, retabled pending acceptance and specially assigned for Tuesday, May 9.

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

HOUSE REPORT—Ought Not to Pass—Committee on Public Utilities on Bill "An Act Authorizing Public Utilities Commission to Require the Interchange of Electric Energy" (H. P. 718) (L. D. 1013)

Tabled—April 27, by Mr. Starbird of Kingman Township.

Pending—Acceptance.

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

Mr. STARBIRD: Mr. Speaker, I move we substitute the bill for the report.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, now moves that the House substitute the bill for the ought not to pass report. Is this the pleasure of the House?

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: This bill came out a unanimous ought not to pass report from the Public Utilities Committee and I sincerely hope you do not go along with the request of the gentleman from Kingman Township, Mr. Starbird.

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

Mr. STARBIRD: Mr. Speaker, all this bill does is remove the

words temporary, temporarily, or in case of an emergency from the act that is already in existence. It leaves the decision as to whether interchangeable electricity shall occur entirely up to the Public Utilities Commission, and I feel personally that they are fully competent to decide when or where or when not this should occur. The words temporarily, emergency, could be interpreted by various attorneys or various courts to mean a number of different things concerning circumstances and persons or companies involved. I think the Public Utilities Commission is fully competent in cases of this type and this simply leaves it up to their judgment. I think it is a piece of progressive legislation and I would hope you would go along with me to substitute the bill for the report.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker, this particular bill, was unalterably opposed by the Public Utilities Commission. On that basis alone, I don't think any further word should be said.

The SPEAKER: All those in favor of substituting the bill for the report 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 fourth tabled and today assigned matter:

Bill "An Act Creating the Short Form Deeds Act" (S. P. 537) (L. D. 1442) (In Senate, passed to be engrossed)

Tabled—April 27, by Mr. Hewes of Cape Elizabeth.

Pending—Passage to be engrossed.

Mr. Hewes of Cape Elizabeth offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 537, L. D. 1442, Bill, "An Act

Creating the Short Form Deeds Act."

Amend said Bill by striking out at the beginning of the first line the underlined abbreviation and figure "Sec. 1."

Further amend said Bill by striking out all of that part designated "§ 774." and inserting in place thereof the following:

'§ 774. Easements, privileges and appurtenances belonging to granted estate

In a conveyance of real estate all rights, easements, privileges and appurtenances belonging to the granted estate shall be enumerated in the conveyance, unless the contrary shall be stated in the deed.'

House Amendment "A" was adopted.

On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed as amended and specially assigned for Tuesday, May 9.

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

Bill "An Act relating to Weight Violations of Trucks (H. P. 1122) (L. D. 1594)

Tabled—April 27, by Mr. Dennett of Kittery.

Pending—Passage to be engrossed.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I was somewhat concerned the other day when this bill was first received into the House. I was concerned about a number of statements that were made by the several speakers; and this was the statement that all that they asked under this bill was the right to have their day in Court.

I was somewhat appalled at a statement such as this, and I thought that on my own time I might look into this.

I think perhaps these speakers more or less misinterpreted something in the bill—something perhaps in the law—because I think I can stand here this morning and very proudly say a fact which I

think everyone in this House already knew, that justice is neither sold in the State of Maine, nor is it denied to any person. The truckers have their right to have their day in Court just as any other citizen.

Now I feel there are many objections to this bill that is before us at this moment. I know the hour is late, I know that we have important business before us, but I feel that this too is important. I think that this bill tends to destroy the present structure of enforcement of weight limits in the State of Maine.

Now, the weight limits in the State of Maine were those originally imposed by the Legislature, and they were imposed for good and sufficient reasons.

The taxpayers of the State of Maine who operate automobiles and those who operate trucks also contribute millions of dollars to maintaining the highways of our State. I don't think any legislation should be introduced that would lower these enforcement measures.

Now, we as the Legislature, charge the Courts, we charge the State Police to enforce these laws, and again I don't think we should do anything to disrupt it.

What I feel principally about this bill is it lowers the fines that are imposed for these overweights in every instance. Presently, the law goes up to ten thousand pounds, and imposes fines of \$350 to \$500 for overloading to these weights. This present bill stops at 5,000 pounds, and lowers the fines to \$100 and not more than \$200. Now, I understand, generally speaking, the Courts in most instances only levy the minimum fines; where there are flagrant violations they do on occasions impose the maximum, but the minimum is charged more than the maximum is.

Now just one other word on the truckers that are using the roads of this State. Last year there were approximately 120,000 trucks that were weighed at the Kittery weighing station. Less than one percent of these trucks were found in violation of the weight limits, and of this one percent, the

great proportion were out-of-state trucks.

I feel that in general the truckers of the State of Maine understand our laws, and are willing to abide by them. The records show this. Now, I think that I'm quite aware perhaps in some sections of the State there have been difficulties, perhaps with loggers, pulpwood operators; but these people have been well considered, these people are allowed tolerances over these published and prescribed weights, 110 percent — every effort has been made to assist them.

Now I think that we, as members of the Legislature, owe our first consideration to the people of the State of Maine, to the people who are paying for the maintenance of these roads.

I don't think that we owe anything to the truckers; I don't think we owe anything to the railroads. I think it is merely the people of the State that we owe some measure of justice. If we allow these overweights; if we allow, particularly under this section where the cutoff is at 5,000 pounds, it then becomes profitable for a trucker to overload to the maximum and he pays a relatively small fine and this is money in his pocket, because if he can run five loads without getting caught, and he gets caught on the sixth one, he got out of it very cheap and he's made money on the deal.

I think we should maintain the law presently as it is and I don't think that we should do anything that would jeopardize Federal funds. Now, I am not making a flat statement that this bill would jeopardize Federal funds, but there is a possibility and I don't think that we should take this chance.

Ladies and gentlemen of the House, in the best interests of the people of the State of Maine I now move that this bill be indefinitely postponed, and when the vote is taken I ask for a division.

The SPEAKER: The pending question is the motion of the gentleman from Kittery, Mr. Dennett, that Item 5, L. D. 1594, "An Act relating to Weight Violations

of Trucks" be indefinitely postponed.

The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker and Members of the House: I feel very inadequate at this time opposing the "Dirksen" of the 103rd, the gentleman from Kittery, Mr. Dennett, but again I rise to defend L. D. 1594, a new draft of L. D. 1278. The Transportation Committee heard lengthy testimony on this bill, and in opposition to what you have heard before, the bill does not allow a 2000 lb. tolerance over and above the present 73,280 lbs. All this bill allows is, if a party is arrested for carrying a load over 73,280 lbs., they allow him to appear in court and if he can prove to the Judge that the overload was unintentional, then the Judge does not have to impose a mandatory fine. If he overloaded it intentionally, as far as the Judge can determine, then the fine will be imposed. This is no dramatic change in the fine laws of the State of Maine.

I would also like to call to your attention that the Committee carefully inserted in the bill an exemption for the Federal Aid Highway and this provision does not apply, if the vehicle is stopped on the interstate highway. When the Federal Aid Highway Act of 1956 was passed, they froze all weight, width, and height specifications to whatever the State had at that time over the 73,280 lbs. Therefore, on any legislation of this type, it is necessary to exempt the Interstate. You have heard that this restriction was put on to protect the highway. It was to a certain extent. However, the engineering specifications for the interstate highways call for weights up to 150 thousand pounds, so they are currently using only one-half of the highway limit.

May I also call to your attention that this does not provide for an increased pay load without increasing any license fees, since if the Judge determines that it is intentional, then he will fine the trucker even it is only one pound over the weight. Also, I would like to call to your attention that even though this bill does reduce the fines from \$500 to \$200, please remember that

the average truck per trip is making far less than \$25 profit, and a \$200 fine will be a real detriment. The present \$500 fine, many times, puts the small independent trucker right out of business.

There has been a statement that we are endangering Federal Highway Funds. This also is not the fact. The amendment which has been drafted at the request of the Transportation Committee by the Attorney General, removes any danger of such loss of revenue. I would also like to call to your attention that there is no so-called dual standard in the State of Maine. Trucks are weighed throughout the State continually by portable scales and they are weighed on the interstate highway system as well as at the permanent station in Kittery. If they are over the weight at the point where they are weighed, they are in violation of law. It is not which route they come over, it is a question of where they are at the time they are weighed, and Ladies and Gentlemen, we have a very efficient police force in Maine, and they are constantly enforcing the weight law.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: It has been stated to you previously, this bill has been heard at length by the Transportation Committee, and has been voted eight to two ought to pass. The Transportation Committee thoroughly considered it and had the advantage of hearing many, many witnesses. There is no intention in this law to let anyone off with any weight violation unfairly. The sole intention of this law is to allow the truckers to appear before the Judge and prove that the overload was unintentional. If he cannot do that, then he will be fined. In other words, he will be allowed his day in court.

The other matter brought up in this bill for lowering of the fine to make a maximum of \$200 rather than the present \$500, in my part of the country and with a number of small truckers, the \$500 fine,

which is in excess of most all other fines in the statutes, is oppressive. A \$500 fine to the small trucker will put him right out of business. We are not saying he shouldn't be penalized. We are merely saying the fine should be in proportion with the offense. I hope the motion to postpone does not prevail. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Dickinson.

Mr. DICKINSON: Mr. Speaker and Members of the House: I would merely say that my research confirms the remarks so well presented by the gentleman from Kittery, Mr. Dennett. I think we should analyze the reasons prompting Federal regulations on highways best able to stand loads and I also dislike this approach to changing limits, I believe limits are limits and should be regarded as such. Thank you.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like to bring your attention to the piece of road that we have between Fort Kent to Allagash, Route 161, which is used by trucks for getting logs and pulp out of the woods. The right hand road going west, the right hand side of the road, which is used by empty trucks to return to get another load; lumber is practically the only item that is hauled, heavy loads on that road. The right hand side of that lane is in no better condition than the left hand side which is the one that the heavy loads are on. They are concerned — the road stands up very well. I was up home last weekend and I was on that road, and the right hand side going west, which is the side that the empty trucks run on is the same shape as the one on the left hand side which is the one with the heavy loads. Coming through Caribou to Fort Kent the left hand side of the road is the one with the potatoes going down to the various processing plants is the same shape as the one that there are very light loads going north going on, so we are not

destroying our roads with these laws but except that it puts out a few of those truckers who have no chance to know the weight of their loads when they haul them over the road. Thank you.

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

Mr. DENNETT: Mr. Speaker, I would just like to add a few words so that there will not be any misunderstanding. The State Police weighing barracks at Kittery informed me that they do not pick up any truck that is overloaded less than two thousand pounds because they have to prove intent and you cannot possibly prove that a trucker intentionally overloaded his truck by less than two thousand pounds.

Secondly, again I would like to say to the members of this Body that there is no man who is denied the right to go into court, to the District Court, to take an appeal to the Superior Court or if he finds it necessary to appeal his cause to the Supreme Court of the State of Maine. This is absolutely untrue that a man cannot go into court. Now I feel, somewhat, compassion for the situation of perhaps the truckers in the northern part of Aroostook County, but I do not think that the law should be changed to affect the entire State of Maine because there are a few in the extreme north that have some difficulty.

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

Mr. LEVESQUE: Mr. Speaker, I would like to pose a question through the Chair to anybody who wishes to answer. In these mandatory fines set by the legislature, if a truck has been declared overweight and fined say \$400 or \$500, have any of those fines ever been appealed to the higher court other than the local judges?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, poses a question through the Chair to the gentleman from Kittery, Mr. Dennett, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. DENNETT: Mr. Speaker, I can answer that question because only this morning I had occasion to talk with a member of the Court, whose name for obvious reasons I cannot reveal, and he states that he has heard personally several trucking cases in the Superior Court.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Pendergast.

Mr. PENDERGAST: Mr. Speaker, Ladies and Gentlemen of the House: I would call to the attention of the House the editorial on Monday, May 1, 1967, Monday of this week, and I will not read into the record the editorial, but I would just read the title: "Unenforceable Truck Overweight Bill not in the Public Interest." I would hope you would vote for the indefinite postponement of this bill and all its accompanying papers.

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

Mr. DRUMMOND: Mr. Speaker, I am sure that some of the rest of us read the editorial that the gentleman from Kennebunkport refers to, and we have checked with the State Police and find that that law is enforceable; the editorial was incorrect.

I am sure that there is nobody in the House this morning who cares to hear the history of my life, and I'm not going to try to give it to you, there are parts I probably want to leave out. I know that I have been in the transportation business quite a little while. I am sure that a number of people in the House have referred to the fact that these truckers can pile on a couple of thousand extra pounds or whatever it may be, and do this and pay the fine and win. Now I know this is absolutely wrong, and a great many of the people who are caught are so-called gypsies. There is nothing that I can see the matter with the so-called gypsy trucker, he is trucking primarily potatoes and exempt products, and a great many times he doesn't know, somebody else loads his vehicle and he doesn't know the weight of his vehicle.

To get back to my particular case, I went into Massachusetts to pick up a load of pipe. I bought this pipe to sell to a person who was building poultry houses, and through carelessness on my own part, I didn't ask what this pipe weighed. We got back to the scales that have been referred to in Kittery, and we were 12,000 pounds overweight. That fine was \$500. I would like to know how many people in this House this morning have paid a \$500 fine. On top of this \$500 fine, we had to send another vehicle from Waterville to Kittery to take off the excess load. With the extra help and the extra trucking and the fine, our attorney's fees, the total cost to us was \$750 for that one trip. We were real fortunate, we made a profit outside of fines and so forth. I mean the total fee for the hauling was \$150, and we had a net loss of \$600.

I feel very strongly that we shouldn't go along with the gentleman from Kittery. Thank you.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I will not attempt to go over every portion of the bill itself, but I wish to discuss one portion of it with you. In my opinion, the present law is a revenue measure which produces fines or can produce fines up to \$500. I personally cannot see how any single individual or any small truck owner can afford this type of a fine. The gentleman from Kittery, Mr. Dennett, says that the judges usually impose a lesser fine. This is true in some cases and this is sometimes not true. It seems to depend not necessarily on the case itself, but on the Judge that happens to be sitting. In my opinion, this particular law means that the Judge himself has no discretion, they must impose that fine, they cannot go around it, even if they feel that the case is worthy.

I point out again to you that the present law is a revenue measure and is not a fine structure. If it is going to be a fine structure, then it should be on a different

basis than this one. The present fine is out of step. Perhaps what we should really do is to let the judge decide everything and remove the entire fine ladder itself. This bill does not go that far but provides for somewhat lesser penalties than the present existing law. I point out to you that people who in northern Maine live in an area during the winter months which temperatures can go as far as forty below certainly cannot damage the roads and when they appear in court and the judge imposes the higher fine, then I certainly feel that the small individual single trucker cannot afford this type of a fine. I do know of cases that have been appealed to Superior Court, but I would point out to you that this takes money and in most cases the independent truckers do not have it.

The SPEAKER: The pending question is the motion of the gentleman from Kittery, Mr. Dennett, that Bill "An Act relating to Weight Violations of Trucks," H. P. 1122, L. D. 1594 be indefinitely postponed.

Mr. Crosby of Kennebunk requested a vote.

The SPEAKER: A vote has been requested. All those in favor of the indefinite postponement of this bill will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was had.

60 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

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

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

Bill "An Act Establishing Procedures for State Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine" (H. P. 1116) (L. D. 1586) (House Amendment "A" (H-209))

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

Pending — Passage to be engrossed.

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

Mr. HENNESSEY: Mr. Speaker, Ladies and Gentlemen of the House: This L. D. was first introduced as L. D. 352 and it carried no appropriations. Then another L. D. 353 was introduced. This carried an appropriation of nearly a quarter of a million. This money could be well spent on other necessary programs. Then I understand it was advisable to drop both L. D. 352 and 353 and come out as an emergency with L. D. 1586. Now to go back on the appropriations, the Attorney General would have the amount of \$86,520. When you go to the report on the counties, you have an amount of \$55,736.61 for medical examiners which gives you a total of \$152,256.61. To me this sets up another powerful dynasty that could be really detrimental to the whole program. If you continue to go down further in this bill you will note that the position of the Chief Medical Examiner is filled by appointment of the Governor. He in turn will appoint the other medical examiners. Now to me this has always been the Governor's prerogative to appoint the medical examiners and also would give him in this bill the idea of appointing them for seven years which gives him an edge over a new Governor coming in. I think the Governor should not have this privilege taken away from him to appoint the medical examiners throughout the State. Therefore, I move indefinite postponement of this bill.

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

Mr. RICHARDSON: Mr. Speaker, this bill is essential, that is to say it is the bill of the Majority Floor Leader. The office of Chief Medical Examiner is a vitally necessary element in the investigation and prosecution in homicide cases. He is called a forensic pathologist. This bill has the overwhelming or has the unanimous support of the State Government Committee; it has the endorsement of the Attorney General's Depart-

ment; it will permit us to put Maine in this century as far as our law enforcement is concerned. As far as the expense is concerned, I will remind you that it will go on the Senate Appropriations Table anyhow. I would ask every member to vote in favor of this bill and to vote against indefinite postponement and I request a division.

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

Mr. BERMAN: Mr. Speaker and Members of the House: As House Chairman of the Judiciary Committee I heartily concur with the remarks expressed by my colleague from Cumberland, Mr. Richardson. The problem of medical examinations in criminal investigations has been a very serious one in the State of Maine, and events of recent years have pointed out that Maine has really lagged far behind in resolving the problems.

This is the type of legislation, frankly speaking, that should have been passed years ago, and I hope today that this House will live up to its responsibilities and act favorably on the measure.

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

Mr. DENNETT: Mr. Speaker, I rise only briefly to concur with the gentleman from Cumberland, Mr. Richardson. This bill had a fair and excellent hearing before the Committee on State Government and it has a unanimous ought to pass report.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from West Bath, Mr. Hennessey, that L. D. 1586 be indefinitely postponed. Those in favor of indefinite postponement will vote yes and those opposed will vote no and the Chair will open the vote.

A vote of the House was taken.

9 having voted in the affirmative and 111 having voted in the negative, the motion did not prevail.

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

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

Bill "An Act relating to Membership on the Maine Milk Commission" (H. P. 339) (L. D. 487)

Tabled—April 28, by Mr. Hawes of Union.

Pending—Passage to be engrossed.

On motion of Mr. Evans of Freedom, retabled pending passage to be engrossed and specially assigned for Tuesday, May 9.

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

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

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

Pending—Passage to be engrossed.

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

Mr. GAUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 298 is a bill to make the sum of \$2,000 available for the continuing education for members of the Lewiston Police Department. I agree that this matter should be taken care of in Lewiston, but it has not been done and we presently have no one in our department with F. B. I. training.

The opponents of this bill have been in power in Lewiston for the past three years and have not made a move to send any of our policemen to the F. B. I. Academy until now. Now apparently, a move has been made in Lewiston to do what this measure is trying to do. I sincerely believe that because of the action taken by a majority of the Lewiston delegation and the members of this House, we have accomplished something. I don't care how it is done as long as the end results are the same, and that is to upgrade our police department. I can only hope that this is not a vindictive attempt to kill this bill, and a program is finally started in Lewiston. I now move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Gaudreau, now moves that this bill be indefinitely postponed. Is this the pleasure of the House? All those in favor will say yes, those opposed, no.

A viva voce vote being taken, the motion did prevail.

Sent up for concurrence.

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

HOUSE MAJORITY REPORT (7)—Ought Not to Pass—Committee on Education on Bill "An Act Providing Vocational Education Loan Funds" (H. P. 882) (L. D. 1294) — MINORITY REPORT (3) — Ought to Pass.

Tabled — May 2, by Mr. Gauthier of Sanford.

Pending — Acceptance of either Report.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 1294 is An Act Providing Vocational Education Loans. Recognizing that financial assistance to Maine students who wish to attend institutions of higher education has heretofore been available to students attending four-year colleges of the academic variety to a much greater extent than those wishing to attend vocational schools, technical schools, junior colleges and similar institutions specializing in career preparation, and recognizing, further, that this lack of financial assistance has kept many Maine students from obtaining an education which would be highly valuable to them and to the economy of Maine.

There is established a State Vocational School Loan Fund to be available to Maine or other educational institutions offering vocational technical and similar types of education of less than four year colleges.

This bill would help two hundred students a year. This bill is not a give-away program. These loans will be repaid in full and by doing so will help other students to get an education.

At this time I would like to read a couple of editorials which have appeared in the Lewiston Journal on April 7th, 1967 and the Portland Press Herald a few days later, of which you have a copy on your desk.

The Portland Press Herald, quote:

"Legislature Must Do Much Better In Backing Vocational Educational

The State Department of Education's John Cass, chief of the Bureau of Guidance and Special Education, appeared at a legislative hearing last week to charge that vocational students in this state are the 'forgotten people.'

Maine stands 48th among the states in its support of secondary and post-secondary vocational instruction. That does not sound as if Maine boys and girls seeking training in manual and other skills were being generously remembered.

With so many fine new industries demanding a high degree of worker competence moving into the state, Maine is running the risk of shutting off the flow if it expands too slowly facilities for high school and post-high school vocational education.

The loan program backed by Mr. Cass is only a part of the overall need, though a significant one. And of course no one would deny that this year particularly money is hard to come by at the state capitol. Yet the funding of vocational education is an investment yielding a handsome return and we hope the legislature will so regard it."

The Lewiston Daily Sun Editorial, Friday, April 7th, 1967, reads as follows:

"Loans for Vocational Students

The proposal to set up a student loan fund for young people in the vocational - technical institutes, similar to the one in effect for college students, is deserving of full legislative support. As the sponsor of the bill, Rep. Roland A. Gauthier of Sanford, made clear at the public hearing this week: 'This is not a giveaway program, the loans will be repaid.'

It has taken a long time for educators to recognize that post high

school training is valuable even if it is not in a college or university. Young people interested in the trades and even in business training have been almost like stepchildren in the educational system.

The chief of the Bureau of Guidance and Special Education of the State Department of Education, John C. Cass, speaking in favor of the loan fund before the Legislative Education Committee, explained the situation succinctly as he said: "These people are as important as those who go to college, and yet they've been overlooked and bypassed."

The late start in providing vocational-technical post high school education in Maine does not reduce, in fact it enhances, its importance. Now that such training is being accorded the attention it deserves, the students who choose it are entitled to equivalent treatment with those who select college work.

The proposed loan fund not only represents fair play for our young people, it also would open the doors of opportunity for many."

This bill would help quite a few of these students as I have mentioned previously, and as everyone here in the House knows, there are 70% of our high school students that will not be going to college. The lack of financial assistance will keep many from obtaining an education unless we pass this bill. It would be highly valuable to them and would greatly help the economy of Maine. I move that we substitute the bill for the report, and I ask for a roll call.

The SPEAKER: The Chair would advise the gentleman that he should move to accept the Minority "Ought to pass" Report.

Mr. GAUTHIER: I so move, Mr. Speaker.

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, now moves that the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Farmington, Mr. Shute.

Mr. SHUTE: Mr. Speaker, I move this item be tabled until tomorrow morning.

The SPEAKER: The gentleman from Farmington, Mr. Shute, now moves that this matter be tabled pending the motion of Mr. Gauthier of Sanford to accept the Minority Report and be assigned for tomorrow.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of Mr. Gauthier of Sanford to accept the Minority "Ought to pass" Report and specially assigned for Tuesday, May 9.

On motion of Mr. Richardson of Cumberland, the House voted to suspend the rules and to take up the following matter which was tabled earlier in the day and later today assigned:

Emergency Measure

An Act Repealing Trade-in Credit for Motor Vehicles Under Sales Tax Law (H. P. 121) (L. D. 147)

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: In support of the passage of this legislation which will repeal the auto trade-in exemption, I would like to first of all mention somewhat briefly the history of this legislation or this problem. In 1951 I believe, the sales tax was adopted. At that time, assurances were given that the auto trade-in would not be included within the purview of that law. Well it was, and then at a later session the auto trade-in exemption was put into the law so that our law became what it is today, that is, the auto trade-in is exempt from sales tax payment.

Now this bill before us today, I believe one of the attempts that was made was by Governor Clauson some years ago who included in his program repeal of the auto trade-in exemptions, the same bill that we have before us today. It failed.

This bill, as an intellectual proposition, is an unjustified loophole in our tax law. It singles out for preferential treatment a certain industry and gives them an advantage and benefit not enjoyed by others who are involved in

commercial transactions. Now while there is no question but that the funds that would be produced by the passage of this act fall far short of the necessary funds to finance our budget as it now exists, this is part of the present Governor's tax program, and I would urge the members of the House to vote in favor of it. I am virtually positive that every person in this House knows how he is going to vote. This matter has been discussed perhaps more than any other matter that has ever come before the House certainly during this session. With that, Mr. Speaker and Members of the House, I would urge you to vote yes for the enactment of this bill.

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

Mrs. BOUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: Today we have reached the point in our legislative deliberations that we knew would eventually come. We have reached the point when we must decide whether we represent all of the people or just a segment thereof.

Our task would be an easy one if we could vote for all the needed spending bills and against all revenue producing bills. Since we haven't reached that Utopian plane, we must face the problem of raising the necessary money to keep the State moving forward. L. D. 147 now before you is such legislation. This is estimated to increase revenue by approximately six and one-half million for the biennium. 43 states that tax automobiles, over 50% now tax the trade-ins. Included in these states are Massachusetts, Rhode Island and Vermont.

As with every tax measure, we hear predictions of gloom and doom, but I submit to you, this is an equitable tax based on the ability to pay and will hurt no one.

Well, we hear the cry double taxation, the farmer who purchases a milking machine, a field chopper, the man who buys heavy construction equipment, the family who buys a refrigerator or a washing machine, they are not exempted from this sales tax on the trade-

ins. Why the automobile? The sales tax is exactly what the title designates it to be. It is not a tax on an item, an object, or an industry. It is a tax on a transaction, on a sale.

I would ask you to consider the money you spend on clothing, furniture, appliances, items other than food that you buy in the grocery store, yes, even the parts that your automobile dealer uses to repair your automobile during the two, three or four years before you trade cars, and then consider the trade-in tax.

At the hearing on this LD, the opponents admitted that this tax would not hurt the elderly, it would not hurt the family man, but their hearts were bleeding for the traveling salesman and the man who buys used cars. I will amend that to used-up cars.

Being realistic we know that a great many of the traveling salesmen use cars provided by the company, bought at fleet prices, with taxes, depreciation and repairs deductible as a business expense, and this also applies to the few who must purchase their own automobile.

The used car buyer, trading in another used car,—what does his tax amount to, \$8,00?, \$10,00? Probably much less than the tax he will have to pay on parts to keep it running.

Even with the no thinking—don't do it yourself coupons provided by the opponents of this legislation, I received only four and by checking the City Directory, three were from automobile salesmen. Have the opponents informed you that by Federal law the manufacturer's excise tax will be reduced from seven percent to two percent as of January first, and even taxing the trade-ins, the purchaser will pay less than he does now. This is a fair tax and again I remind you we are supposed to represent all of the people.

This tax will not drive business out of the State, as the sales tax must be paid before the automobile can be registered.

This is good business. There will be no extra costs to the State as the mechanics to collect this are already in existence.

In conclusion, I submit to you there is no valid reason to oppose this legislation. Therefore, I ask you to support the "ought to pass" report and when the vote is taken, I ask for a roll call.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Often there are strange turns of events in politics. I first joined the Legislature in 1955. The Honorable Edmund S. Muskie had just been elected Governor of our State. To finance his proposed program, he suggested that we increase the sales tax. To counter this suggestion, my Party, the Republican Party, espoused a patchwork taxation plan with several minor increases in the taxes. Although I was only a freshman, I went against my Party's wishes and I was thought of as a renegade. I considered my reasons valid then and I consider them just as valid today, twelve years later. I don't think it is fair to single out any one segment of our economy and make them responsible for raising the money that is going to benefit all segments of the economy. This, in my mind, should be considered very carefully on all taxation problems.

But aside from this, let's look at this particular tax. There are those persons who say that we should have no exemptions in the sales tax, that each one erodes the base of our tax. I feel that there must be exceptions to the rule. Now, aside from a person's home, the automobile is probably the second largest expenditure that the average family makes. It is no longer a luxury item, it is a necessity, and it is the one common item that has major trade-in values, and in my mind there are two good reasons against taxing the full cost.

First of all, you would be taxing on an amount far in excess of the cash sale, and this would be an extra cash item, and it would be most difficult for the average man to raise this extra amount which might be in the vicinity of between forty and eighty to a hundred dollars. Now my leader, the gentleman from Cumberland, Mr.

Richardson, says that we are being preferential to one industry. I am not concerned with this phase of it at all. I feel that this tax is not fair to the average citizen, not industry, and I certainly hope the bill fails of final passage and this will be consistent with my stand of twelve years ago.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Gardiner, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: As House Chairman of the Committee on Taxation, I signed this bill as being in favor of it.

Since signing I have found this tax if passed would result in double and triple taxation. I've had many calls from my constituents in opposition to this type of taxation. They are claiming that the automobiles are the necessities of our way of life at the present time, and most of these constituents that did call me are in the lower income bracket. I therefore support the motion for a roll call vote.

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

Mr. HENNESSEY: Mr. Speaker, I request a recess.

The SPEAKER: The gentleman from West Bath, Mr. Hennessey, requests a recess. For how long, may the Chair inquire?

Mr. HENNESSEY: Ten minutes.

The SPEAKER: For ten minutes. Is this the pleasure of the House?

(Cries of "No")

All those who desire a recess at this time, will say aye; those opposed, no.

A viva voce vote being taken, permission was not granted.

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

Mr. SCRIBNER: Mr. Speaker and Members of the House: I feel that this proposal that we have today is a necessity if we're going to maintain the existing structure of the present Sales Tax.

There is only one way in which we can do this, and that's by broadening the base. Now we can do what some of the other states

have done. There are thirty-seven other states that have a sales tax; nearly all of them, thirty-four tax food—no one has brought that forth as a substitute, as an equitable measure. This measure is fair, it is just, and it's equitable.

Now we don't give this special exemption to people who purchase bulldozers, airplanes, boats and other items that are just as necessary in their business as an automobile.

Representative Gaudreau has pointed out that the Tax Adjustment Act of 1966 provides that the manufacturers' excise tax would drop from seven percent to two percent as of next January first. It will more than absorb the difference.

In addition, under the regulations issued by the Commissioner of Internal Revenue, this tax may be deducted by those who itemize their deductions on page 2 of 1040, in a separate item for the full amount. This will reduce their tax from 20 to 40 percent depending on the tax bracket.

Representative Ross, my good friend from Bath, just pointed out that the individual who pays this tax would have to come up with some additional funds. I would like to point out that I've discussed this tax with several auto dealers and they say that they presently finance this tax now for most people, and I assume that it would be included in the amount that would be financed.

This has been proposed as a suitable method of financing a major portion of the increase in the budget we are now considering. No one to date has brought forth a suitable substitute and plenty of time has elapsed for them to do so, and to generate popular support for it. I am sure that the Reference of Bills Committee would certainly look with favor and allow an item to be introduced if someone had a brainstorm that the general public would favor overwhelmingly and this House would favor to raise an equivalent amount of taxation. No one has done so to date. The removal of the trade-in exemption is fair, equitable and just. If we

vote for the services that Maine people need, we have just voted on a budget that provides for most of them, we must be prepared to vote for a suitable plan for the tax collector to collect the necessary funds.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: This morning somehow or other I find myself in complete agreement with the gentleman from Cumberland, Mr. Richardson. And as you've probably noticed, he is now bowing his head!

So, therefore, I must urge this morning that this House of Representatives after they have heard the testimonies of the different members of the Committee and others that are very much interested, that this is an equitable tax. In my area I have received no mail considering that this was going to be any detriment to any of the people or any of the dealers. So certainly they have not generated that much opposition in my area, which they must have in some other areas by the words that I hear somewhere along the line. If this is not the measure, will the other measure if there is any other one, be more acceptable to more of the people than this one? Certainly, as Mr. Richardson has pointed out in some areas it is discriminatory, but in the same limelight of motor vehicles you have the heavy equipment dealers, they're not exempt, and in some phases of our industry that is an absolute necessity.

The automobile in our ways of life today is a necessity; so is the heavy construction equipment, so is the washing machine, your refrigerators, and most every other household automatic machine that you have. So, I certainly feel this is an equitable piece of legislation, and I urge all of you to support it.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I am a Democrat and I'm going to vote

against this bill this morning. If it's the only possible way of raising the money in support of the Governor's budget which I strongly support, I'll finally vote for it; but to me it's an illogical tax, it violates what little intelligence I have, and it also violates my conscience. I think there are other ways that money can be raised, in a more equitable way.

I've been on this Taxation Committee now the third term and it's a horrible experience in some ways, because our tax structure is so patchwork and illogical in many ways. True, we do not tax trade-ins—we do tax trade-ins on washing machines and stoves, but we know that we do not trade washing machines and stoves very often.

This is a tax on really a necessity, and its illogical in my mind and I know it's illogical to many many minds. But as I say, if it's the only tax that this House of Representatives which is delegated the sole responsibility of raising revenue, if it's the only tax we can finally agree upon, I'll vote for it.

The SPEAKER: Is the House ready for the question? The pending question is the enactment of L. D. 147, An Act Repealing Trade-in Credit for Motor Vehicles Under Sales Tax Law." 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.

114 voted in the affirmative and 21 voted in the negative.

The SPEAKER: A sufficient number having expressed the desire for a roll call, a roll call is ordered. All those in favor of enactment of L. D. 147, this being an emergency measure under the Constitution it requires for its enactment the affirmative vote of two thirds of the entire elected membership of the House. All those in favor of its enactment as an emergency measure will vote yes, and those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Allen, Bedard, Belanger, Beliveau, Benson, Bernard, Binnette, Birt, Boudreau, Bourgoin, Bradstreet, Bragdon, Brennan, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Clark, Conley, Crommett, Curran, Cushing, D'Alfonso, Danton, Dickinson, Drigotas, Drummond, Dunn, Farrington, Fecteau, Fortier, Fraser, Gauthier, Gill, Giroux, Hall, Hanson, B. B.; Hanson, H. L.; Harnois, Harriman, Harvey, Hawes, Healy, Henley, Hodgkins, Huber, Hunter, Keyte, Kilroy, Lebel, Levesque, Lewin, Lewis, Littlefield, Lowery, Maddox, Martin, McNally, Minkowsky, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Noyes, Pendergast, Philbrook, Pike, Porter, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Robinson, Sawyer, Scott, C. F.; Scott, G. W.; Scribner, Snow, P. J.; Snowe, P.; Starbird, Susi, Trask, Watts, Wheeler, White, Williams, The SPEAKER.

NAY — Baker, E. B.; Baker, R. E.; Berman, Brown, Buck, Bunker, Cookson, Cornell, Cote, Cottrell, Couture, Crockett, Crosby, Darey, Dennett, Durgin, Edwards, Eustis, Evans, Ewer, Foster, Fuller, Gaudreau, Hanson, P. K.; Haynes, Hennessey, Hewes, Hichens, Hinds, Hoover, Humphrey, Immonen, Jalbert, Jameson, Jannelle, Jewell, Kyes, Lincoln, Lycette, McMan, Meisner, Miliano, Prince, Quinn, Rackliff, Robertson, Ross, Roy, Sahagian, Shaw, Shute, Soulas, Thompson, Townsend, Waltz, Wight, Wood.

ABSENT — Dudley, Payson, Rocheleau, Sullivan, Tanguay, Truman.

Yes, 88; No, 57; Absent 6.

88 having voted in the affirmative and 57 having voted in the negative, with 6 being absent, the Bill failed of final enactment.

Sent up for concurrence.

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

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

Tabled—May 2, by Mr. Richardson of Cumberland.

Pending—Passage to be engrossed.

Mr. Bernard of Auburn offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 609, L. D. 859, Bill, "An Act to Grant a New Charter to the City of Auburn."

Amend said Bill in section 15 of Article VII by striking out in the 2nd line (same in L. D. 859) the figure "\$500" and inserting in place thereof the figure '\$100'.

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

Mr. SNOWE: Mr. Speaker, I request a division 'on this.

The SPEAKER: A vote has been requested on the adoption of House Amendment "B".

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

Mr. CONLEY: Mr. Speaker and Members of the House: I would just like to say very briefly that as far as the House Amendment that is now before us, the one similar to this was discussed before the Committee on Legal Affairs, and the school committee from Auburn at that time wished to have this amendment incorporated within the City Charter that will be going to the voters of the City of Auburn shortly after enactment here.

I'd like to say that it was the feeling of the committee and the feeling of most of those people representing the City of Auburn that if this amendment was included within the City Charter, that once it went before the voters of Auburn that the entire charter would be killed in referendum. So I would urge the members of this House this morning to vote against the adoption of the amendment now before them.

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

Mr. BERNARD: Mr. Speaker and Members of the House: I would like to ask if House Amendment "B" is the one that we're dis-

cussing—is not a school amendment?

The SPEAKER: The Chair would advise the gentleman that House Amendment "B" is before the House for adoption.

Mr. BERNARD: House Amendment "B" refers to in our Charter, the revised Charter, the figure \$500, and suggests that this be crossed out and the figure of \$100 be inserted.

This refers to bids. Under the old Charter any item costing over \$50 must be put up for public bid, and now the Committee suggests that this be changed to \$500. Our own State of Maine has a \$100 limit; in other words if anyone in the department that purchases over a hundred dollars it must go to public bid, and I feel that this is only fair.

When we talk about the figure of \$500, you're excluding all supplies practically; in fact the only items that I can think of offhand that would cost over \$500 would be automobiles for the police departments, perhaps trucks for our Public Works Department.

Therefore, I have submitted this amendment in the hope that it be adopted.

I have never bid on supplies for the City of Auburn. However, I have been highly successful in other cities and towns. I feel that if this \$500 remains, we're doing away with competitive bidding altogether. Thank you.

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

Mr. SNOWE: Mr. Speaker and Members of the House: The Auburn Charter Bill, L. D. 859 is the work of responsible citizens of the City of Auburn, responsible voters, and they were appointed two years ago and they formed the Auburn Charter Committee and they've worked over two years on this.

This Bill has gone to two hearings, one in Auburn and one before the Legal Affairs Committee, and neither House amendment, House Amendment "B" or House Amendment "C" were even mentioned at either hearing, and I'm opposed to these and I would also

add that of four of the elected representatives from the City of Auburn three of them are opposed to these amendments.

The SPEAKER: Would the gentleman care to make a motion?

Mr. SNOWE: I move that House Amendment "B" be indefinitely postponed.

The SPEAKER: The gentleman from Auburn, Mr. Snowe, now moves that House Amendment "B" be indefinitely postponed.

Is the House ready for the question? All those in favor of indefinite postponement of House Amendment "B" will say yes, those opposed no.

Thereupon, a viva voce vote being taken, House Amendment "B" was indefinitely postponed.

Mr. Bernard of Auburn offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to H. P. 609, L. D. 859, Bill, "An Act to Grant a New Charter to the City of Auburn."

Amend said Bill in section 3 of Article IV by striking out all of the last sentence (same in L. D. 859)

Further amend said Bill in Article VII by adding at the end a new section 17 (same in L. D. 859) as follows:

Sec. 17. Appropriation for schools.

1. The city council shall annually appropriate an amount of money sufficient for the support of the public schools as required by the Statutes of Maine.

2. Upon petition to the Superior Court against the City of Auburn, brought by 10 or more taxable inhabitants thereof, other than members of the Auburn Superintending School Committee, alleging that the amount necessary for the support of public schools has not been included in the annual budget appropriations for said year, said court may determine the amount of the deficiency, if any, and may order the City of Auburn and all its officers whose action is necessary to carry out such order, to provide a sum of money equal to such deficiency.

A. When such an order is made prior to the fixing of the annual tax rate the foregoing sums shall be required by such order to be provided by taxation in the manner set forth in the Statutes and this charter.

B. When such an order is made after the annual tax rate has been fixed according to law such sums shall be required by such order to be provided by borrowing in anticipation of taxes, except that the notes shall be payable out of money raised by taxation during the municipal year next following the year in which they are made.

C. Said court may order that the sum equal to the deficiency be appropriated for school purposes in the year in which such deficiency occurs and may order that the amount in excess of the deficiency be held as a separate account, to be applied to meet the appropriation for school purposes in the following year.

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

Mr. DRIGOTAS: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 859 with Committee Amendment A is the product of some seven months work by a specially appointed five man study group of Auburn citizens. This was implemented by much study and consideration by the Mayor and Council. It has the full and unanimous support of the Mayor, the City Council and our internationally recognized City Manager. The joint Legal Affairs Committee of this Legislature has unanimously reported this bill as "ought to pass."

It is my sincere belief that the provisions of this bill will result in an improved and more efficient functioning of the government in my home city. It contains nothing which in my opinion may be considered a radical departure from the commonly accepted principles of municipal government in Maine.

In continuance of the so called "home rule" policy practiced by this and other Legislatures may I respectfully request that this Leg-

islative Body act favorably toward the passage of L.D. 859 as recommended by the joint committee and without further amendments. The people of Auburn should be permitted to determine their preference of charter provisions by a local referendum which is provided for in this Bill. It is my hope, and that of many other Auburn citizens who have contacted me, that the charter referendum may be a clear cut question without encumbrance of any amendments.

I earnestly and respectfully ask the passage of L.D. 859 by my fellow members of the House on the occasion of the fiftieth anniversary of its present one. And Mr. Chairman, and Members of the House, I now move that House Amendment "C", H. P. 609, L. D. 859, be indefinitely postponed.

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, now moves the indefinite postponement of House Amendment "C". All those in favor of indefinite postponement of House Amendment "C" —

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

Mr. BERNARD: Mr. Speaker and Members of the House: I would like to read a memo that was sent to me from the Department of Education in Auburn. The school department is seeking some possible recourse in the event that there is an unwarranted cut in the school budget. At the charter bill public hearing in Auburn, they were told by two attorneys — one being the city solicitor, that they had no recourse to corrective action under the charter bill as drafted.

In the past under the old charter on three occasions the Department of Education failed to have appropriated sufficient funds to operate this school. This was taken to court.

Under this new provision there are no safeguards included. All they're asking is the right to appeal to the court for a decision. Also being submitted in town is a number of petitions. The petition reads as follows:

"The undersigned citizens of the City of Auburn, respectfully represent that they are apprehensive that Legislative Document 859 fails to provide adequate safeguards to insure that the City Council will be required to appropriate each year an amount of money sufficient for the support of the city's public schools.

The undersigned respectfully requests that said Legislative Document be amended to provide that if in any year adequate funds are not appropriated in the annual budget for the support of the city's public schools that 10 or more taxable inhabitants be empowered to petition the Superior Court for appropriate relief in the general form of the proposed amendment that is being submitted now."

On the back of this petition is a copy of the House Amendment "C" as I have submitted this morning.

Now I feel that this is the proper way to submit a petition to the citizens of our City. Before they sign anything, they can read it—there's no blank pages with a lot of names on it.

I would like to read further from "The Reporter" which is mailed out by the Maine Teachers Association.

They point out that the importance of enlightening lay leadership to education changes or downgrades the importance of the School Board does not help to induce outstanding people to give their services.

The Auburn Superintendent's School Committee and the Department of Education are fully behind this amendment. We feel that it is a safeguard that is well needed. Thank you.

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

Mr. SNOWE: Mr. Speaker, this amendment gives the Superintendent's School Committee in Auburn the right to sue the City Council if they do not approve their budget, and I am opposed to this and ask for a division on it.

The SPEAKER: All those in favor of the indefinite postpone-

ment of House Amendment "C" will say yes, those opposed, no.

Thereupon, a viva voce vote being taken, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended by

Committee Amendment "A" and sent to the Senate.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.